

FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 MONDAY, JANUARY 3, 1983
 7:00 P. M.

Present: Mayor Bill Hurley

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

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

Mayor Hurley called the meeting to order and the invocation was offered by City Attorney Bob Cogswell. Following the invocation Mayor Hurley lead the assembly in the Pledge of Allegiance to the Flag.

Fayetteville Youth Council members were not present at this time and Mayor Hurley stated he would recognize them later on.

Mayor Hurley stated the City Attorney had requested an executive session at the end of this meeting to discuss a litigation matter.

Mayor Hurley recognized Councilman Jones who commented on the recent death of Captain David Faircloth, a long-time member of the Police Department. He requested the Mayor to write a letter in behalf of the Council to Captain Faircloth's family and the Mayor consented to do so.

1 Approval of the minutes of the regular meeting of December 20, 1982.

Rev. Johnson moved, seconded by Mr. Jones for approval of these minutes as submitted by the Clerk. Motion carried unanimously.

2 Public Hearings to be set:

A Consideration of the rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning classification of an area located at 3039 Wedgewood Drive.

B Consideration of an ordinance to amend the Fayetteville Zoning Ordinance by repealing and recreating Section 32-22(3) and adding Section 32-22(3a) of Article 4 "District Use Regulations."

Mr. Wofford offered motion that public hearings be published for both of the foregoing items for February 7, 1983, seconded by Rev. Johnson and carried unanimously.

3 Public Works Commission Matters:

A Consideration of application for one 1-inch water connection to existing main to serve existing residence at 6150 Ramsey Street, outside the City (property is contiguous to City-satellite). PWC recommended approval.

PWC Manager Muench presented the foregoing item and stated that the water connection will be subject to an annexation agreement being signed.

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

B Establish a date for City Council-Public Works Commission meeting regarding results of electric generation study by Public Works Commission. PWC Manager Muench suggested the joint meeting for Friday, January 21, 11:00 a.m. at the PWC offices. Following brief discussion by the Council, this date was agreed upon.

C Consideration of the release of a sewer easement to Eutaw Shopping Center, Inc. Recommended action was approval.

PWC Manager Muench stated that this concerned the post office building in Eutaw and the request had come from Mr. Stout and they want to extend utilities for expansion of the building.

Mrs. Evans offered motion for approval of the release of the sewer easement as recommended, seconded by Mr. Wofford and carried unanimously.

At this time Mayor Hurley recognized Fayetteville Youth Councilmembers Jeff Bullard and Mark Davis.

4 Consideration of an ordinance amending Chapter 2, Section 2-36 of the Fayetteville City Code concerning appointments to Boards and Commissions.

The City Attorney presented this matter and stated that the proposed ordinance on appointments to Boards and Commissions would be the requirement that appointees be City residents. At Council's last meeting he stated Council requested that consideration be given to a requirement that all of Council appointments be City residents. The proposed ordinance would accomplish that. It would allow six months to replace any existing appointments that are not residents. The six months is a suggestion and Council may decide on a different time frame he concluded.

There then followed extensive discussion of the proposed ordinance.

Following this discussion Rev. Johnson moved for adoption of the ordinance, seconded by Mr. Jones.

Following some further discussion, Mayor Hurley called for a vote and the motion carried, Mr. Wofford voting no.

AN ORDINANCE AMENDING CHAPTER II AND III OF THE FAYETTEVILLE CITY CODE TO REQUIRE APPOINTMENTS TO BE CITY RESIDENTS. ORDINANCE NO. S1983-1

A copy of the foregoing ordinance is on file in the Clerk's office in ordinance book S1983.

5 Consideration of an offer to purchase lot 51 - Topeka Street by Mr. James McGrady. The recommended action was approval of the sale.

The City Attorney presented this matter and stated that the purchase price of the property was \$1,490.80 and that no upset bids were received. He recommended approval subject to a right-of-way on the street frontage.

Following brief discussion Mrs. Evans offered motion for adoption of the approving resolution subject to the right-of-way. Seconded by Rev. Johnson and carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY LOT NO. 51 - TOPEKA STREET. RESOLUTION NO. R1983-1

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1983.

6 Consideration of Capital Project Ordinance Amendment Change 5 to CAP 8 (Municipal Market).

The recommended action was adoption.

The City Manager presented this item and stated that this capital project ordinance amendment brings the project ordinance for the municipal market into conformity with actions which have been taken since June 28, 1982 when the ordinance was originally adopted. The amendment accomplishes the following:

1. Transfers the FY 1982-1983 special tax district appropriation to the project into the project ordinance.
2. Transfers a FY 1982-1983 revenue sharing appropriation for exercise of the purchase option on the First Baptist Church property into the project ordinance.
3. Transfers \$60,000 allocated by the Redevelopment Commission for the project into the project ordinance.

- 4. Appropriates a \$19,000 contribution anticipated from the Cumberland County Farmers' Produce and Crafts Market, Inc. into the project ordinance.
- 5. Revises appropriation line items to reflect purchase of the Eastern Turf property exercise of the purchase option under the City's land lease with the First Baptist Church (Moore Street) and relocation assistance which must be provided due to the use of Community Development funds in the project with site improvements as a balancing figure.

The staff recommends that the Capital Project Ordinance amendment be adopted.

There was then extensive discussion of this matter by the City Council.

Following this discussion Mrs. Evans offered motion for adoption of the Capital Project Ordinance amendment Change 5 to CAP 8 but placing the \$65,676.00 in a contingency fund. Motion seconded by Mr. Jones.

There then followed considerable further discussion and Mayor Hurley then called for a vote on the motion and it carried, Councilmembers Rev. Johnson and McBryde voting no.

- 7 Consideration of a Budget Ordinance Amendment Change 5 (Purchase of Police Vehicles). The recommended action was adoption.

The City Manager presented this matter and stated the proposed budget amendment was for the purchase of new vehicles for the Police Department. During Council's budget review, Council established an equipment reserve account under other appropriations including funds for the purchase of computer equipment and vehicles. A previous budget amendment was made for the purchase of computer equipment. This budget amendment transfers \$151,240 to the police department's equipment account for the purchase of 19 new vehicles. He recommended adoption of the amendment.

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

- 8 Consideration of authorization for the County to sell Lot 31 in the Butler Subdivision (Tax Parcel 61.1.3-73-31). The City Attorney was recognized and requested that this item as well as item number 11 on the agenda, the same type of request, be continued until the next meeting of the Council.

Mr. Dawkins offered motion, seconded by Mr. McBryde and carried unanimously to continue agenda items 8 and 11 to the next regular meeting as requested.

- 9 Consideration of an offer to acquire parcel H-8 for Community Development (Collier Drive).

The City Attorney requested removal of this item from the agenda and that it not be considered by City Council in that it was unnecessary. City Council agreed to the removal.

- 10 Consideration of amendment to Ethics Policy.

The City Attorney presented this matter and stated that when Council adopted the Code of Ethics back in February, I indicated to you at that time that experience may prove to require some modification or amendment to what was adopted. We have had two situations that were obviously not intended to be violations of the Code of Ethics but because of the way it is written, I had to rule that the offer of gratuities could not be accepted. The Code of Ethics currently specifies that "any gift" given by someone with an outstanding contract with the City must be refused. We do not believe that it was your intent or staff's intent to prohibit the nominal type of calendars, boxes of candy and other items that are generally given out during the holidays. Therefore, I have drafted the proposed amendment that I believe will provide clarity to the situation and still maintain adequate standards.

The City of Fayetteville currently has a policy regarding gratuities between subordinates and superiors and it sets a limit of \$10.00 or less. I would suggest that this be the same value that you place in the proposed amendment.

There then followed considerable discussion of the proposed amendment by City Council.

Following this discussion Mrs. Evans offered motion for adoption of the amendment as presented, seconded by Rev. Johnson.

Following some further discussion, Mr. McBryde offered substitute motion to refer this matter back to the City Attorney for additional study and representation to the Council at a later date. Motion seconded by Mr. Jones.

Following some further discussion, Mayor Hurley called for a vote on the substitute motion and it carried, Councilmembers Rev. Johnson and Mrs. Evans voting against.

11 Consideration of authorization for the County to sell Lots 7 and 8, Block G, College Heights.

This item was continued by previous action above by the Council.

12 Consideration of bids for self-contained breathing apparatus (Fire Department). The recommended action was to award to Gastonia Fire Extinguisher Company, Inc.

The City Manager presented this matter and stated that bids were for furnishing 20 units self-contained breathing apparatus for the Fayetteville Fire Department. The low bid was submitted by Gastonia Fire Extinguisher Company, Inc. in the amount of \$12,790.00. It was recommended that the low bid from Gastonia be accepted.

Following brief discussion, Mr. Wofford offered motion to accept the low bid from Gastonia Fire Extinguisher Company, Inc. as recommended, seconded by Mr. Jones and carried unanimously.

13 Tax Matters:

A Request for refund - Richard E. Anglin, Jr. - \$11.44

B Request for refund - Mr. Wayne G. Norrad - \$46.31

Mr. McBryde offered motion for approval of the foregoing refunds, seconded by Mr. Dawkins and carried unanimously.

14 Appointments:

A Election of nominees previously made to fill two vacancies on the Energy Advisory Committee. Mr. McBryde offered motion, seconded by Rev. Johnson that the following named be appointed to this Committee: Mrs. Evelyn Durham, representing the elderly and handicapped and Mr. Marion Cooper, representing electric utilities. The motion carried unanimously.

B Nominations to fill one vacancy on the Energy Advisory Committee.

No nominations were submitted for this vacancy and Mayor Hurley stated this would be reconsidered at the next meeting.

C Nominations to fill one vacancy on the Board of Trustees North Carolina Firemen's Relief Fund.

Mr. McBryde nominated Mr. Paul Haden, the incumbent, subject to his consent to serve again. Mayor Hurley stated Mr. Haden would be contacted and this matter reconsidered at the next regular meeting.

15 Delegations:

Council recognized Mr. David Godwin who stated that in May approval was given to a subdivision of his located on the east side of McPherson Church Road. He stated he appeared before the City Council tonight to protest the requirement for a sidewalk fronting his property some 300 feet, which in his opinion would serve no purpose. He requested Council's reconsideration.

Following brief discussion Mr. Dawkins suggested that Mr. Godwin's request be referred to the Planning Board.

Following some further discussion, Mr. Dawkins offered motion, seconded by Mr. Wofford to refer this matter to the Planning Board for recommendation back to the City Council. Following some discussion, the motion carried unanimously.

Council then recognized Mr. Clinton Harris, a local resident, who requested that sidewalks be constructed throughout the City for the safety of individuals and also for crosswalks on streets particularly in apartment complexes where the mailboxes are located on the opposite side of the road.

16 City Manager's Reports:

A In a memo to the City Council, the City Manager stated that on several occasions members of the City Council had asked staff to investigate ways of streamlining the Council agendas. One method used by many governing bodies is the consent agenda. A consent agenda allows for the adoption in one motion of several non-controversial routine items without discussion. He stated further if Council wished to try this idea out, we can begin experimenting with it on the agenda for the Council's January 17 meeting.

Mr. McBryde immediately offered a motion to approve the use of a consent agenda for the next regular meeting. Motion seconded by Mr. Dawkins and carried unanimously.

17 Matters of Interest to the City Council:

Mr. Wofford asked about the status of the rent of quarters in the Market House by the Olde Fayetteville Association.

There was some discussion of this and then Mr. McBryde, a member of the Committee studying this suggested that it wait until February when a related item would be considered.

Mr. Wofford asked about the status of the wrecker ordinance. The City Attorney replied that information on this would be forthcoming next month.

Mr. McBryde asked about no left turn at the intersection of Old Street, Hay Street and Ray Avenue. He stated that some confusion existed concerning this. The City Engineer stated he would handle this matter.

Rev. Johnson stated that he would see the President before the next meeting and that funds would be a problem before the new congress. He requested that Council support no cut-back of defense funds for Fort Bragg and Pope Air Force Base.

Mayor Hurley suggested that Rev. Johnson speak for the Council on this matter.

Mrs. Evans requested a report on the \$7,500 clean community funds.

Mayor Hurley stated that a report would be forthcoming soon on this matter.

Mr. Jones asked about the progress on the traffic light at Law Road and Ramsey Street. He stated this was a serious need for the people living there and asked if action could be taken to speed matters up.

The City Engineer reported that part of the equipment was now in the City and that he would contact DOT again about this.

Mayor Hurley reminded the Councilmembers about the Thursday night meeting with the legislative delegation at the PWC offices at 7:00 p.m.

Mayor Hurley also reminded Council of the January 18 meeting with the Human Services Commission.

Mayor Hurley then extended thanks to the police officer present at the meeting tonight.

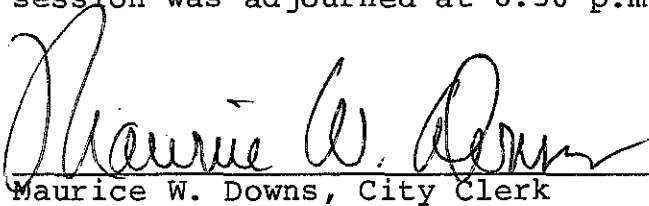
Mayor Hurley then stated he would entertain a motion to enter into executive session and Rev. Johnson offered motion, seconded by Mr. Dawkins and carried unanimously that Council enter into executive session at 8:35 p.m. to discuss a litigation matter only.

Council then reconvened into regular session at 8:45 p.m.

Mayor Hurley then recognized City Attorney Cogswell who stated that in the lawsuit that is filed against the City in numerous defendants by J. C. Parker I would like to recommend that you authorize legal representation for Chief Dixon, Capt. Hart, Capt. Truitt, Sgt. Barefoot, Sgt. Paulson, Sgt. Ware, Sgt. Johnson and the City Manager.

Mr. McBryde offered motion to authorize legal representation as recommended by the City Attorney, seconded by Mr. Dawkins and carried unanimously.

Thereafter all matters of business having been concluded, this regular session was adjourned at 8:50 p.m. upon motion made and duly seconded.



Maurice W. Downs, City Clerk

FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 MONDAY, JANUARY 17, 1983
 7:00 P.M.

Present: Mayor Bill Hurley

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

Others Present: John P. Smith, City Manager
 Roger L. Stancil, Assistant City Manager
 Robert C. Cogswell, Jr., City Attorney
 Bob Bennett, City Engineer
 Al Mitchell, Planner

Mayor Hurley called the meeting to order and the invocation was offered by Rev. Mike Aiken, Director of Fayetteville Urban Ministry. Following the invocation Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

The Fayetteville Youth Council Members were not present at this time.

Councilmember Wofford requested executive session for land acquisition and that it be held before they make a decision on the Dickinson Buick site. It was unanimous among the other councilmembers that anything to be discussed on that issue should be done in public, therefore there will be no executive session.

1 Consent:

This is the first meeting in which "consent items" have been used on the Council Agenda. These are items that do not require discussion or additional comments by staff and, unless a councilmember wants to discuss any of the items A through G, they can be approved with one motion. Councilmember Johnson stated he wished to question item 1G.

Councilmember McBryde offered motion to approve Item 1A through Item 1F and pass the resolution on 1B, seconded by Mr. Dawkins and carried unanimously. They are as follows:

A Approved minutes of the regular meeting of January 3, 1983.

B Public hearing set for February 21, 1983 to consider Resolution requiring the paving pursuant to petition of Hedgepath Street from Southern Avenue to dead end.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO THE PETITION OF HEDGEPATH STREET. RESOLUTION #R1983-2

A copy of the foregoing resolution is on file in the City Clerk's Office in Resolution Book #R1983.

C Public hearing set for February 7, 1983 to consider Central Business District Redevelopment Plan.

D Approved the initial zoning to C(1)P Shopping Center District or to a more restricted zoning classification an area located on the west side of McPherson Church Road about 1,000 feet north of Morganton Road.

CASE #P82-112. THE INITIAL ZONING TO C(1)P SHOPPING CENTER DISTRICT AN AREA LOCATED ON WEST SIDE OF MCPHERSON CHURCH ROAD ABOUT 1,000 FEET NORTH OF MORGANTON ROAD. ORDINANCE #NS1983-1

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1983.

E Authorized advertisement for the renewal on a month-to-month basis of the lease to Southern National Bank at the Airport.

F Elected Mr. Paul Haden to the Board of Trustees, N.C. Firemens Relief Fund for two years.

G Council next gave consideration for the approval of the recommendation of the Fire Chief of seven appointments to the City of Fayetteville Fire Department.

Councilmember Johnson asked if the Affirmative Action Policy of the City was followed and what the recommendations were.

Mr. Smith answered that the seven selected were ranked in accordance with their scores and he does not have the information regarding their race. Mr. Smith stated that Fire Chief Bishop recommended the seven highest scores.

Councilmember Johnson requested delay of the appointments until the information is received as to whether the Affirmative Action Policy had been followed. Councilmember McBryde asked what the Affirmative Action Policy of the City is towards the fire employees.

The City Manager replied that the City has set an annual goal and tries to meet the goal. The City Manager requested this be brought before an information meeting on January 24 rather than wait until the next regular meeting.

Councilmember Johnson offered motion to delay the appointments of the Firemen until the information meeting on January 24, seconded by Councilmember Dawkins and carried unanimously.

The Mayor then recognized Mr. Ray Muench of Public Works Commission. Mr. Muench reminded everyone of the ground-breaking ceremony of the Rockfish Plant on January 18 at 10:00 a.m. and on Friday at 11:00 a.m. is a joint meeting with City Council and PWC to be briefed on the results of the generation expansion study.

2 Public Hearings:

Mayor Hurley reminded the audience that there is a 15 minute time limit for both pros and cons on the proposed public hearings.

A Consideration of the rezone to P1 Professional District to C1 Local Business District or to a more restricted zoning classification an area located at 1818 Murchison Road. Planner Al Mitchell presented this matter and stated that the Planning Board recommends denial of the C1 Local Business District and recommends that P2 Professional District be approved.

Mr. John Blackwell representing the petitioner appeared before the Council on behalf of the request and presented a display of the land use in the area. He said that the purpose of the request was to operate a grocery store and that this portion of Murchison Road was designated as a primary business street.

Mr. Paul Eaglin representing the College Heights Community Watch Association appeared before Council in opposition to the request. Mr. Eaglin stated that the group was concerned about the crime and increased traffic that would be created by the request of rezoning. He stated that if this was approved it would provide an opportunity for adjacent properties to be rezoned and asked that they leave the buffer zones there. He stated that P2 would give Mr. and Mrs. Phillips less restricted use than P1.

Mr. Eaglin then asked those present in opposition to stand and approximately 100 people stood in opposition. Mr. Eaglin stated that there was a petition against this rezoning on file with over 200 names on it.

Mr. Wofford questioned the parking spaces available and following some discussion and observing the drawings of that space there would not be adequate parking for this business.

Mr. Clinton Harris also appeared in opposition and asked Council to discontinue any discussion on this rezoning until the Council does something about the sidewalk policy. He stated that zoning should be best for what's in the neighborhood because if this was zoned C1 the man could tear the building down the next day and put anything he wants to in that space.

Mr. David Pew, resident in the area appeared before the Council in opposition. He stated that the area residents do protest the increased congestion of traffic in the area; they protest commercialization of the area; they protest the dangers they present and the property values going down to almost nothing. Mr. Pew also stated he could not understand why they had to come out again after they had already been out one time on this matter.

Mr. Dawkins responded that the reason they have to come out again is because it was appealed and it is a requirement that the Council hear and vote on this issue.

Councilmember Johnson stated that he is familiar with this area in this case because he lives in this area and seeing this many area residents appear in opposition shows him how they feel. Also he feels this could very well become another 500 Block if another grocery store is allowed to come in that will be selling beer, wine, and more prostitutes coming into the area.

Councilmember Evans then offered motion to follow the recommendation of the Planning Board and rezone to P2 Professional District, seconded by Councilmember McBryde. Councilmember Wofford offered substitute motion to deny the zoning request and let it remain P1, seconded by Councilmember Jones with Mayor Hurley and Councilmember Evans voting no.

B A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment role for the paving of Sandhill Drive from the western line of Pleasant Valley, Section 8, Plat Book 31, Page 56, to Fargo Drive.

The City Engineer presented this matter and stated that all property owners had been notified by first class mail as required and the recommendation was for approval. No one appeared for or against.

Councilmember Evans offered motion to assess the paving roles for Sandhill Drive, seconded by Councilmember Dawkins and carried unanimously at 7:52 p.m. There was some discussion at this point and it was concluded that this should be a resolution rather than an ordinance. The resolution title is as follows:

A RESOLUTION CONFIRMING THE ASSESSMENT ROLE FOR THE PAVING AND OTHER IMPROVEMENTS OF SANDHILL DRIVE. RESOLUTION #R1983-3

A copy of the resolution is on file in the Clerk's Office in Resolution Book R1983.

C A public hearing had been published for this date and hour on the consideration of a resolution confirming the assessment role for the paving of Fargo Drive from the northern margin of Plat Book 14, Page 38 to the northeastern corner of Lot 16, Plat Book 29, Page 53.

The City Engineer presented this matter and stated that all property owners had been notified by first class mail as required. The recommendation is to approve the assessment role.

There were no opponents or proponents.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLE FOR THE PAVING AND OTHER IMPROVEMENTS OF FARGO DRIVE. RESOLUTION #R1983-4

Councilmember Evans introduced the foregoing resolution, seconded by Councilmember Wofford and carried unanimously at 7:54 p.m.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book R1983.

The continuation of consideration of Rosehill Road assessment from the regular meeting of December 20, 1982. The Mayor stated that although this public hearing had been completed, several residents had requested to be heard. It was agreed by Council that there would be a limit of 5 minutes each.

Mr. Charles Parker, resident on Rosehill Road presented a petition from property owners asking not to be assessed due to the kind of traffic and it being truck lanes.

Following lengthy discussion, Councilmember Wofford offered motion to waive the assess on Rosehill Road property, seconded by Councilmember Johnson.

Councilmember Johnson then asked Mr. G.H. King, Trustee for Hood Memorial Church to come before the Council and there was some discussion about the Church property abutting Rosehill Road. Mr. King stated that he feels the Church will go along with anything reasonable.

Following some further discussion Councilmember Dawkins made a substitute motion that in this case of the Rosehill Road, abutting property owners be assessed at a front foot of \$2.00, seconded by Councilmember McBryde.

There was some further discussion and Councilmember Evans called for the question. Mayor Hurley then called for the vote on the substitute motion and it carried at 8:40 p.m. with Councilmember Evans and Councilmember Wofford voting no. RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF ROSEHILL ROAD - RESOLUTION NO. R 1983-5 (a copy is on file in Res. Book R 1983 in Clerk's Office)

Council next gave consideration of amendment to Ethics Policy continued from the regular meeting of January 3, 1983. Mr. Cogswell then presented the amendment of the City Code of Fayetteville Code of Ethics for all Officers and Employees. He explained that this was the section for gifts and favors. Councilmember Evans offered motion to adopt the amendment to the Fayetteville Code of Ethics and that honorariums and souvenirs not exceed \$10, seconded by Councilmember Dawkins.

There was some discussion and amendments were made as follows: On line five after "firm or corporation", eliminate the phrase within the parenthesis; and on line ten show "honorariums in the amount of \$25"; and line 12, "souvenirs of \$10 or less"; on line 15 change the word "officer" to "official"; and after the word "friends" place a comma; delete the word "and"; after relatives place a comma, insert "or employer"; and then on line 16 after "relationship" delete "rather than the business"; on line 17 eliminate the word "individual", and the word "concerned".

Councilmember Evans amended her motion to include these changes.

Council next gave consideration of adoption of policy on the award of badge and uniforms to retiring firefighters. Mr. Smith presented this for Council's consideration and recommended that it be adopted so that the Fire Department would have an official policy.

Councilmember McBryde offered motion, seconded by Councilmember Johnson to adopt an official policy of the award of badge and uniforms to retiring firefighters. Motion carried unanimously.

Council next gave consideration of adoption of Minority Business Enterprise Program Policy and Goals. Assistant City Manager Stancil presented this matter and recommended that Council adopt the resolution which incorporates the following changes:

1. Some definitions are changed to conform with revised regulations;

2. The City Manager is authorized to implement Minority Business Enterprise Program;
3. New goals are established - 5% for minority businesses and 1% for women-owned enterprises.

These are overall goals which includes Transit Operations as well as Airport and Transit Capital Projects. Mr. Stancil stated that this will come back each year to present new goals to council.

Councilmember Jones offered motion seconded by Councilmember Dawkins and carried unanimously to approve the resolution as recommended.

RESOLUTION (MBE PROGRAM). RESOLUTION #R1983-6

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book 1983.

7 Appointments:

A Energy Advisory Committee. This should be a nomination for the category of business. There were no nominations.

B Police Benefit Fund Board of Trustees. There were no nominations for this vacancy.

8 Delegations:

Mr. Bob Ray appeared before Council as an officer of the Historic Fayetteville Foundation. He stated that at present they are looking for a location in the southeast section of the State. Representatives from Raleigh have been in Fayetteville and reviewed several sites. In summary, Mr. Ray asked that Council join in the request to Cumberland County Legislative Delegation to locate a branch of the North Carolina Museum of History in Fayetteville.

Councilmember Evans offered motion, seconded by Councilmember Dawkins to adopt the resolution. A copy of the resolution is attached to the minutes.

9 City Manager's Reports:

A Mr. Smith presented for the Council's consideration the acceptance of funds raised by the Cumberland County Coordinating Council on Older Adults for the Senior Service Center project Phase II-A in the amount of \$10,276.73. Councilmember Wofford offered motion to graciously accept the funds seconded by Councilmember Dawkins and carried unanimously.

B Mr. Smith stated that as indicated earlier he would like to have an information meeting on January 24 as a workshop session on the Capital Improvement program. Also at the same meeting, a work session on the established priorities for the upcoming operating budget.

10 Matters of Interest to Council:

A Discussion of proposal that the City assume the option of the Cumberland Foundation on the proposed library site.

The Mayor stated that since the bond referendum had failed, there has been an effort to begin to keep the interest in the library alive so that all those efforts and dollars spent would not have died in vain. The Mayor wanted it to be known that the option is open on the Dickinson Buick site and perhaps can be renewed. There are two or three in the audience that want to be heard on this matter.

Mr. John Rea, Mr. J.W. Pate, Mrs. Joan Allen and Mr. Jerry Thrasher all appeared in favor of the Dickinson Buick site.

There was lengthy discussion and following this discussion Councilmember McBryde offered motion that Council take no action on the proposed issue before them tonight, seconded by Councilmember Dawkins and the motion carried with Councilmember Wofford and Mayor Hurley voting no.

Mayor Hurley then asked if there were other matters of interest to Council. Councilmember McBryde stated that he was informed that if the Council wanted anything from the County Commissioners on the Farmer's Market then they should let them know right away.

Councilmember Evans asked City Engineer Bennett if the State offered a road to the City of Fayetteville does the City have to take it. Mr. Bennett responded that Council is not legally obligated to take the road.

Councilmember Jones asked how the negotiations begin on giving a road away. Mr. Bennett responded again that a letter from the Council or the City Manager to the Administrator is submitted. This is usually done on July 1 when deciding on who maintains streets, but has been done mid-year.

Councilmember Jones also stated that he has had a request to extend Whitfield Road through Homewood Street. He would like to see some study made on this or some consideration towards having this done.

Mayor Hurley reminded Council of their upcoming appointments.

There being no further business the meeting was adjourned at 10:20 p.m.

Bobbie Joyner

Bobbie Joyner
Deputy City Clerk

Resolution

WHEREAS, Historic Fayetteville Foundation, Inc., Cumberland Community Foundation, Inc., and the Cumberland County Board of Commissioners have each provided \$10,000 to the North Carolina Department of Archives and History for purposes of locating a branch of the North Carolina Museum of History in Fayetteville; and

WHEREAS, the Cumberland County Board of Commissioners has agreed to enter into a long-term lease with the State of North Carolina for the building at 801 Arsenal Avenue in Fayetteville at an annual rental of \$1.00 per year so long as said building is used as a branch of the North Carolina Museum of History; and

WHEREAS, having a branch of the North Carolina Museum of History located in Fayetteville would provide a readily accessible resource center for the study of State and local history and would serve an educational purpose in supplementing the resources of our schools for the study of our State and local history;

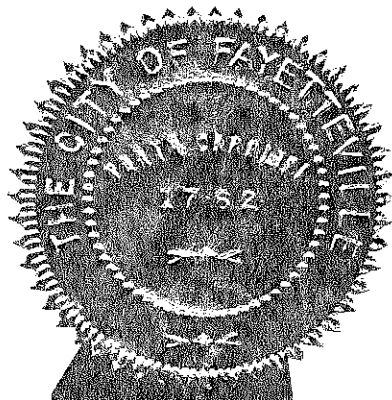
NOW, THEREFORE, the Fayetteville City Council hereby requests the Cumberland County Legislative Delegation to expend its full efforts to seek legislation establishing a branch of the North Carolina Museum of History in Fayetteville and having appropriated from State funds the sum of \$135,000 needed for such purposes.

Roger C. Stancil

Roger C. Stancil
Deputy City Clerk

John W. Hurley

John W. Hurley
Mayor
Fayetteville, North Carolina



FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JANUARY 24, 1983
7:00 P.M.

Present: Mayor Bill Hurley

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

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

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

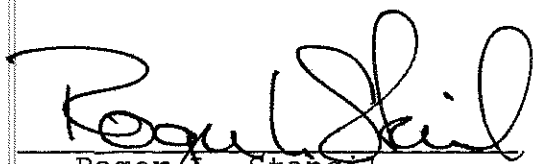
Council first considered hiring Firefighters to fill vacancies in the Fire Department. After discussion of the City's Affirmative Action Plan and recruiting efforts by the City for the Fire Department, Councilmember Evans moved that the recommendation of the Fire Chief be followed. The motion was seconded by Councilmember Dawkins and carried unanimously. The following people were employed as Firefighters: Richard K. Bradshaw, Carl D. Collier, Kenneth E. Brady, Robert L. Cruz, John R. Harold, Rodger D. Jackson and Gary R. McDaniels.

Council next considered the purchase of the First Baptist Church property for the municipal market. The City entered into a lease agreement on this property with an option to purchase. The lease agreement allows the City to exercise its option to purchase the property for \$50,000 at any time during the term of the lease with any rent payments being applied to the purchase price. The term of the lease is out February 1, 1983 and the remaining balance is \$45,250. Councilmember Evans moved to follow the recommendation of the City Manager and acquire this property. Councilmember Wofford seconded the motion. After some discussion, Councilmember Johnson offered a substitute motion to delay the purchase for 30 days until the Council could see a plan for the use of the property and understand the justification for buying the property. The substitute motion was seconded by Councilmember McBryde. The substitute motion was defeated with Councilmembers Jones, Dawkins, Evans, Wofford, and Mayor Hurley voting in the negative. Council then considered the original motion which was to acquire the property. The original motion carried with Councilmembers Johnson and McBryde voting in the negative. Councilmembers Johnson and McBryde stated their negative vote was based on lack of enough information to justify the purchase.

Council next considered the calendaring of several meetings as follows: February 22 - meeting with Police Chief Dixon, City Manager Smith, and City Attorney Cogswell as an evaluation session. March 22 - joint meeting with Recreation Advisory Commission at the Lamon Street Recreation Office.

The regular meeting of the City Council scheduled for March 7 will be postponed until March 14 because most of the Council will be attending a National League of Cities meeting.

There being no further business Council adjourned the special meeting at 7:45 and reconvened into an information session to discuss priorities for capital projects and the operating budget. After discussing capital priorities, Council decided to adjourn and consider operating priorities at an information meeting to be held Monday, 7:00 p.m., January 31, 1983 in the Kyle House Conference Room. The information meeting adjourned at 10:05 p.m.


Roger L. Stancil
Deputy City Clerk



FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 MONDAY, FEBRUARY 7, 1983
 7:00 P.M.

Present: Mayor Bill Hurley

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

Others Present: John P. Smith, City Manager
 Roger L. Stancil, Assistant City Manager
 John M. Monaghan, Jr., Assistant City Manager
 Robert C. Cogswell, Jr., City Attorney
 Bob Bennett, City Engineer
 Al Mitchell, Planner

Mayor Hurley called the meeting to order and the invocation was offered by Rev. Benjamin R. Melvin, Person Street United Methodist Church. Following the invocation Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley then awarded service pins to the following executives and department head:

Mr. John P. Smith, City Manager - 5 years
 Mr. Robert C. Cogswell, City Attorney - 5 years
 Captain William Joyner, City/County Identification Bureau - 20 years

Mayor Hurley then recognized the Youth Council representatives present in the audience and they were Kelly McInnis, Chris Larsen and Genevieve Patten.

Mayor Hurley then stated that City Attorney Cogswell had requested an executive session for land acquisition and litigation to be held at the end of the meeting.

Mr. Smith made note of some corrections to the agenda: Item 2B, rezone from R10 residential to R6 residential and that the Planning Board recommends denial not approval; Item 5, Airport recommends a conditional approval not Planning Board; and Item 16 should show Matters of Interest to Council.

Councilmember McBryde requested to abstain on Item 6 and requested that Item 2C be held as the first public hearing.

Councilmember Evans requested that Item I be pulled for question from the consent items.

1 Consent:

Councilmember Wofford offered motion to approve Items 1A through Items 1L with the exception of Item 1I to be discussed, seconded by Mr. Dawkins and carried unanimously. They are as follows:

A Approved minutes of the regular meeting of January 17, 1983.

B Approved minutes of the special meeting of January 24, 1983.

C Set public hearing for Community Development Block Grant Funding For Fiscal Year 1983 and 1984 for February 21, 1983.

D Set public hearing for consideration of Downtown Redevelopment Loan to "Best of Bow" for March 4, 1983.

E Conditionally approved Winding Creek Condominium conversion in a R10 residential district for preliminary and final review located behind Fayetteville Mall on the east side of Winding Creek Road.

F Conditionally approved the "Village" at Ascot in a PND Planned neighborhood district to R10 Residential District Standards for preliminary and final subdivision review located off US 401 North on the southwest side of Coronation Drive.

G Conditionally approved the Fred Shaw property group development in a C1 local business district for preliminary and final review located on the southwest corner of Campbell and Old Wilmington Road.

H Conditionally approved the Medfield subdivision in a R6 residential district for preliminary and final review located east of Willis Street on the north and south sides of Cochran Avenue.

K Authorized the sale of six sets of surplus sweeper brooms to the City of Sanford, N.C. for \$240.00 (\$40 each).

L Approved City tax refunds to Dr. W.C. Highsmith of \$22.40, R.J. Phillips Rasmussen \$10.14, and Fred H. Stem and wife \$100.91.

I Council next gave consideration to Item 1I which is the initial zoning to C3 heavy commercial district or to a more restricted zoning classification an area located on the south side of Johnson Street on the east side of Bragg Blvd. Planner Al Mitchell presented this matter and stated that existing zoning in the area includes C3 and all property owners were notified. The Planning Department recommends approval.

CASE NUMBER P83-3. THE INITIAL ZONING TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE SOUTH SIDE OF JOHNSON STREET ON THE EAST SIDE OF BRAGG BOULEVARD. ORDINANCE NUMBER NS1983-2.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1983.

Councilmember Wofford introduced the foregoing ordinance and recommended adoption seconded by Councilmember McBryde and carried unanimously.

2 Public Hearings:

Mayor Hurley then reminded the audience of the 15 minute time limit for both pros and cons on the proposed public hearings.

C. Item 2C will be heard as the first public hearing. A public hearing has been published for this date and hour on the consideration of an ordinance to amend the Fayetteville Zoning Ordinance by repealing Section 32-22(3) and adding Section 32-22(3a) of Article 4 "district use regulations".

Mrs. LaRita Parker, independent Mary Kay Senior Sales Director, appeared as petitioner asking that this be turned over to the City Attorney for clarification.

Those that appeared in opposition were Swain Hamlet, William Hinton and Ben Cheney all area residents.

Mr. Al Griffin also an area resident appeared for the consideration.

Following some discussion Councilmember McBryde offered motion to follow the recommendation of the Planning Board, seconded by Councilmember Dawkins.

There was then some further discussion. Councilmember Wofford offered a substitute motion that the ordinance remain as is without any changes, seconded by Councilmember Dawkins and carried unanimously.

Councilmember Johnson acknowledged the recent death of Parole Officer Willie Jasper Carter, as the result of an auto accident.

Mayor Hurley then presented a proclamation to Willie Smith, Scout Leader from Mt. Sinai Church, proclaiming "Scouting Anniversary Week".

Councilmember Jones complimented TV40's outstanding job in raising over \$42,000 for the March of Dimes in the past Sunday's telethon.

13 Councilmember McBryde requested Item 1J be considered at this time. Councilmember McBryde stated he didn't realize this item was under the consent items and therefore offered motion to remove Item 1J from the consent items, seconded by Councilmember Wofford and carried unanimously. This item is for the consideration of approval of the Fixed Base Lease with Flight Unlimited.

Mr. Bob Ray, on behalf of Fayetteville Aviation, appeared requesting that Council make sure that Flight Unlimited complies with the City Ordinance.

Mr. Smith responded that they would have to be in compliance with the City Ordinance or they wouldn't be in compliance with the lease.

Following questions of Mr. Cy Earnhart, Airport Commission, Councilmember Evans offered motion, seconded by Councilmember Johnson to approve the Fixed Base Operation Lease. Following brief discussion Councilmember Johnson withdrew his second and Councilmember Dawkins seconded the motion.

There was further discussion and Councilmember Johnson offered a substitute motion, seconded by Councilmember Wofford to delay this item for two weeks.

After hearing from Mr. Dick Fox in opposition to the lease and from Mr. Greg Gurgew who was applying for the lease, the motion failed with Councilmembers Jones, Evans, McBryde and Dawkins voting no.

Mayor Hurley then called for a vote on the original motion which was to approve the Fixed Base Operation Lease and the vote carried with Councilmembers Johnson and Wofford voting no.

2B. Mayor then stated that there were people present in the audience with an interest in Item 2B under public hearings. This was for consideration of rezoning from R10 residential district to R6 residential district or a more restrictive zoning classification an area located at 3039 Wedgewood Drive. Planner Al Mitchell presented this matter and stated he had received a letter this date from petitioner E.H. Phillips asking that this be withdrawn. Mr. Mitchell stated that the Planning Board recommends withdrawal.

Mr. Glen Stevens, resident of the area, appeared before the Council and presented a petition against the rezoning.

Councilmember Dawkins offered motion to deny, seconded by Councilmember McBryde and carried unanimously.

2A. Council next gave consideration of the Central Business Redevelopment Plan, which is Item 2A on the Agenda. Mr. Richard Herrera representing the Fayetteville Redevelopment Commission presented this matter and stated there had been two changes in the original plans: (1) moved the project boundary for the rehabilitation loan program, and (2) funding source for going into the clearings portion in the second action year.

Mr. Henry Rankin and Mr. Clinton Harris appeared before Council stating their concerns.

Councilmember McBryde offered motion to adopt the resolution, seconded by Councilmember Evans and carried unanimously. The resolution title is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING REDEVELOPMENT PLAN AND CONDITIONS UNDER WHICH RELOCATION PAYMENTS WILL BE MADE FOR THE CENTRAL BUSINESS DISTRICT, SECOND ACTION YEAR. RESOLUTION NUMBER R1983-7

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1983.

Mr. M.J. Weeks, Executive Vice-President of Fayetteville Progress Inc. addressed the Council and stated that we are now on the verge of starting on Hay Street and changing our City.

At this point Councilmember Jones requested that a correction be made in the minutes of the January 17, 1983 meeting due to his name being omitted as being present at the meeting.

3 Public Works Commission Matters:

Mr. Tim Wood presented the PWC matters for Council's consideration.

A Consideration of bids for the purchase of six cable junction enclosures. Mr. Wood stated that PWC recommends award to the low bidder of Westinghouse Electric Supply Company in the about of \$14,022. Upon motion by Councilmember Wofford seconded by Councilmember Dawkins it was carried unanimously to award the low bid to Westinghouse Electric Supply Company.

B Council next gave consideration of the low bid for purchase of 50,000 feet of secondary URD cable. PWC recommends award to low bidder Rigby Electric Company for the base bid of \$34,249.50 and the alternate bid for \$40,100.

Councilmember McBryde offered motion, seconded by Councilmember Jones to accept the low bid by Rigby Electric Company and it was carried unanimously.

C Council next gave consideration of an application for one 1" water connection to existing main to serve existing residents at 402 Derose Drive outside the City. PWC recommends approval and stated that the petitioner would pay the entire cost.

Councilmember Johnson offered motion, seconded by Councilmember Evans to approve as recommended by PWC and motion carried unanimously.

D Council next gave consideration of an application for extension of water main 240' to serve Lot 268 on Clyde Street in Bonnie Doone area. Mr. Wood stated that this was a little different situation in that it was prematurely put on the agenda. He stated that this not in compliance with the policy of the Commission, which is only to grant a connection when a main is already there. Mr. Wood stated that PWC is requesting that this matter be tabled to see what action the General Assembly takes on annexation.

Councilmember McBryde offered motion, seconded by Councilmember Jones to table this matter at PWC's request, the motion carried unanimously.

4 Planning Board Matters:

A Planner Al Mitchell presented the reconsideration of Treehaven zero lot line development conditions (formerly referred to as D.L. Godwin Property) located on the east side of McPherson Church Road, north of Jura Drive. The Planning Board recommends conditional approval.

Councilmember McBryde offered motion, seconded by Councilmember Wofford to approve the zero lot line development and carried unanimously.

5 Council next gave consideration of approval of Amendment Number 1 TO FAA Grant Agreement Project Number 3-37-00 to 1-01 to reduce the amount by \$78,375. Mr. Earl Dennis presented this matter and stated that the Airport recommends approval.

Councilmember Wofford offered motion to approve as recommended by the Airport Commission, seconded by Councilmember Jones and carried unanimously.

6 The next item for consideration was the approval of final design for the Hay Street Transit Mall. Mr. John Monaghan presented this matter and following brief discussion regarding the type of lights to be installed Councilmember Evans offered motion seconded by Councilmember Jones for approval as recommended. Motion carried with Councilmember McBryde abstaining.

7 City Engineer Bob Bennett presented for Council's consideration the Release of Easement in the Edenrock subdivision. The recommendation was for approval.

Councilmember Johnson offered motion, seconded by Councilmember McBryde and carried unanimously to approve the Release of Easement.

8 Council next gave consideration of a tri-party agreement between the City of Fayetteville, N.C. Department of Transportation and Seaboard Systems Railroad Inc. for upgrading the traffic signal and the Railroad signal at Blount Street and the main Seaboard track.

City Engineer Bennett presented this matter and stated that due to the proximity of Blount Street intersection there were some changes that need to be made and the total estimated cost of the project is \$92,000 with the City's portion to be \$9,200 (10%). He recommended approval of the project and executing the agreement.

Councilmember Evans offered motion, seconded by Councilmember Johnson to approve the upgrading as recommended and carried unanimously.

9 Council next gave for consideration the appropriation for Special Olympics Coordinator position in the Recreation and Parks Department. City Manager Smith presented this matter and stated that there would be an appropriation of \$1,333 from City Council contingency for fiscal year 1982/83 for one half of one year's salary for the Coordinator.

Councilmember Wofford stated he felt this should not be a City project because it is a County-wide project. He stated he feels the City should pay their share for a County Coordinator of the program but the City should not be coordinating it, or running it; otherwise it is a City-wide project.

Mr. Smith responded that the reasoning behind it is that the City is in a better position; it has more staff, more support capability for this type of thing and we have a much better recreation program.

Following discussion Councilmember McBryde offered motion, seconded by Councilmember Jones that this be approved as recommended. Motion carried with Councilmember Wofford voting no.

10 Council next gave consideration of Amendment of Chapter 3, "Advertising" of the Fayetteville City Code to create a new Article XII regarding enforcement of sign violations. City Attorney Cogswell stated that this is strictly an enforcement amendment, it does not change the existing City Code.

There was some discussion and suggestion for additions to be made which are: (1) after the word owner add "and/or lessee" everywhere it appears in the ordinance amendment and, (2) in Section 3-104 after the word employees add "or authorized contractor."

Councilmember Jones stated that he feels it will pose a hardship to sign owners and this is not the time for this enforcement amendment.

Councilmember Wofford offered motion, seconded by Councilmember McBryde to approve the Ordinance Amendment with changes. Motion carried with Councilmember Jones voting no.

AN ORDINANCE PROVIDING FOR THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE ILLEGAL INSTALLATION OF PORTABLE GROUND SIGNS AND THE FAILURE TO REMOVE SIGNS WHICH NO LONGER ADVERTISE BUSINESS CONDUCTED UPON THE PREMISES WHERE SAID SIGNS EXIST. ORDINANCE NUMBER S1983-2

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1983.

11 Council next gave consideration of contract with CHNMB for final design for Phase I of Cross Creek Linear Park and pedestrian improvements adjacent to east side of Anderson Street. Mr. John Monaghan presented this matter and stated that the scope of the project has been significantly reduced, and we have therefore negotiated a contract which is not the same as originally approved. The fee negotiated may come to more than 10% of construction costs, but will be much less than 10% of our original estimate.

City Manager Smith stated that this contract basically was previously approved but not exactly in the form that it finally ended up. The project itself has been approved and Council has appropriated in a Project Ordinance the funds to do the construction work.

Following discussion Councilmember Evans offered motion to renegotiate the contract with CHNMB, seconded by Councilmember Jones and carried with Councilmember Johnson voting no.

12 The next item for consideration was making a request to the N.C. Department of Transportation to assume responsibility for Kayellen Street. City Engineer Bennett presented this matter and recommended approval.

Councilmember Dawkins offered motion, seconded by Councilmember Evans and carried unanimously.

13 Appointments:

A There was one vacancy on the Energy Advisory Committee for the category of business. There were no nominations.

B One vacancy on the Police Benefit Fund Board of Trustees. Vincent Shields was nominated by Councilmember McBryde.

14 Delegations:

Mason Hicks appeared before Council concerning the purchase of furniture for Senior Service Center, Phase II-A. The City Manager had recommended by a memo that the City handle the specifications and bidding the furniture. Councilmember Dawkins offered motion, seconded by Councilmember McBryde to follow the recommendation of the City Manager and authorized the City administration to proceed with bids. The motion carried with Councilmember Wofford voting no.

15 City Manager's Reports:

A City Engineer Bennett presented a report on the West Street improvements. He stated that the westward extension (crossing the A&R Railroad tracks onto Robeson Street) would have a lower right-of-way cost. However, the initial construction cost, ultimately paving the longer road and the railroad crossing, would be much more expensive than the cost for extending the street to Whitfield. Mr. Bennett recommends that the route to Whitfield should be adopted and \$46,000 set up from Powell Bill funds for the project.

Following some discussion, Councilmember Evans offered motion, seconded by Councilmember Jones to approve the extension of West Street to Whitfield Road as recommended by the City Engineer. Motion carried with Councilmembers McBryde and Wofford voting no.

B Consideration of hiring Police Officers. Councilmember Evans offered motion seconded by Councilmember Wofford to follow the recommendation of the Chief of Police to hire the following police applicants:

Janet Jones	M.C. White
R.P. Lawson	H.C. Underwood
B.R. McAllister	W.C. Freeman
W.L. Davis	T.J. Shuffler
A.G. Webb	D.L. Smith
B.W. Fishcer	

C City Manager Smith stated that a letter had come to his office from Dr. Hal Henschen requesting a tax refund in the amount of \$76.37 due to his car having been listed twice. The County Commissioners have approved this and he recommends approval.

Councilmember McBryde offered motion, seconded by Councilmember Jones to approve the refund of \$76.37 and carried unanimously.

16 Matters of Interest to Council:

Council gave consideration of a resolution urging continuation of General Revenue Sharing Program. Upon motion by Councilmember Wofford, seconded by Councilmember McBryde, the following resolution was adopted unanimously:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING THE GENERAL REVENUE SHARING PROGRAM. RESOLUTION NUMBER R1983-8

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1983.

Councilmember McBryde suggested that April 13, on a Wednesday be set for the basketball game with the Youth Council. This was in agreement with Council.

Councilmember Evans requested that the Policy Committee complete the Sidewalk Policy. City Manager Smith stated that he will bring this before an information meeting.

Councilmember McBryde offered motion to go into executive session for land transaction and litigation, seconded by Councilmember Wofford at 10:50 p.m.

Council reconvened at 10:55 p.m. and City Attorney Cogswell recommended that Council settle the tax foreclosure on the street paving assessment case with City vs. Joe B. Jessup and others for \$300.

Upon motion by Councilmember Evans, seconded by Councilmember McBryde it was carried unanimously.

There being no further business the meeting was adjourned at 11:00 p.m.

Bobbie Joyner

 Bobbie Joyner
 Deputy City Clerk

FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 Monday, February 21, 1983
 7:00 P.M.

Present: Mayor Bill Hurley

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

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

Mayor Hurley called the meeting to order and the invocation was offered by Councilman Rev. Aaron Johnson. Following the invocation Mayor Hurley lead the audience in the Pledge of Allegiance to the flag.

Mayor Hurley then issued a cordial welcome to all present in the audience this evening.

Fayetteville Youth Council representatives were not present at this time.

Mayor Hurley recognized Mr. Wofford who announced that the Blue Law discussion is being held by the County Commissioners in the Courthouse tonight and not here.

Consent:

Prior to actions on the consent items, Mr. Cogswell offered corrections to Item 1. H, on the Southern National Bank lease at the Airport and Item 1. I, the National Car Rental Service Area lease at the Airport.

Following these corrections, Mr. Dawkins offered motion, seconded by Rev. Johnson and carried unanimously to approve the following consent items with the corrections indicated by the City Attorney.

A Approval of the minutes of the Regular Meeting of February 7, 1983.

B Set public hearing for March 21, 1983 by a resolution to file and publish preliminary assessment roll for the paving of Bell Street from Eastern Boulevard to South King Street.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON BELL STREET. RESOLUTION NUMBER R1983-9.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1983.

C Set public hearing for March 21, 1983 by resolution and order to file and publish preliminary assessment roll for the paving of Ernest Street from Pennsylvania Avenue to the eastern line of Broad Acres subdivision, Plat Book 17, Page 35, Cumberland County Registry.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON ERNEST STREET. RESOLUTION NUMBER R1983-10.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1983.

D Set public hearing for March 14, 1983 for consideration of an application by Fountainhead-Hay for a special use permit to operate a flower and antique boutique and a coffee shop (Tea Room) in a P2 Professional District as provided for by the Fayetteville zoning ordinance Section 32-27 (11) for an area located at 717 Hay Street.

E Conditional approval of Holt Oil Company site plan in a ClP Shopping Center District for preliminary and final review located on the northeast corner of U.S. 401 Bypass and Morganton Road.

F Conditional approval of Pleasant Valley Section 9 subdivision review and addition in an R10 Residential District for preliminary and final review located along the north side of Sandhill Drive.

G Authorize the City Manager to sell through private sale approximately 1,500 gallons of surplus used oil and surplus ceramic molds by the adoption of the following resolution.

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY. RESOLUTION NUMBER R1983-12.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1983.

H Authorize the renewal of Southern National Bank lease at the Airport as corrected by the City Attorney.

I Approval of lease for rental car service area at the Airport to National Rent-A-Car.

J Elect Mr. Vincent Shields to the Police Benefit Fund Board of Trustees.

2 Public Hearings:

A Consideration of a final resolution requiring the paving pursuant to petition of Hedgepeth Street from Southern Avenue to dead end. The recommended action was adoption.

The City Engineer presented this item and stated that a valid majority petition had been submitted and that all property owners had been notified.

There was no opposition present.

Following brief discussion Mrs. Evans offered motion, seconded by Mr. McBryde and carried unanimously for the adoption of the resolution approving the paving.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF HEDGEPEETH STREET. RESOLUTION NUMBER R1983-11.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1983.

B Consideration of Community Development Block Grant Funding for Fiscal Year 1983-1984. The recommended action was approval.

Mayor Hurley recognized Mr. Richard Herrera, Executive Director of Community Development and Mr. Herrera stated that public hearings had been held on January 25, 1983 and January 27, 1983 to receive input on this matter and a list was provided to the Council this night in their agenda packet for the projects suggested for funding.

Mr. Herrera also stated a list of streets in the target areas had been provided.

Mayor Hurley stated that since this was a public hearing he would recognize any persons from the audience.

Mr. Donald C. Fuller, 517 McDaniel Street was recognized for himself and others in the audience in favor of the requested projects funding.

There was no opposition present.

Following some discussion, Rev. Johnson commended the Redevelopment Commission and staff for the fine program projects.

Rev. Johnson then offered motion, seconded by Mr. Jones and carried unanimously to approve the recommendations of the Community Development Department.

At this point Mayor Hurley recognized the Chairman and members of the Blue Ribbon Study Commission present in the audience this evening. He stated that this Commission had been meeting since November 18 studying the City's Civil Service Commission.

Mayor Hurley recognized Mr. Jeff Thompson, Chairman of the Committee and the following members: Mr. Howard Bullard, Mr. June Goforth, Mr. Wick Smith, Mrs. Annetta Cobb, Mr. Joseph Pillow and Mary Wright. Mayor Hurley then presented a framed certificate of appreciation to Mr. Thompson and stated that he will present the same certificate to other members of the Commission at a later date.

Mr. Thompson then presented the Committee's report to the City Council. He stated the report covered three major categories. 1. A general overview, 2. The findings, 3. The recommendations. Mr. Thompson stated the Commission had found the Civil Service Commission obsolete and that it should be updated. He stated the finding was that the argument is with the law. He stated also that inequities exist. He stated that the Civil Service Commission should be an appeals board. He stated that lack of tenure exists. He stated the Committee feels that appointments should be made by the City Manager.

He recommended a restructuring of the Civil Service Commission consisting of a five-member panel serving staggered terms limited to two consecutive three-year terms of office.

Concerning duties, the Commission should be an appeals board and should have subpoena power and should also serve as an advocate of the employee.

This concluded Mr. Thompson's abbreviated report and Mayor Hurley extended thanks to Mr. Thompson and the Commission for their report and recommendations. He stated that now the City Council will meet with the Civil Service Commission at some future date. This date was set tentatively for Thursday, March 3.

Following Mayor Hurley's remarks, Mrs. Evans extended thanks to Mayor Hurley for the idea of appointing this Blue Ribbon Commission.

Mayor Hurley then stated the Council would consider the next item on the agenda this evening.

3 Public Works Commission Matters:

A Consideration of an application for one 1-inch water connection to existing main to serve existing residents at Box 170 Airport Road outside the City. Recommended action was that PWC recommends approval. PWC Manager Muench presented these items.

Following brief discussion, Mrs. Evans offered motion to approve the foregoing connection and recommended, seconded by Rev. Johnson and carried unanimously.

B Consideration of an application for one 1-inch water connection to existing main to serve existing residence at 2503 Camden Road, outside the City. The property is contiguous to the present City limits and the owner will petition for annexation. The recommended action was PWC recommends approval.

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

C Consideration of an application for water and sanitary sewer connections to existing main to serve property at the corner of Andy and Clyde Streets in the Bonnie Doone area. This application (for water main extension on Clyde Street) was deferred at the last City Council meeting. Connections can be made on Andy Street without extension.

The recommended action was PWC recommends approval.

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

D Consideration of outside extension of water to serve Section III of Car-Milt Estates.

The recommended action was that PWC had deferred action on this matter.

Council recognized Mr. Dave Averitte, President of Averitte Engineering Company in behalf of this matter and this request.

Mr. Averitte informed Council that PWC had deferred action on his request for this extension from Section 1 and 2 of Car-Milt Estates to serve Section III because it is against their policy of extending water outside the City. Mr. Averitte stated he was aware of the problems of the City Council. He stated the PWC has extended water to serve other areas of this subdivision. He stated he had a deadline of March 1st for this extension or that considerable funds would be lost. He stated he presented this request to PWC on February 11 and the extension is within the PWC policy. He stated that action had been deferred. He stated he was willing to be annexed and requested that City Council consider his request on its merits.

Council then recognized PWC Manager Muench who stated that Mr. Averitte had made a good presentation to PWC but PWC is under no obligation to extend service in the County. He stated that PWC had revised its policy sometime ago regarding extensions outside the City as they relate to the annexation law. He stated he regreted that Mr. Averitte was caught in this change of policy.

Rev. Johnson stated that the PWC policy was endorsed in 1981 by the City Council.

Mr. Wofford stated that the extension policy was directly connected to the present annexation law concerning Cumberland County.

Mr. Wofford then offered motion, seconded by Mr. McBryde to uphold the PWC policy and defer this request.

Considerable discussion followed and then Mayor Hurley called for a vote on the motion and it carried unanimously.

4 Progress report on the Bicentennial Celebration by Mrs. Martha Duell.

Council recognized Mrs. Duell who stated that the celebration activities are one month away. She stated that her presence before Council tonight was not a request for money. She stated that her organization supported the presentation of a gift from the citizens to the City. She stated they were \$3,000 short of their goal at the present time. She presented a picture of the statue of General Lafayette which would be presented to the City. She stated during the two-day celebration on April 9 and 10 various activities are planned. She urged the City Council to be present for these activities. She stated a parade would be held at 10:00 a.m. on the unveiling of the statue. She stated a banquet would be held at 7:00 p.m. at the Bordeaux center. She stated that General Lafayette's ^{great} grandson would be present for the festivities. She requested that the City fund an appropriate gift for General Lafayette's ^{great} grandson. She concluded her presentation by extending an invitation to all City Council members to attend. She then introduced Mr. Bruce Daws who presented comments concerning the parade.

Mueck
Mueck great

Mayor Hurley then extended the thanks of himself and the Council to Mrs. Duell and to Mr. Daws for their efforts on behalf of the bicentennial celebration.

5 Progress report on the Dogwood Festival by Mr. John Malzone.

Mayor Hurley recognized Mr. Malzone who stated to Council that it was a pleasure to be present before them this evening. He stated that the plans for the Dogwood Festival are just about finished. He stated that the City, County, Fort Bragg, Pope Air Force Base and several others are working together on this project. He stated that April 16 to the 24 are the dates for the festival. He stated that a parade would be held and a Miss Fayetteville pageant. On the 19th and 20th there would be a civic showcase. On the 21st there would be the YMCA basketball game. On the 22nd there would be five separate golf tournaments. On the 23rd Congressman Charlie Rose would be present to speak. There is also scheduled a stock car race. Fayetteville Symphony will present a performance. Comedian Red Skelton would be present one evening. On the 24th the Arts Council would present Sunday on the Square. There would be a tour of historical Fayetteville including the churches. There would be a marathon run. The Hartness New York City Ballet would present a performance at the Auditorium. There is also planned a beautiful dogwood trail. Mr. Malzone stated that the organization did need funds for this project and that they were selling shares. He requested a token contribution for these stock certificates.

Mayor Hurley extended thanks to Mr. Malzone for this report and stated that there was a plan to utilize \$500 from the Mayor's fund in the budget to help support the festival. The City Council agreed enthusiastically with this proposed contribution.

6 Discussion of the proposed Cain Road Thoroughfare.

Mayor Hurley recognized Planning Director Cliff Strassenburg who presented a report on this matter.

Mr. Strassenburg stated he was chairman of the coordinating committee and present tonight to present a report of the technical coordinating committee on Cain Road. He displayed a map of the thoroughfare plan. He stated the Cain Road project was a minor thoroughfare to move traffic across town in limited areas. He stated it was in an 80-foot right-of-way with various turning lanes. He stated it contained moderate cross-sections with a proposed speed limit of 35 miles per hour. He stated it was to be compatible with the areas it passed through. He stated it would serve the users of FTI and Honeycutt Park and other areas. He stated this project was first placed in the thoroughfare plan in 1952. He stated it was 13 and 1/2 miles long. He commented on the private development activities such as the country club and Scotty Hills area. He displayed charts showing the proposed route through Huntington Park and Stratford Hills. He stated the Ireland Drive right-of-way had been dedicated as well as the Legion Road right-of-way. He presented the impact if the project is deleted from the thoroughfare plan. These would be the burden of traffic elsewhere, delays at intersection, vehicular accidents and heavy traffic along local streets. He mentioned the accident potential along the various streets involved. He stated there would be cost-savings of 1.9 million dollars. Finally, to sum up, he stated the TCC says traffic flow would be needed and there would be road-user benefits. He stated the TCC felt the Cain Road, Ireland Drive project is valid and said it should be retained and this concluded his presentation.

Mayor Hurley then asked for discussion and any possible action on this matter by City Council this evening. Mrs. Evans suggested that the City Council call for a public hearing on this matter.

Mr. McBryde dissented and suggested that City Council make a decision this evening.

Mr. Dawkins reminded all present that 100% local money must be used for this project but that he was ready to take action tonight.

Mr. McBryde then offered motion to allow the people in the audience here tonight to speak and that Council take action following this. Motion seconded by Mr. Wofford.

Following some further discussion, Mr. Dawkins offered substitute motion that Cain Road within the City's jurisdiction be taken off the thoroughfare plan. Motion seconded by Mr. Jones.

Mr. McBryde then withdrew his motion and following some discussion, Mayor Hurley called for a vote on the substitute motion and it carried unanimously.

The action received an enthusiastic round of applause from those persons present in the audience this evening to hear this matter.

Mayor Hurley then declared a five minute break.

City Council then reconvened and considered the next item on the agenda.

Consideration of authorization for the County to sell two parcels of land:

Lots 7 and 8, Block G, College Heights.

The City Attorney was recognized and recommended that the County be authorized to sell these lots for \$1,650 subject to three utility easements.

Mr. Jones then offered motion, seconded by Mr. Dawkins and carried unanimously to follow the foregoing recommendation of the City Attorney and authorize the County to sell these lots for \$1,650 provided it is advertised and by posting a sign on the property for 30 days.

121 Jasper Street, Lot 31 and strip. The City Attorney recommended that the County be authorized to sell this lot for \$2,948.78.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the City Attorney and to authorize the County to sell this lot for \$2,948.78 after advertising and the placement of a sign on the property for 30 days, seconded by Rev. Johnson and carried unanimously.

Appointments:

Nominations to fill one vacancy on the Energy Advisory Committee (Category - Business).

Mayor Hurley nominated Mr. James Creech.

Nominations to fill the unexpired term of Marion C. George, Jr. on the PWC Retirement Plan Board. (Category - accountant, preferably certified).

No nominations were offered for this vacancy.

Mayor Hurley then recognized Mr. Dawkins who stated that Mr. George Hines had resigned from the Advisory Recreation and Parks Commission and that Council needed to consider a nomination for his vacancy.

Mr. Dawkins then moved to accept with regret the resignation of Mr. George Hines and nominated the Rev. John P. Stephenson, III.

Mayor Hurley stated these nominations would be considered at the next meeting of the Council.

Delegations:

Mr. Donald C. Fuller was again recognized on the Community Development matter heard earlier this evening. He stated that there were two or three houses on Moore Street which were scheduled to be torn down. He suggested moving these houses onto lots needed in the redevelopment area as an alternate to being torn down.

Mayor Hurley referred Mr. Fuller's recommendation to Mr. Richard Herrera, Executive Director of Community Development.

Mr. Dave Averitte was again recognized with additional comments regarding his referral earlier in the meeting to being a stockholder in the Public Works Commission.

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City Manager's Reports

The City Manager reminded the City Council of the upcoming League of Municipalities regional meetings and suggested that City Council plan to attend the meeting in Clinton, North Carolina on March 16. He requested that Council inform him as to who plans to attend so that he can make reservations.

The City Manager reminded Council of the meeting tomorrow night at 7:00 p.m. in the Kyle House.

The City Manager requested an information meeting next Monday night, however, several Council members could not be present so the meeting was tentatively set for Tuesday, March 1 at 7:00 p.m. in the Kyle House.

Mayor Hurley informed the Council of the Eccles Park dedication ceremony opening the new segment of Bow Street set for Thursday, March 3rd at 12:30 p.m. He stated they would receive reminder information on this.

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Matters of Interest to the Council.

Mr. Jones expressed the appreciation of the people off Ramsey Street at Law Road for the new traffic signal.

Rev. Johnson commented on the planned study done in Texas on high technology and suggested that the Advisory Commission meet to study this plan and stated that Mrs. Evans, Chairman of this Commission, had agreed to this proposed meeting.

Mr. Dawkins stated he was concerned about the streets and roads for Cumberland County and of the DOT's appropriation for same. He commented also on the proposed sales tax. He stated that the Airport connector bids are to be let soon. He suggested that the legislative delegation will give serious consideration to these matters and that the DOT will consider priorities concerning them.

Mr. Wofford stated that Mr. Bernard Stein had expressed his concern concerning the parking lot behind the Capitol Department Store which would be closed on an important sales day, Washington's Birthday sale due to construction. Mr. Wofford suggested that there was a need for coordination by the City Engineer on this and on the upcoming Transit Mall construction. Mr. Wofford suggested a mall management system. City Manager Smith replied that a full-time coordinator is being considered for this matter.

Mr. Dawkins suggested making the traveling public aware of the change on Old Street from one-way East to one-way West. The City Engineer replied that this would be advertised and notices sent to the business places on Old Street.

Rev. Johnson suggested that the Police Department issue warning notices rather than citations to motorists making the mistake of traveling the wrong way on this street for the initial period.

Mayor Hurley stated to Mr. Cogswell that at the last meeting, Assistant Airport Manager, Tom Ray had stated that some Airport leases are antiquated and suggested a serious review of all leases.

City Attorney Cogswell replied that he was aware of the situation.

Thereafter all matters of business having been concluded, this regular session of the Council was adjourned at 9:50 p.m. upon motion made and duly seconded.

Maurice W. Downs by *Bobbie Joyner*
Maurice W. Downs Deputy City Clerk
City Clerk

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