

The City Manager read a letter from Mr. Jarvis D. Jones, City Tax Collector, asking a refund to Mrs. Lona Autry in the amount of \$61.25 for privilege license she bought to operate a store outside the city. Mrs. Autry has bought these licenses for 3½ years before she found that her business at 205 Cude Street is not subject to city tax. Councilman Massei moved that refund be made Mrs. Lona Autry in the amount of \$61.25. Motion seconded by councilman Rose and unanimously carried.

The City Manager read a letter from Mr. Jarvis D. Jones, City Tax Collector, requesting refund in the amount of \$109.04 for Southern Builders Equipment Company overpayment of prepaid taxes. Councilman Massei moved that refund of 1960 prepaid taxes in the amount of \$109.04 be made to Southern Builders Equipment Company. Motion seconded by Councilman Plummer and unanimously carried.

The City Manager reported that at an earlier meeting of the Council request was presented for a crossing of the Atlantic Coast Line Railroad Track on E. Russell Street, at the Cross Creek St. intersection. Mr. Ray stated that he has written letters to the Atlantic Coast Line Railroad and State Highway Commission and has received letters from each of them stating that this would be a very expensive project and it was doubtful that the use of the crossing would warrant the amount of expense. After some discussion, Councilman Plummer moved that the request for crossing ACL tracks on E. Russell Street at Cross Creek intersection be denied at this time. Motion seconded by Councilman Massei and unanimously carried.

The City Manager reported that some time ago there was some discussion of constructing a sidewalk on Washington Drive. The President of the PTA of the school on Washington Drive has stated that they would rather have the street widened and paved with curb and gutter than to have sidewalks, if they cannot have both. Councilman Massei moved that the matter of constructing sidewalks on Washington Drive be tabled until petition can be obtained for paving the street. It was seconded by Councilman Plummer and unanimously carried.

The City Manager presented a letter from the Locomotive Firemen and Engineers requesting the Council to go on record as opposing the merger of the Atlantic Coast Line and Seaboard Airline Railroads. At a previous meeting the Council adopted an ordinance approving this merger and asked that the City Manager so notify the Locomotive Firemen and Engineers.

The City Manager stated that petition has been received requesting that Manchester Street be paved but it is signed by only two of the property owners, and there are four property owners on the street. The City Manager stated that the street is in bad condition and does need to be paved. Councilman Massei recommended that effort to be made to obtain more signatures and that the Council go look at the street Thursday afternoon before further action is taken.

Mr. Coy Brewer, attorney, stated that action was deferred from a recent meeting on request for an amendment to the ambulance ordinance, but in the meantime, he has talked with the City Attorney who has stated that he will write to the Attorney General for an opinion as to what should be done with the ordinance. Councilman Plummer moved that the matter of amending the ambulance ordinance be tabled until such time the City Attorney can make a recommendation. Motion seconded by Councilman Rose and unanimously carried.

Mr. Jarvis D. Jones stated that at least two companies are trying to get a license under the present ordinance and asked if he should issue the license. It was the opinion of the members of the Council, the license should be issued when the applicants have complied with all the provisions of the ordinance.

Councilman Massei moved that the City Attorney be requested to make a recommendation at the November 11th meeting on the ordinance requiring that all dances be approved by the city council. Motion seconded by councilman Rose and unanimously carried.

In view of the many things that have come up at this meeting that must be referred to the Thursday afternoon meeting, the time of the Thursday afternoon meeting was set for 2:30 P.M. instead of 4:30 P.M.

There being no further business motion councilman Massei, seconded by councilman Rose, the meeting was adjourned.

*Lucas J. L. L.*  
City Clerk

Special Meeting  
City Council - Fayetteville, N. C.  
October 27, 1960

A special meeting of the City Council was held in the City Hall at 2:30 P.M., October 27, 1960.

Present: Mayor George B. Herndon

Councilmen: Eugene Plummer  
Sol C. Rose  
Ernest L. Massei

City Manager - Gilbert W. Ray

Acting City Attorney - Nelson Taylor

Mr. Phil Haigh of Haigh and VonRosenberg, Certified Public Accountants, presented his audit for the last fiscal year ending June 30, 1960. Along with recommendations for changes and improvements that he feels should be made. After considerable discussion, Councilman Rose moved that the Council accept the recommendations made by the auditor and asked that the City Manager make a report to the Council as to the progress being made by the Tax Department on paving assessments. Motion seconded by Councilman Massei and unanimously carried. On motion of Councilman Plummer, seconded by Councilman Rose, contract for the quarterly and annual audits for fiscal year 1960-61 was unanimously awarded to Haigh and VonRosenberg.

The City Manager presented the ammended proposal of the two companies bidding for the City Code contract on 250 copies of a 500 page book as follows:

Municipal Code Corporation Original bid \$6,000, 250 copies with 50 bound copies \$6,100.00; Michie Publishing Company original bid \$4,550, 250 copies with 50 bound copies, \$4,550. After considerable discussion, Councilman Plummer moved that the contract be awarded to municipal Code Corporation. Motion seconded by Councilman Rose. Voting for the motion Councilman Plummer, Rose, and Mayor Herndon; against Councilman Massei.

On motion of Councilman Plummer, seconded by Councilman Plummer, seconded by Councilman Massei the following ordinance was unanimously approved.

FINAL RESOLUTION  
REQUIRING THE PAVING, PUR-  
SUANT TO PETITION,  
OF  
GRAY 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 Gray 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 13th day of October, 1960, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF GRAY STREET", having been duly published on the 16th day of October, 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 27th day of October, 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 or made (or 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 Gray Street;

and

4) The property abutting on said street to be so paved and improved will be benefited by such