

north 74 degrees 46 minutes east 2592.6 feet to a concrete monument; thence North 15 degrees west 1134.5 feet to a four inch cast iron pipe filled with concrete; thence south 74 degrees 46 minutes west 799.2 feet to a two inch iron pipe; thence north 9 degrees 32 minutes west 761.7 feet to a concrete monument; thence south 80 degrees 20 minutes west 1874.0 feet to a concrete monument; thence south 15 degrees east 2074.2 feet to the place and point of beginning, and being all of the property described in a deed to Wallace H. Kuralt from the Federal Land Bank of Columbia, dated November 8, 1937 and duly recorded in Book 390, page 428, Cumberland County Registry, containing 103.25 acres, more or less, as shown by a plat made by Sol C. Rose, Registered Surveyor November 1955, less that part annexed by the City Council on April 25, 1961.

The Planning Board presented a request of Coble Dairies asking that a tract of land on Ramsey Street just North of the Merita Bakery be rezoned to C-3 Heavy Commercial and since time is important to them, they would like to request the Council set a public hearing for a special meeting. On motion of Councilman Rose, seconded by Councilman Rhodes, special meeting was set for public hearing on this amendment to the zoning ordinance for 10:00 A. M., May 26, 1961. The City Clerk was instructed to advertise the amendment.

On recommendation of the Planning Board and on motion of Councilman Plummer, seconded by Councilman Maness, public hearing was unanimously set for 10:00 A. M. on May 26, 1961, for rezoning from R-5 Residential, to C-1 Local Business, a tract of land bounded on the north by Hill Street, on the west by Bevil Street, on the south by Grove Street and on the east by U. S. Highway 301 North.

On recommendation of the Planning Board, and on motion of Councilman Plummer, seconded by Councilman Rhodes, final approval was given unanimously to the plat of Part I of Glendale Acres, subject to the approval of the Public Works Commission and the City Engineer.

Mr. Harold Roberts, representing his mother-in-law, Mrs. John K. McCaskill, stated that John K. McCaskill, owner of Terminal Taxi Company, died recently and they request that two taxi owner's permits in his name be transferred to his widow, Mary D. McCaskill, so that she can continue to operate the business. It was discussed and decided that this is a matter of a business being passed on from husband to wife and there should be no objection. Therefore, Councilman Plummer moved that the two permits be transferred from the name of the late John K. McCaskill, to Mrs. Mary D. McCaskill. Motion seconded by Councilman Rose, unanimously carried.

The City Manager reported that parking lot #4, located between the Central School Building and the Anderson Street Library, is not being used for more than one-third its capacity and it is his opinion that it will serve a more useful public purpose as well as yield more readily to the city, if 20 of the spaces nearest Maiden Lane are leased to interested persons on monthly rental basis. Therefore, he would like to recommend that the spaces be leased at a rate of \$5.00 per month with each person paying the cost of his name sign. After some discussion, Councilman Rhodes moved that the matter be tabled until the next meeting. Seconded by Councilman Rose and unanimously carried.

The City Manager presented the request from the State Highway Department for material from the Airport property to be used in constructing the highway from 401 cut-off near the Country Club Golf Course to Owen Drive near Cape Fear Valley Hospital. Mr. Smitherman, Right-of-Way Engineer, State Highway Department, made this request stating that material needed is the equivalent of one-half acre of land to a depth of 6 feet. Recently, the State Highway Department conveyed to the city several acres of land adjacent to the southern end of the Airport property where the old borrow pit is located. The Airport Commission has investigated the request and recommends to the Council that it be granted. Councilman Plummer moved that the request of the State Highway Department for material from one-half acre of land to a depth of 6 feet be granted. Motion seconded by Councilman Maness, unanimously carried.

LaFayette Village Volunteer Fire Department requested that it be granted a waiver of license to operate rides at the Entaw Shopping Center on May 6th from 2:00 to 9:00 p. m. The City Manager explained that the proceeds from this operation are to be used in support of their fire department and when they made the request he informed them that the approval would have to come from the City Council, therefore, they issued a check as deposit for the amount of the license with the understanding that it would be returned, if the Council did not see fit to approve their request. After some discussion, Councilman Plummer moved that the City Council give a retro-active approval of this waiver of license and return the check on deposit to the LaFayette Volunteer Fire Department. Motion seconded by Councilman Maness, and unanimously carried.

The City Manager and Chief of Police recommended the appointment of the following men to the Police Department, subject to their passing their physical examination:

Preston N. Holder

John T. Purvis

Casey Allen Barnes

William E. Smith

Councilman Rhodes moved that these men be appointed to the Police Department subject to their passing physical examinations. Motion seconded by Councilman Plummer and unanimously carried.

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

# PRELIMINARY RESOLUTION

REQUIRING THE PAVING, PURSUANT TO PETITION, OF

AZALEA DRIVE

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, has been filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Azalea Drive, 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 public interest, safety, convenience and general welfare requires the paving and other below described improvement of Azalea Drive;

and

3) 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 Azalea Drive which lies between Woodside Avenue and cul-de-sac, shall be paved 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) A meeting of the City Council of Fayetteville will be held at the City Hall of Fayetteville at 8:00 P. M. on the 22 day of May, 1961, on the proposed improvements when all objections to the legality of making said proposed improvement(s) shall be made in writing, signed in person or by Attorney, and filed with the Clerk of the City of Fayetteville at or before such time, and any such objections not so made will be waived.

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 8th day of May, 1961 by the City Council of the City of Fayetteville, North Carolina.

Louise W. Talbot  
City Clerk-Treasurer

Mr. Nelson Taylor, Acting City Attorney, stated that some time ago, the National Airlines petitioned to discontinue service to Fayetteville, and it was not improved by the Civil Aeronautics Board, but they have again petitioned that they be allowed to discontinue their service and Piedmont Airlines has asked for hearing on May 23rd that they be allowed to increase their service. National Airlines has asked that their hearing be held at the same time as the Piedmont hearing. Mr. Taylor stated that Council must decide if they want to just file an answer to the National Airlines petition or if they want to protest vigorously in which case he would suggest that the city employ Counsel in Washington to represent them at these hearings. Councilman Rhodes, as a former member of the Airport Commission, feels that if we knew we would have Piedmont with an increased schedule it would be fine, but under the circumstances, it is his opinion, we have no choice but to employ Counsel and protest the application of the National Airlines. After considerable discussion, Councilman Rhodes moved that the Council authorize the City Attorney to spend not more than \$500 to employ Counsel to represent the City of Fayetteville before CAB for this hearing. Motion seconded by Councilman Plummer, and unanimously carried.

Rich Walker stated that some time ago the City Council recommended to the State Highway Department that a traffic light be installed on Eastern Blvd. at Wilmington Road. This light has not been installed and he would like that the request be made again. The City Manager reported that this recommendation was given to the State Highway Dept. some time ago and they have declined to put a light there. After some discussion, Councilman Rose moved that the Council ask the City