

The School Street Zoning issue (M. J. Taylor Electric Company) was again discussed. City Manager Ray read letters of information written in reply to inquiry. One reply was from Mr. N. E. Canady, Chairman of the State Board of Examiners of Electrical Contractors, who stated that Mr. Taylor was licensed as an electrical contractor on June 21, 1954.

Mr. Ray stated that the committee appointed to study the matter had found Mr. Taylor in violation of the Zoning Ordinance in that he was parking overnight more than one vehicle at the School Street location, and that Mr. Taylor had been called before the committee, informed of the violation and had indicated to the committee that he would take the necessary steps immediately to park his vehicles elsewhere overnight, so as to comply with the requirements of the Zoning Ordinance.

Mr. Bradley Suggs was present, recognized and voiced further his complaint against Mr. Taylor.

Mr. Taylor was also present, accompanied by his Attorney who presented witnesses on behalf of Mr. Taylor.

Following considerable discussion and testimony on the part of both parties, Mayor Butler advised both parties that the Council had taken, in his opinion, all of the necessary corrective action that it was empowered to take and referred them to the courts, if they were not satisfied with the decision.

On Planning Board Matters:

Upon motion made by Councilman Plummer, seconded by Councilman Rhodes, the Council voted unanimously to hold a public hearing on November 12, 1962 on the initial zoning to RLC Residential District of a portion of the area on Village Drive, which was annexed to the City on May 28, 1962.

The Council granted authority to the Planning Board to study the matter of annexing to the City, the area to the northeast of Owen Drive and northwest of the main line of the A.C.L. Railroad, to provide more uniform City boundaries.

Upon motion by Councilman Rose, seconded by Councilman Maness, the Council voted unanimous Final Plat Approval to Clairwood Section I, subject to the approval of the City Engineer and the Public Works Commission.

Planning Director Rumbough, reported that Mr. Mason S. Hicks, Architect, is currently working on a building for Dr. G. Wesley Allen which is to be located on a lot adjacent to a 20 foot lot belonging to the City on Gillespie Street. Mr. Hicks stated, that in his opinion, the City property in question would always be used either as an automobile access way or an extension of the Franklin Street right-of-way. He said in the letter that the contemplated use of the lot in question, would make a considerable difference in the type of building to be constructed, because if Allen's lot is to be a corner lot he could open the side of the building toward the possible street or alley way and if not, he would have to provide a fire wall and parapet which would not be desirable if the City lot remains open as a public way. The Council took no action.

Planning Director Rumbough stated that he had been contacted by the Housing Authority of the City of Fayetteville, relative to parking on streets within the housing projects. The Housing Authority has requested that the City restrict parking within the projects to the areas which they have designated as parking spaces.

Upon motion by Councilman Rose, seconded by Councilman Rhodes, the Council voted unanimously to adopt a resolution adding the streets as schedule "C" under which parking is restricted; and as shown on the following Federal Works Agency, U. S. Housing Authority Progress Charts; Cross Creek Court No. 9-1 and 9-3 and Cape Fear Court No. 9-2 and 9-4, which are on file in the City Clerk's office.

Upon motion by Councilman Plummer, seconded by Councilman Rhodes, the following Ordinance of Amendments to the Taxicab Ordinance was unanimously adopted:

ORDINANCE OF AMENDMENTS TO TAXICAB ORDINANCE

The City Council of the City of Fayetteville, North Carolina does ordain:

Section 1) That Chapter 28 of the Code of the City of Fayetteville, North Carolina, entitled "Taxicabs", be and it is hereby amended as follows:

A) Add to Sec. 28-13 the words: "If an applicant for a certificate, after being duly notified of a hearing before the City Council on issuance of such certificate, shall fail without good cause to appear at such hearing, such application shall not be granted and such application shall then at once expire, and such applicant may not reapply for a certificate prior to one year thereafter."

B) In Sec. 28-21 delete in the first sentence, the word and figures "June 30", and, in place thereof, substitute the word and figures "December 31", and, as to the second sentence thereof, delete the period at the end thereof and substitute a comma and add the words:

a pplication for such renewal to be made to the City Council through the Taxicab Inspector as follows:

"The application for renewal of a Certificate shall be submitted annually, on or before November 30, each year, to give the City Council time to study the taxi situation and pass upon the renewal request. Upon approval by the City Council, the Certificate holder will be issued a memorandum permit for each taxicab authorized him, as evidence of ownership. The memorandum permit will be issued on and after January 1, each year, upon presentation by the owner, to the Taxi Inspector, of proof of purchase of State License plates for each taxicab authorized to him, and the payment of all fees required by ordinance regulating the operations of taxicabs.

"The application for renewal and the memorandum owner's permit shall be on a form approved by the Taxicab Inspector and supplied by the City."

C) As to Sec. 28-72, in the first sentence thereof delete the words and figure "on July 1st" and substitute "at midnight on the birthday of the taxi driver", and add a new paragraph following present Sec. 28-72 and as a part thereof as follows:

"After making an investigation of the application for original issuance or renewal of a taxi driver's permit, the Taxicab Inspector, in his discretion, may issue to the applicant a probationary permit for a period not to exceed sixty days pending a complete investigation of all available records of the applicant and to observe the applicant's conduct as to his attitude in complying with all sections of this ordinance or any other laws or ordinances dealing with public safety, public morals, or public welfare. Such probationary permit may be revoked by the Taxicab Inspector if, during the probationary period, further investigation shall disclose or the holder's conduct shall be such that a permit could, or would be denied under any section of this ordinance. The probationary permit shall be issued in the usual form but shall be stamped "PROBATIONARY PERMIT" across the top of the permit."

D) As to Sec. 28-69, add to sub-paragraph (a) thereof the following:

"The applicant shall submit with his application a letter of introduction from the person or company he intends to drive for, signed by such person or a person authorized to sign for the company, stating that the person or company signing the letter will hire the applicant if he is qualified and is issued a permit."

E) Add and insert a new Sec. 28-63, to be entitled "Non - Payment of Fares", as follows: