

Having been duly advertised and recommended by the Planning Department on motion of Councilman Plummer, seconded by Councilman Rose, the following amendment to the zoning ordinance be unanimously adopted.

Rezone from Residence 5 to Local Business property east of Colonial Stores on Haymount Hill and described as follows:

A parcel of land on Hay Street lying adjacent to the local business area on Haymount Hill and being immediately to the east of the tract of land where Colonial Stores, Inc., is presently located, and more particularly described as beginning at a point on the northern margin of Hay Street and running thence with the northern margin of Hay Street S 71 degrees 45 minutes east 70.0 feet to a point; and running thence North 0 degrees 15 minutes W 176.18 feet to a point; and running thence N 75 degrees 0 minutes W 18.1 feet to a point; and running thence N 87 degrees 12 minutes west approximately 50 feet to a point; and running thence S 1 degree 26 minutes east approximately 155 feet to the beginning.

Public hearing was advertised for this time on the petition requesting the annexation of the property on Cliffdale Road owned by McPherson Church and others. Mr. Richard Fritchard of the Planning Department objected to the annexation of this property because it would make the lines of the City Limits more irregular than they already are and would cost the city a great deal more money than they could hope to regain through taxes. On behalf of the Planning Board he recommended that action be deferred.

Councilman Plummer moved that action on this petition be deferred for the time being. Motion seconded by Councilman Rose, voting "aye", Councilmen Plummer and Rose and Mayor Herndon. Councilman Massei voted "No".

Mr. Al Rumbough, Planning Director, reported that the Planning Board has a petition to rezone property owned by Franklin and Moore, on Ramsey Street at the corner of Ramsey Street and Sunrise Circle from Residence 6 to Local Business. Public hearing has been held before the Planning Board and they recommend to the City Council that the petition for rezoning this area be denied because it constitutes spot zoning. After some discussion, Councilman Plummer, moved that recommendation of the Planning Board be approved and this property not be rezoned. Motion seconded by Councilman Massei, unanimously carried.

On recommendation of the Planning Board, and on motion of Councilman Rose, seconded by Councilman Plummer, public hearing was unanimously set for 8 P.M. on March 13, on petition for rezoning the tract of land from Bragg Boulevard from Residence 5 to Local Business. The property is described as follows:

Beginning at a point, said point being N 3 degrees 57 minutes 40 seconds east 220 feet to the Northern margin of Bragg Boulevard, said point also being approximately a boundary to the local business district adjacent to Bragg Boulevard; and running thence North 73 degrees 30 minutes east 165 feet to a point; and running thence South 03 degrees 20 minutes 10 seconds West approximately 125 feet to a boundary to the local business district; and running thence in the north-westerly direction with the boundary of the local business district approximately 165 feet to the beginning; and being a remainder of the property of D.S. Fasul at 1010 Bragg Boulevard, which is not current rezoned local business.

On recommendation of the Planning Board and on motion of Councilman Rose, seconded by Councilman Massei, public hearing was unanimously set for 8:00 P.M. March 13, on the petition for rezoning tract of land on Murchison Road between Rowan & Blue Street from Residence 5 to Local Business. This property is described as follows:

Three lots on the south side of Murchison Road between Rowan Street and Blue Street, and being lots 12, 13, & 14, as shown on the plat entitled "RE-SUBDIVISION OF THE McKEITHAN PROPERTY", recorded in the office of the Register of Deeds office Cumberland County in Book 11 Page 1.

On recommendation of the Planning Board, and on motion of Councilman Rose, seconded by Councilman Plummer, final approval was given to a plat of Tallywood Section 3, subject to filing of bond and approval of City Engineers and the Public Works Commission.

The Planning Director stated that on Thursday Night of this week, the Planning Board will be having their final hearing on the proposed new zoning ordinance and he would like permission from the City Council, if the final draft is approved on Thursday, to advertise at public hearing before the City Council at 8:00 P.M., on March 13, 1961. Councilman Rose moved that the final approval of the Planning Board is given to the proposed zoning ordinance that public hearing be advertised for 8:00 P.M., March 13. Motion seconded by Councilman Plummer, unanimously carried.

On recommendation of the Chief of Police and the City Manager, and on motion of Councilman Massei, seconded by Councilman Plummer, the applications of the following men for taxi drivers permits were unanimously approved.

Matthew Bernard
Joseph A. Jupin

Hugh F. Mahoney
Curtis R. Goodman

Perry F. Horne
James E. Foaborg

On recommendation of the Tax Collector and on motion of Councilman Plummer, seconded by Councilman Massei, refund for overpayment of 1959 taxes in the amount of \$26.75 was approved for Mr. Howard Cain of Route 4.

On recommendation of the Tax Collector and on motion of Councilman Plummer, seconded by Councilman Massei, refund of a double charge on personal property tax of 1959 in the amount of \$6.84 was unanimously approved for Mr. B. W. Knight.

On motion of Councilman Plummer, seconded by Councilman Rose, the following resolution was unanimously adopted.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON NIMOCKS AVENUE AND ALEXANDER 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) Nimocks Avenue and Alexander Street, in the City of Fayetteville, North Carolina, has been paved and curbs and gutters laid thereon, and the total cost of such paving and improvement has been computed and ascertained and assessments of the cost of the same made by the City Council, which has made an assessment roll for such project with the name of each person assessed, the amount assessed against each such person, with a brief description of the lots or parcels of land so assessed;

NOW, THEREFORE, the City Council of the City of Fayetteville, North Carolina, does order that;

1) Said preliminary assessment roll shall be immediately filed and deposited in the office of Mrs. Louise W. Talbot, City Clerk of the City of Fayetteville, in the City Hall of the City of Fayetteville, where the same may be inspected by all parties interested.

2) Notice is hereby given that a meeting of the City Council of Fayetteville, North Carolina, will be held in the Court Room of the City Hall of Fayetteville, North Carolina, at 8:00 P.M., on the 27th day of February, 1961, to hear allegations and objections in respect of the aforesaid special assessments, when and where all persons interested may attend and be heard; and notice is further given that any person interested in said assessment roll who shall fail to appear at said time and place and make or file objections thereto, will be forever barred and precluded from contesting the amount or validity of such assessments, and such assessments roll thereupon will be confirmed.

3) This RESOLUTION and ORDER shall be published once in the Fayetteville, Observer, a newspaper published in the City of Fayetteville, ten (10) days before the time fixed for said meeting.

Adopted this 13th day of February, 1961, by the City Council of the City of Fayetteville, North Carolina.

Published one (1) time February 16, 1961.

The City Manager reported that bids were opened today for furnishing two police cars and he would like to recommend that the low bid for Yarborough Motor Company in the amount of \$2,320.00 for the two cars be accepted. Councilman Massei moved that the contract for furnishing two police cars be awarded to Yarborough Motor Company for two Dodges at a cost of \$2,300.00. Motion seconded by Councilman Plummer and unanimously carried.

The City Manager informed the Council that in the annual list of awards by the Fire Protection Association Fayetteville was ranked as second among the North Carolina Cities, with High Point rating first. Councilman Plummer moved that a letter of commendation be written to the Fire Department for the excellent work they have done toward achieving this recognition. Motion seconded by Councilman Rose and unanimously carried.

Mayor Herndon stated that a letter was handed to him just before the meeting asking that the bars and taverns of Fayetteville be allowed to hire 18 year old bar maids instead of being restricted to 21 years and over. After some discussion, Councilman Plummer moved that the request be denied. Motion seconded by Councilman Rose and unanimously approved.

The City Manager read a letter from Mr. Claude Emerson asking why the City did not request the Merchants from the business areas to clear their sidewalks after each snow. This matter was discussed but no action was taken.

Mr. J. O. Tally, Jr., City Attorney, presented the following amendment to Sunday Observance Ordinance with the recommendation that it be adopted. Councilman Rose moved that the amendment be adopted by the City Council. Motion seconded by Councilman Massei. Voting "aye" Councilmen Rose Massei and Mayor Herndon. Voting "nay", Councilman Plummer. The amendment was adopted as follows: