

Regular Meeting
City Council - Fayetteville, N. C.
June 13, 1960

The regular meeting of the City Council was held in the City Hall at 8 p.m. on June 13, 1960.

Present: Mayor George B. Herndon

G. W. Ray, City Manager

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

J. O. Tally, Jr., City Attorney

Public hearing has been advertised for this time on the proposed dog leash ordinance and the Mayor asked who would like to be heard on this subject first.

Mrs. Warrick, a member of the Kennel Club and an authority on dogs presented and explained the different types of leashes that can be used on dogs but pointed out that unless a person is trained for the use of the leash they are of no effect whatever. She further stated that anyone who is interested in dog obedience classes the members of the Kennel Club would be very happy to have them join their classes. Councilman Pate stated that two amendments to the dog ordinance have been prepared by the City Attorney and he asked the City Attorney to read and explain these amendments at this time. There was a very large delegation both for and against the dog leash ordinance present and many individuals of each group were heard. Mr. Marvin Smith, Mrs. J. W. Harrington, Mr. Carlton Pender, and several others spoke against the adoption of any ordinance that would require a person to confine his dog or keep him on a leash. Mrs. Betty Maxwell, Major Mason, and others were very much in favor of the dog control ordinance. After a very lengthy discussion, on motion of Councilman Pate, seconded by Councilman Massei, the following amendment to the dog ordinance was unanimously adopted:

THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, N.C., DO ORDAIN:

SECTION 1 - SECTION 6-13 of ARTICLE II of the City Code of Fayetteville, N.C., is hereby amended to read as follows:

SECTION 6-13. DOGS RUNNING AT LARGE. It shall be the duty of the police department to take, capture, and restrain in the dog pound 1) all dogs found running or being upon the premises of persons other than the owners or custodians of such dogs if such dogs have damaged any property belonging to anyone other than such dogs' owners or custodians or if such dogs have, off the premises of such dogs' owners or custodians, bitten anyone, and if the owners of such premises so run upon or occupied by such dogs or any person (or anyone related to or associated with such person) so bitten so request, and 2) all dogs over six months of age found running at large.

SECTION 2 - This ordinance shall be in full force and effect from and after its adoption.

Adopted this 13th day of June, 1960.

Louis H. Tally
City Clerk

George B. Herndon
Mayor

Having been duly advertised and there being no opposition present on motion of Councilman Massei, seconded by Councilman Rose, the following ordinance was unanimously adopted:

An ordinance extending the city limits:

WHEREAS, notice was duly published in the Fayetteville Observer, a newspaper published in the City of Fayetteville, one time in the issue of May 27, 1960, that a meeting of the City Council to be held in the City Hall at 8 P.M., Monday, June 13, 1960, there would be considered the annexation to the city all of the territory hereinafter mentioned as directed by said Council at its regular meeting on Monday, May 9, 1960, and as petitioned for by the owners of the property;

WHEREAS, there was no person present who objected to the annexation of the property in question;

WHEREAS, it is considered to be the best interest of the City of Fayetteville and its inhabitants to annex the property and to include it within the municipality;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DO ORDAIN:

That, in accordance with Chapter 725, of the Session Laws of 1947, all of that adjacent property to be annexed to, and made a part of the City of Fayetteville, to wit;

Beginning at a point in the southwestern right-of-way margin of the Fort Bragg Road, said point being where the present city limits line crosses the above mentioned margin of the Fort Bragg Road, said beginning point being also the northeast corner of Lot 14 of the Matthews Subdivision, as recorded in Plat Book 10, Page 15, Cumberland County Registry; and running thence with the margin of Fort Bragg Road North 53 degrees 30 minutes west 307.7 feet to a point, the northwest corner of Lot 5; thence with the dividing line between Lots 4, 5, 25, and 26, south 36 degrees 30 minutes west 300.0 feet to a point in the northeastern right-of-way margin of Eden Cross, the southwest corner of Lot 25; thence with said margin of Eden Cross, south 53 degrees 30 minutes east 310.7 feet to a point, said point being south 53 degrees 30 minutes east 3.0 feet from the southeast corner of Lot 16; thence a new line north 36 degrees 30 minutes east 69.2 feet to a point; thence north 54 degrees 00 minutes west 3.0 feet to a point in the eastern line of Lot 16; thence with said eastern line north 36 degrees 30 minutes east 230.8 feet to the beginning, and being all of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and the northwest 3.0 feet of Lot 15; and the portion of Matthews Drive that is south of the Fort Bragg Road between the above mentioned lots.

On motion of Councilman Massei, seconded by Councilman Rose, the following ordinance was unanimously adopted:

An ordinance extending the city limits:

Beginning at a point which is North 83 degrees West 1.1 feet from the northwest corner of Lot 13, Block A, as shown on a plat entitled, "Holly Springs - Part 5", dated August, 1950, prepared by Guy Hudgins, Registered Engineer, recorded in Plat Book 22, page 70, Cumberland County, North Carolina, Registry; and running thence for a first call north 7 degrees east 726 feet to a point; thence south 83 degrees east 498 feet to a point; thence south 38 degrees east 93.3 feet to a point; thence south 7 degrees west 660 feet to a point in the northern line of the above cited plat of "Holly Springs - Part 5"; thence, with the northern line of said plat of "Holly Springs - Part 5", north 83 degrees west (the old magnetic call as shown on the above cited plat having been north 74 degrees 46 minutes west) 564 feet to the beginning.

Having been duly advertised and there being no opposition present, on motion of Councilman Massei, seconded by Councilman Rose, the following amendment to the zoning ordinance was unanimously approved:

Zone to residence 10 the following described property:

Beginning at the point of intersection of the present city limit line with the northern margin of Tokay Road running thence in a southwesterly direction along the present city limit line to a point in the north boundary of the Sadie Heights Subdivision, a corner in the present city limit line; thence continuing with the present city limit line in the said north boundary of the Sadie Heights Subdivision, south 67 degrees 30 minutes 151.9 feet to a point in the said present city limit line; thence south 76 degrees 36 minutes east 150 feet to a point in the west margin of Kirkland Drive; thence crossing Kirkland Drive south 76 degrees 36 minutes east 50 feet to a point in the east margin of Kirkland Drive; thence with the east margin of Kirkland Drive, north 13 degrees 24 minutes east 18.55 feet; thence south 76 degrees 36 minutes east 150 feet to a point; thence north 13 degrees 24 minutes east 651.85 feet to a point; thence north 74 degrees 42 minutes west 98.04 feet to a point; thence north 13 degrees 31 minutes east 150.15 feet to the south margin of Tokay Drive; thence crossing Tokay Drive, north 15 degrees 20 minutes east 60 feet to a point in the north margin of Tokay Drive; thence with the north margin of Tokay Drive, north 74 degrees 40 minutes west to the point of beginning and the present city limit line.

Having been duly advertised and there being no opposition present on motion of Councilman Massei, seconded by Councilman Plummer, the following amendment to the zoning ordinance was unanimously approved:

Zone to Residence 10 the property described as follows:

Beginning at a point, the intersection of the southern margin of the right of way of North Carolina Highway #59, with the western margin of Cain Road, and runs thence north 74 degrees 07 minutes 20 seconds east 533.27 feet to an iron stake; thence south 52 degrees 33 minutes 20 seconds east 91.36 feet to an iron stake; thence north 74 degrees 05 minutes 20 seconds east 205.11 feet to an iron stake; thence south 20 degrees 04 minutes 40 seconds east 324.83 feet to an iron stake; thence south 04 degrees 48 minutes 40 seconds east 296.63 feet to an iron stake; thence south 40 degrees 4 minutes 40 seconds east 330.60 feet to an iron stake; thence south 70 degrees 04 minutes 40 seconds east 270.60 feet to an iron stake; thence south 34 degrees 49 minutes east 860.19 feet to an iron stake; thence south 20 degrees 29 minutes east 118.45 feet to an iron stake; thence south 34 degrees 36 minutes west 249.90 feet to an iron stake; thence north 54 degrees 51 minutes west 1902.81 feet to a point in the western margin of Cain Road; thence with the western margin of Cain Road north 02 degrees 06 minutes west 118.42 feet to a curvature in the said Cain Road; thence with the curve of Cain Road as it curves to the left on a radius of 3001.24 feet for an arc distance of 341.06 feet to a point; thence continuing with the western margin of Cain Road north 8 degrees 30 minutes 40 seconds west 451.53 feet to the point of beginning.