

REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
MONDAY, JUNE 26, 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 and Councilman Wayne Williams led the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the Following Youth Council Representatives present in the audience to observe Council proceedings: Ann Yeago, Sharon Lindsay and Sean Alvarez.

The first item of business was the approval of minutes of the June 12, 1978 meeting and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of the regular meeting of June 12, 1978 were approved as submitted by the Clerk.

At this point, Mayor Finch advised Council of an addition to the agenda, Item 6a, Amendment, Change 4. There were no objections voiced.

Public Hearings:

The first public hearing was the consideration of creating a Municipal Service District with a special tax in the downtown area of Fayetteville. (This matter continued from the June 12 meeting.)

Mr. Cogswell, City Attorney, presented this matter and stated that he would like to point out several things that had caused confusion: 1) that anything east of Cool Spring Street was not considered. 2) anyone not paying property tax due to exemption, does not have to pay the special tax. 3) You cannot charge a different rate to different people.

Mayor Finch then recognized Mr. M.J. Weeks, President of the Downtown Fayetteville Association and a property owner in downtown Fayetteville. Mr. Weeks stated that several months ago the Downtown Fayetteville Association began working with the Downtown Revitalization Commission investigating the possibility of creating this special tax district for the purpose of raising money to help in programs for the benefit of the downtown area. After much research and study, it was recommended to the boards that the program be proposed to the City Council. This tax district is very much needed, it would not only help get some projects underway, but it would also demonstrate our willingness to invest in our own future, and not wait for someone else to do it. The most equitable way to do it is for everyone who will benefit to participate. He pointed out that based on the proposed 10 cents per 100 valuation, a property valued at \$25,000. would only cost \$25. per year. He stated that if Council adopted this proposal, the Downtown Fayetteville Association would be willing to establish a committee to hear and review any hardship cases of owner occupied residences and if it was determined that the 10 cents did create a hardship, they would find a way to alleviate the hardship that might be created by this type of tax.

Mayor Finch then recognized Mr. Bob Henry, Executive Director of the Fayetteville Revitalization Commission who stated the Commission had unanimously voted to endorse the concept of this special tax district for revitalization purposes. He stated that this special tax district is a way to establish responsibility for revitalization from the people who that revitalization effort is designed to help. It is a method of funding the immediate needed projects that are not applicable to government funds. It is a way to share the responsibility to establish the confidence, communication and coordination necessary for revitalization to become a reality of downtown Fayetteville. It is one way to get downtown Fayetteville moving in the right direction in the rebuilding of our city.

Mayor Finch recognized Mr. Bernard Stein of the Downtown Revitalization Commission. Mr. Stein stated that he was speaking as an individual and as a property owner and business man in downtown Fayetteville and that he did want to contribute to downtown and its future, and urged Council to approve this special tax district.

Mayor Finch also recognized Mr. John Huske, Mr. Neil Reichley, Mrs. Stewart Kerr all downtown property owners who were in favor.

Mayor Finch recognized Mrs. Dorothy Kitchen, a downtown property owner who was opposed.



Mr. Ed VanStory, a downtown property owner was recognized and stated that he was opposed to any special tax for the downtown area. He presented a petition of taxpayers opposed to this special tax and also to the increase in property tax over the years, and requested Council to seek ways to reduce property taxes and finance the revitalization of the downtown district through other sources.

Mayor Finch then recognized Mr. Matthew Smith, Albert Waker and Dr. J.N. Robertson, all downtown property owners opposed to the special tax.

At this time Mayor Finch stated that time had expired and asked Council if there were any objections to hearing five minutes more from opponent and then proponents. There were no objections voiced.

Mr. Quincy Scarborough was recognized in opposition and presented a petition of 35 names who were opposed to the special tax.

Mrs. Bernice Wolfe and Rajah Arab, downtown property owners were recognized in opposition.

Mayor Finch then gave five minutes more to the proponents and recognized Mr. Horace Thompson and Mr. Doug Nunnely who were in favor of the special tax.

There was a brief discussion.

Mrs. Evans offered motion to create a municipal service district with a special tax in the downtown area as proposed and advertised at the rate of 10 cents per 100 with the exception of the east side of Cool Spring Street, seconded by Mr. Hurley.

After some discussion, Mr. Williams offered an amendment to the motion that none of the money from the special tax district be spent on administrative cost and that all property owners in the district be notified of meetings when decisions are to be made and returned to Council.

Mayor Finch asked for a vote on the amendment.

At this time Mr. George asked to abstain from voting and Mayor Finch stated that he had not asked for abstention prior to the vote and therefore his vote was to be recorded as a yea vote.

The vote on the amendment was as follows: For: Councilmembers Hurley, Dawkins, Williams and George, against: Councilmembers Evans and Markham.

Mayor Finch declared the motion to be presented as amended.

Mr. George asked to abstain from voting due to the fact that he owns property in the district.

Mayor Finch asked if there were any objections and there were none.

Mayor Finch then called for a vote on the motion as amended and it was as follows: Councilmembers Evans, Williams, Dawkins and Hurley for; Councilmember Markham against and Councilmember George abstaining.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 608 Law Road. Planning Board recommended approval. There was no opposition.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 608 LAW ROAD. ORDINANCE NO. NS1978-44.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

A public hearing was published for this date and hour for a Special Use Permit to operate a private tennis and swim club in an R6 Residential District as provided for in Section 32-23 of the Fayetteville zoning ordinance for an area located at 101 Commonwealth Avenue. Planning Board recommended approval. There was no opposition.

Mr. Dawkins offered motion to approve the request for the Special Use Permit subject to the conditions set forth by the Planning Board, seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 503 Moore Street.

Planning Board recommended approval.

Council recognized Mr. Gerald Beaver who appeared in behalf of the petitioner.

Council recognized Mr. Matthew Smith, who was opposed to the rezoning.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 503 MOORE STREET. ORDINANCE NO. NS1978-45.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District of an area located at 861 Southern Avenue.

Mr. W.J. Gales, the petitioner was recognized and asked that his petition be withdrawn.

Mr. George offered motion that no action be taken at the request of the petitioner, seconded by Mr. Hurley and carried unanimously.

Council then considered a recommendation from the Planning Board to adopt the Maiden Lane/ Davie Street alternate.

Cliff Strassenburg, Planning Director presented this matter and stated there were two alternatives. A) begins at Bragg Blvd. intersecting with Cashwell Street proceeding up to Davie Street at the intersection with Hillsboro then across the railroad, across the Sears parking lot east through an area leased by Dickinson Buick intersecting Ray Avenue and continuing eastward across to the present Dickinson Buick to intersect with existing Maiden Lane at a point just east of Burgess Street. This proposal was introduced to the Revitalization Commission by Mr. Rose and endorsed by that Commission. The alternate B (considered by Planning and Engineering Departments) begins at Bragg Blvd. follows the same line to Hillsboro St. crossing the Sears parking lot now at a diagonal direction to intersect Ray Avenue approximately at the point that Maiden Lane now intersects with Ray Avenue proceeding eastward along the turn alignment for Maiden Lane.

Mr. Strassenburg stated that an analysis was made of some of the cost factors that would be involved in both of these alternates. Both would be more costly than the original Maiden Lane/Cashwell Street plan. He stated the advantages and disadvantages of each. The Planning Department and the Engineering Department after considering the advantages and disadvantages and the cost involved would recommend alternate B.

Council recognized Mr. John Rose, architect of the Sears building who stated that the largest problem is traffic, people traffic and vehicular traffic. Mr. Rose had earlier presented alternates A and B to the Cumberland County Commissioners, and they expressed reservations about plan B and that plan A would be more desirable for the use of the building.

Council recognized Chip Modlin, Department of Social Services Director, who was in support of alternate A but was concerned about the parking situation.

Council recognized Mr. Bernard Stein who stated that the Downtown Revitalization Commission had not had a chance to study or discuss Plan B.

After some discussion, Mrs. Evans offered motion to refer this matter to the Revitalization Commission and hear their recommendation at the next meeting, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the following public hearings were set for July 24, 1978:

- A. The consideration of the initial zoning to P2 Professional District or to a more restrictive zoning classification of an area located on the east side of U.S. 401 North and being Methodist College property.
- B. Consideration of the rezoning from R6 Residential District to C-3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1817 Pamalee Drive.
- C. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1040 Bragg Blvd.
- D. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification