

Regular Meeting
City Council - Fayetteville, N. C.
May 23, 1960

The regular meeting of the City Council was held in the City Hall at 8 p.m. on May 23rd, 1960.

Present: Mayor George B. Herndon

Councilmen: Sol C. Rose
Ernest L. Massei
J. W. Pate, Jr.
Eugene Plummer

Having been duly advertised and there being no opposition present, on motion of Councilman Pate, seconded by Councilman Plummer, the following resolution was unanimously adopted:

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OR ORANGE STREET

After careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, pursuant to North Carolina General Statute 160-82, et seq, was filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Orange Street, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said Street, and requesting that such paving and other improvement be made in conformity with the applicable provisions of law, and that the proportion of the cost of such paving and other improvement below specified be specially assessed against the property abutting on said Street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street.

and

2) THE RESOLUTION and ORDER ADOPTED AT ITS MEETING ON THE 9th day of May, 1960, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF WEST ORANGE STREET", having been duly published on the 11th day of May, 1960, in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 23rd day of May, 1960, at 8:00 o'clock P.M., in the Court room at the City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by Attorney, filed with the Clerk of the City of Fayetteville, at or before said time, and that any such objections not so made would be waived, and objections to the legality, as well as to the policy or expediency, of the making of said improvements not having been filed and made, which objections were duly considered by said City Council, and none of said objections were sustained;

and

3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Orange Street;

and

4) The property abutting on said street to be so paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed, as stated below, against such abutting property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) All of that portion of West Orange Street which lies between Orange Street and East Orange Street, shall be paved (or repaved) and curbs and gutters laid thereon, the cost of such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) per cent, payable annually.

2) This RESOLUTION and ORDER shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, and shall be in effect immediately following such publication.

Adopted this 23rd day of May, 1960, by the City Council of the City of Fayetteville, North Carolina.

Louise H. Zilber

George B. Herndon
Mayor

Mrs. James DeVane presented a petition requesting that the City Council adopt an ordinance that would require all dog owners to keep their dogs confined to their own premises and on leashes when they were off their premises. Mrs. DeVane presented some statistics on the number of people bitten each year by dogs. She estimated there are approximately 9,000 dogs in the City of Fayetteville, a majority of which are at large most of the time. Councilman Rose stated that he was under the impression that the present ordinance would allow the Police to impound any dog that is a nuisance or a menace. The City Attorney advised that that is true under the present city ordinance. Doctor Stapleton objected to the present ordinance stating that it would be almost impossible to enforce and he feels that the present ordinance is adequate to control the situation. Mr. B. J. Weeks, Dr. M. E. Suggs, Mrs. Harry Patterson and Mrs. Elizabeth Bethea, also in favor of the adoption of the ordinance as proposed by Mrs. DeVane. Dr. W. Slappy stated that he is not opposing the people present, he just believes that the ordinance in effect now is adequate if it is enforced and he suggested that an educational program be instigated. This matter was discussed at great length after which Councilman Plummer moved that a public hearing be set for the next meeting of the City Council to be held on June 13, 1960, at which time everyone both for and against the proposed ordinance could be heard. Motion seconded by Councilman Massei, voting for the motion - Councilmen Pate, Plummer, and Massei - against - Councilman Rose.

The City Manager stated that a petition has been received from residents and property owners on East Russell Street asking that a street crossing be provided across the Atlantic Coast Line tract on East Russell Street at Cross Creek Street. Mr. William Bell, Jr., stated that there is a crossing at each of the other streets and he feels that this requested crossing is quite necessary. This would have to be approved by the State Highway Commission; therefore, it was referred to the City Manager for investigation with them.

The City Manager reported that for some time the Tax Department has been carrying quite a few insolvents that will be impossible for them to collect. The Tax Collector presented a list of such insolvents and is filing his list with the City Council for their approval of release of these taxes. On motion of Councilman Massei, seconded by Councilman Rose the following resolution was unanimously adopted:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AT ITS REGULAR MEETING ON
MONDAY NIGHT, MAY 23, 1960.

Whereas the Tax Collector of the City of Fayetteville has this date, May 23, 1960, filed with the City Council of the City of Fayetteville, the attached report of insolvents;

And whereas the City Council of the City of Fayetteville, after due examination, finds that, in the judgment of said City Council, said Report of Insolvents is correct as to all taxpayers and taxes therein concerned;

And whereas, in the opinion of said City Council, said insolvent accounts are uncollectible, and the said City Council so finds;

Now, therefore, said attached Report of Insolvents is hereby ordered to be incorporated in the Minutes of the City Council and the taxes shown in such Report are to be credited to the Tax Collector in his settlement;

And it is further resolved and ordered that the Tax Collector is required to publish such list of insolvent taxpayers by posting a copy of such list at the courthouse door of the Cumberland County, North Carolina, Courthouse, and at the City Hall door of the City of Fayetteville in said County;

And it further being found by said City Council that the accounts shown in said Report of Insolvents have been audited by the Certified Public Accountants employed by the City to audit the City's books and by them found to be correct, it is further ordered that the original Report of Insolvents, hereto attached, be sealed in an envelope, and that said Tax Collector of the City of Fayetteville and Haigh and VonHosenberg, said Certified Public Accountants, endorse on said envelope sufficient information as to the contents thereof, and, thereafter, no detailed accounting need be made further with respect to the contents of said envelope.

Mayor Herndon recognized a rather large delegation of citizens from the Carolina Avenue-Holt Street area who are interested in a petition for rezoning the property at the intersection of Carolina Avenue and Holt Street. Mr. Al Rumbough, Planning Director, stated that he finds there is some question as to just where the zoning line is at present. And it is the recommendation of the Planning Board that in view of the opposition, that the petition be denied.

Mr. Dan Maxwell, representing his father who is a property owner on Carolina Avenue stated that while he does not think Mr. Odel West who is the petitioner, would build anything that would harm the neighborhood in any way, the property owners do not feel that Mr. West will not own the property forever and if it is zoned as commercial, anything can be built at some future date.