

Mr. Rumbough, Planning Director, called the attention of the Council to Planning Board's adverse reaction to the way the Planning Board had been ignored by the Mayor's Committee in the development of policy to govern water and sewer extension outside the City.

Councilman Rose stated that there was no intention on the part of the Committee to ignore the Planning Board, but rather a desire on their part that the Planning Board give the matter the benefit of their thinking. Mr. Rose was very critical of the Planning Board's reaction.

Upon motion by Councilman Rhodes, seconded by Councilman Maness, a Taxi Driver Permit was unanimously approved for Elijah McGee.

Upon motion by Councilman Rose, seconded by Councilman Maness, the Council voted unanimously to award the 1961-62 auditing contract to Haigh & vonRosenberg at the rate of \$50.00 per day for senior accountants and \$35.00 per day for junior accountants and that the Mayor and Clerk be authorized to execute the contract.

Upon a motion by Councilman Rhodes, seconded by Councilman Maness, the Council unanimously approved a request from Mitchell Enterprises to hold a dance at Breece's Banquet Hall from 9:00 P. M. until 12:30 A. M. on October 31, 1961.

Mr. Ray advised the Council that Col. Larson, Civil Defense Director requests someone from the city to work with him in an advisory capacity. Councilman Rose stated that he would assist.

Mayor Butler read a quarterly report on sub-standard houses from Building Inspector, Bowen, on his department's activities from July 1 thru September 30, 1961.

Mr. Ray presented a petition for street paving from all the property owners on DeVane Street from its intersection with Twin Oak Drive southwardly to its end on Cul de sac.

Upon motion by Councilman Rhodes, seconded by Councilman Maness to accept the petition, place the street in line for paving and note that the street be a 27 foot pavement instead of regular 30 foot pavement.

Upon motion by Councilman Rose, seconded by Councilman Maness Council voted unanimously to follow recommendation of City Manager and Fire Chief and appointed George McKinley Hall, Jr. and Harold Leon McLean to fill two vacancies in the Fire Department.

Upon motion by Councilman Rhodes, seconded by Councilman Maness, Council voted unanimously to appoint James Bevin Fort, Jr., William C. Freeman and Leon Gerald ~~Bowin~~ <sup>Bevin</sup> to the Police Department.

Mr. Ray reminded the Council of the joint meeting with the County Commissions on the matter of a City-County Planning Board at 8:00 P. M., Tuesday, October 10, County Courthouse.

Mr. Muench, PWC Administrator, requested release by the city of electrical R/W easement back to the property owner - A. B. Benton - since PWC no longer required it.

Upon motion by Councilman Maness, seconded by Councilman Rhodes, Council unanimously granted the request. A copy of the release appears below:

NORTH CAROLINA  
CUMBERLAND COUNTY

#### RELEASE OF EASEMENT

THIS RELEASE, made and entered into this 9th day of October, 1961, by the City of Fayetteville, a municipal corporation of the State of North Carolina, herein called GRANTOR, and A. G. Benton and wife, Pauline Benton, of Cumberland County, North Carolina, herein called GRANTEE:

#### WITNESSETH THAT:

The following resolution was duly passed by the City Council of the City of Fayetteville at its regular meeting at 8:00 P. M., on the 9th day of October, 1961;

"Whereas A. G. Benton and wife, Pauline Benton, executed to the City of Fayetteville two electric easements on 20 April 1959 which easements are duly recorded in the Cumberland County, North Carolina Registry in Book 777, Page 203 and Book 777, Page 201;

And whereas the said easements are no longer needed by the City of Fayetteville and serve no public purpose;

And whereas the said A. G. Benton and wife, Pauline Benton, have agreed to execute a new easement running over the same land described in the aforesaid easements but along different portions thereof, which said new easements will more effectually serve the purposes of the City of Fayetteville and would be more advantageous to the property owners, and would serve the needs of the City of Fayetteville and the public to a greater purpose than the presently existing easements;

Now therefore, be it resolved that the Mayor and City Clerk are authorized to execute a release of the aforesaid easements in consideration of the making of the new easement by the said A. G. Benton and wife, Pauline Benton, GRANTEES herein."

Now, therefore, in consideration of the premises, and of one dollar in hand paid by GRANTEES to GRANTOR, and the execution of a new easement across the property of GRANTEES, GRANTOR does hereby remise and release to GRANTEES all rights, privileges, powers and easements of GRANTOR under the aforesaid easements, and remise and release the same to GRANTEES to have and to hold the same to GRANTORS, their heirs, administrators and assigns, free and discharged from any privileges, powers or easements granted or recorded in said deeds of easement.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be signed in its corporate name by its Mayor, attested by its Clerk, and has caused its corporate seal to be thereunto affixed, all by authority of its City Council, the day and year first above written.

CITY OF FAYETTEVILLE

BY: /s/ Robert H. Butler  
Mayor

ATTEST:

/s/ Maurice W. Downs  
Clerk

Mr. Muench presented the following bids on the construction of a sanitary sewer outfall from Old Wilmington Road up Scarborough Street to Holt-Williamson Street and a short distance on Holt-Williamson Street then cross country to Eastern Boulevard:

Crowell Constructors, Inc.	\$ 44,510.41
T. A. Loving Company	45,180.00
Corbin Construction Company	45,889.80
Ray D. Lowder, Inc.	47,535.00
Howard Construction Company	48,481.25

The Public Works Commission recommended acceptance of Crowell's low bid to the Council. Upon motion by Councilman Rhodes, seconded by Councilman Maness, Council unanimously accepted Crowell Constructors, Inc. low bid of \$44,501.41.

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Upon a motion by Councilman Rhodes, seconded by Councilman Maness, Council unanimously granted a Taxi Cab Operator's Permit to Joseph F. Davis. This action brings number of Taxi Cab Operator's Permits up to 140, which is the maximum.

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Mayor Butler stated that a reply to Tally's letter had been received from Mr. Henry Anderson, Attorney, for Kyle property owners, but since all members of the Council were not present, no action would be taken at this time. City Manager Ray was requested to set up a meeting date when Councilman Plummer returned.

There being no further business the meeting was adjourned at 9:40 P.M. upon motion by Councilman Rose, seconded by Councilman Rhodes.

M. W. Downs  
City Clerk-Treasurer