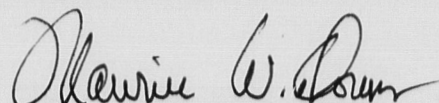


Thereafter, all matters of business having been completed, this special session was adjourned at 7:45 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 12, 1978
8:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams
Mildred Evans and Marion George.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order, the Reverend Jesse F. Williams of United Pentacostal Holiness Church offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council Representatives: Robert Leath, Mary Ellen Lively and Hugh Holston present in the audience to observe Council proceedings.

The first order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously minutes of the regular meeting of May 22, 1978 were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously minutes of a special meeting of the Council of June 5, 1978 were approved as submitted by the Clerk.

Public Hearings:

A public hearing had been published for this date and hour on the creation of a municipal service district with a special tax in the downtown area of Fayetteville. The Clerk certified in writing that all persons had been mailed a written communication of this public hearing. The City Attorney presented this matter and stated that such written communications numbering 1100 in all had been mailed on May 11, 1978, in compliance with the General Statutes. The Downtown Fayetteville Association and the Downtown Revitalization Commission had recommended that the City Council be requested to establish a special tax district for the end of the fiscal year, 1977/78 and further recommended that the plan be administered and carried out by the Downtown Fayetteville Association. The purpose was to help find a solution to the decline of the downtown district. Storeowners need to improve store fronts and make their property more inviting. The location of green spots for added beauty and to provide activities such as art shows, flea markets, trade shows and the like as well as the need for first class downtown farmer's market. The boundary of the proposed district are Rowan Street on the north, Russell Street on the South, Cool Spring Street on the east and Bragg Blvd. and Robeson Street on the west, including all lots which abut or adjoin the southern margin of Russell Street, the eastern margin of Cool Spring Street, the northern margin of Gross and Rowan Streets and the western margin of Robeson Street. The purpose of this hearing this evening, Mr. Cogswell said was the consideration of the adoption of a resolution defining the municipal service district for downtown revitalization purposes. The resolution, if adopted would provide for the needed services and the levying of an additional tax to finance them.

Mr. Cogswell said that the east side of Cool Spring Street was excepted due to an oversight in listing and notifying the property owners there.

Council could approve the district with this exception and be in compliance with the law, and the district could be expanded to include the east side of Cool Spring Street at a later date.

Mrs. Finch recognized proponents of the proposal and Mr. Horace Thompson, representing the Downtown Revitalization Commission was recognized and stated the special tax would be based on 12¢ of each \$100. valuation for five years in the plan for the revitalization of downtown area.

Mrs. Finch then recognized opponents to the plan and they were as follows: Mr. Ed VanStory, a downtown property owner, Mrs. Dorothy Kitchen, Mrs. Miriam Huff, Mr. Albert Wager, Mrs. Margaret Gott and Mr. Matthew Smith, all property owners in the downtown area.

Councilman George requested permission of the Council to abstain from discussion or voting due to a conflict of interest, and Council was in agreement.

Following some discussion, Mr. Williams offered motion that the City Council take no action, motion seconded by Mr. Markham.

After some further discussion, Mrs. Evans offered substitute motion to continue this matter to the next regular meeting on June 26, seconded by Mr. Hurley and carried by the following vote: For: Councilmembers Evans, Dawkins and Hurley. Against: Councilmembers Williams and Markham. Abstaining: Councilmember George.

A public hearing had been published for this date and hour on the paving of McLamb Drive from the northwest corner of Lot 13, Block A, Plat Book 18, Page 44 to Lake Avenue, pursuant to petition. The Clerk certified that notices had been sent to all property owners concerning this public hearing. The City Engineer presented this matter and displayed a projection of the proposed improvement.

Mrs. Jimmy Lewis and Aileen Ferguson of McLamb Drive were recognized in favor. Mrs. Lewis informed Council that there was a ditch running across the back of her property that needed some attention. The City Engineer was requested to investigate this matter.

There was no opposition present.

Resolution title:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF MCLAMB DRIVE FROM THE SOUTHEAST CORNER OF LOT 13, BLOCK A, PLAT BOOK 18, PAGE 44, TO LAKE AVENUE. RESOLUTION NO. R1978-17.

Mr. George introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1978.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the following public hearings were set:

A. The consideration of an exchange of property between the City of Fayetteville and Jack Page on Lucerne Street, set for June 26, 1978.

B. Consideration for assessing Duncan Street, Topeka Street and Scotty Hills Subdivision Drainage set for July 10, 1978.

C. A hearing on the urban area thoroughfare plan as requested by the Joint Planning Board set for June 26, 1978.

Resolution titles:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON DUNCAN STREET. RESOLUTION NO. R 1978-18.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON TOPEKA STREET. RESOLUTION NO. R1978-19.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR SCOTTY HILLS SUBDIVISION AREA DRAINAGE. RESOLUTION NO. R1978-20.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R-1978.

Planning Board Matters:

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, Horne's Shopping Area Addition preliminary and final CIP review located off Sycamore Dairy Road was approved conditionally as recommended by the Planning Board in their memo of June 12, 1978.

Public Works Commission Matters:

Mr. Muench, PWC Manager stated that the item appearing on the agenda, consideration of an application by Priscilla Hennessey for an extension of a 6 inch water main in Heidelberg Drive "east of Legion Road" into a proposed residential subdivision to serve approximately 25 lots "outside city just north of Heidelberg Drive" should be deferred and not presented this evening and would be presented by the Planning Board at a later date.

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

Council next reconsidered a proposal to contract with the County for tax billing and collection effective FY1978/79. (This matter deferred from the May 22 meeting.)

The City Manager presented this matter and stated the research had been done which Council requested and called on Assistant City Manager, John Smith to make the presentation. He stated he had contacted the Institute of Government and had been furnished with a list of several major North Carolina cities that are now contracting for tax collection with their respective county. They are Charlotte, Winston Salem, Raleigh, Asheville, Wilmington, Wilson and Shelby. There are of course, he stated, a large number of smaller towns throughout the state that have county collection.

Mr. Smith stated he had contacted officials in Raleigh, Wilmington and Wilson, out closest neighbors of the seven and received the following information: Raleigh has contracted since 1964 with Wake County. The fee charged Raleigh is 0.5% of collections over approximately \$100,000. Collections are approximately 95%. Raleigh stated they experienced no difficulty.

Wilson has contracted since 1976 and the fee is 1% of collections. Collections are around 98%. The city went into the program not anticipating any savings but mainly for the convenience of the taxpayer and to relieve the city of the burden. They were experiencing no difficulties.

In Wilmington, New Hanover County collects all the taxes for all the municipalities in New Hanover County and has been doing so for the City of Wilmington since 1971. The fee charged is 1½%. Both the city and county officials like the arrangement.

Mr. Smith stated the officials with whom he spoke were enthusiastic about their arrangements in all three cases. The fees cost some concern with two of the cities but in no case has the percentage fee been changed since the inception of the contracts. The Institute of Government informed him that they knew of no city in the state that ever contracted its tax collections to a county and subsequently terminated the contract.

Some discussion then followed and Mr. George commented that he had questions on the legality of such a move by the city and stated that if in his opinion it would take an act of the General Assembly to accomplish this.

Mr. Williams stated he had no reservations about the legality of the proposal inasmuch as the city was not abolishing the tax collectors office since the county tax collector would act in that capacity.

Mrs. Evans suggested that the City Council may try this method for a year to find if it works satisfactorily and if not to go back to the present system.

Additional discussion followed.

Mr. Williams then offered motion that the City of Fayetteville contract for an interlocal undertaking with the County of Cumberland for the billing and collection of City taxes for the Fiscal Year 1978/79 at a 1% fee.

Council then recognized City Tax Collector Joe McCall who offered some comments in defense of retaining the City Tax Collector's office and not contracting with the County for tax billing and collection.

Mr. George then offered a substitute motion to continue this matter to the next regular meeting and for the City Attorney to check to see if a local bill is necessary. The motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion to enter into a contract and the vote was as follows: For: Councilmembers Evans, Williams, Dawkins and Hurley. Against: Councilmembers George and Markham. Mayor Finch declared the motion carried.

Council next gave consideration to extension of lease agreements concerning the lease of property owned by the city.

The City Attorney presented these matters and informed Council that two of the lease agreements were for the extension of existing leases and the third was a new lease.

A Mrs. Toomey, leasee of property located at 334 Hay Street was recognized for the business, Shopper's Guide and asked Council if it proposed to demolish this building in the near future to make way for the relocation of Ray Avenue.