

and

3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Carver Street;

and

4) 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 Carver Street which lies between Murchison Road and end of Carver Street, shall be paved (or repaved) 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) This RESOLUTION and ORDER shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville; and shall be in effect immediately following such publication.

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

Robert H. Butler
Mayor

M. W. Downs
City Clerk

The following bids were received by the City on December 7, 1961 for a fire truck:

A. E. Finley Company	\$ 22,684.00
American-LaFrance Company	\$ 21,900.00
Howe Fire Apparatus Company	\$ 24,000.00
Seagrave Corporation	\$ 24,150.00

Councilman Plummer moved that the low bid of American-LaFrance Company for \$21,900. be accepted. Motion was seconded by Councilman Rose and unanimously carried.

Mr. Jerome Clark, Attorney for the Aberdeen and Rockfish Railroad was recognized by the Council. Mr. Clark spoke at length to the Council regarding a requirement contained in a franchise entered into in 1912 between the City and the Railroad which states that the Railroad maintain the portion of Worth Street in which the railroad tracks are laid.

Mr. Clark stated that the Railroad had, at considerable expense to itself, participated in the cost of paving the street in 1949 and in the cost of drainage in 1959. He then stated further that the railroad actually used the street for their train for a maximum of 45 minutes each day and that there was considerable automotive traffic encountered daily.

Mr. Clark also called attention to the fact that much industry would have been lost to the City along the river had it not been for the railroad's construction of a spur tract to that area in 1935.

Mr. Clark then requested the consideration of the Council in relieving the railroad of the necessity of maintaining Worth Street, as contained in the franchise.

There was considerable discussion and City Attorney Tally reviewed the franchise for the benefit of the Council. He further advised the Council that he had written the Attorney General for a ruling in 1959 and 1961, but to date had received no reply. He further stated that, according to American jurisprudence, as he interpreted it, the City could not modify the franchise with the railroad without due consideration since the conveyance of property rights of the city are involved.

Mayor Butler then appointed Councilman Rhodes, Councilman Plummer and Councilman Rose as a committee to study the matter and recommend a course of action for the Council to follow at a later meeting. He requested Mr. Clark to also confer with the committee.

No action was taken on Mr. Sneed High's request for a proposed revision to the City's Taxicab Ordinance since he had not had an opportunity to confer with the City Attorney.

On motion by Councilman Plummer, seconded by Councilman Rhodes, the Council denied a request to rezone from C-3 Heavy Commercial to R-5 Residential District a lot on Ray Avenue.

On motion by Councilman Plummer, seconded by Councilman Rose, the Council denied a request to rezone from R-10 Residential to P-1 Professional District lot 3, Block B of Bordeaux, Section III on Owne Drive.

Councilman Rose moved that a public hearing be advertised for January 8, 1962 to hear a request for the rezoning of an area between Robeson Street and Blounts Creek from R-5 Residential to M-2 Industrial District. The motion was seconded by Councilman Maness and carried.

On motion by Councilman Rose, seconded by Councilman Plummer, the Council voted approval of a site plan for Tallywood Shopping Center with the variations marked on the plan provided that screening shown on the plan be planted and maintained in a park-like manner.

Councilman Rhodes then moved that a public hearing be advertised for January 8, 1962 to annex to the city a lot on Eunice Drive on Law Road, provided Eunice Drive has a right-of-way of at least 50 feet. Motion was seconded by Councilman Plummer and carried.

On motion by Councilman Rose, seconded by Councilman Maness, the Council voted approval of a final plat of property of Mrs. William B. Shirley.

Councilman Plummer then moved that Council approved a final plat of Part III, Tokay Heights, Section IV and that a public hearing be advertised for January 8, 1962 to annex this area to the City. Motion was seconded by Councilman Maness and carried.

Councilman Plummer then moved further, regarding this same area, that final plat approval be given subject to City Engineer and Public Works Commission approval and annexation to City. Motion was seconded by Councilman Rose and carried.

Councilman Rose then moved that the following Taxi Driver's Permit Applications be approved by the Council. Motion was seconded by Councilman Maness and carried:

Raymond Edward Diedrich	Walter David Harley
Jack Boyd Foster	Robert Lewis Scroggins
John F. Heath	Robert Vinson
Martie Lee Hampton	Bobby Ross Clevenger
William Roydon Smith	

A request from the City Tax Collector to refund \$114.66 for 1961 taxes to the Holiday Swim Club, Inc. due to the property being outside the city.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted approval to the request.

City Manager Ray advised the Council of the resignation of D. R. Jackson from the Police Department effective December 15, 1961.

Councilman Plummer moved for acceptance of the resignation by the Council. Motion was seconded by Councilman Maness and carried.

Upon motion by Councilman Rhodes, seconded by Councilman Plummer, the following appointments to the Police Department were approved:

Earl B. Britt	Bobby Gene Bass	Leroy Melvin Francis
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Councilman Plummer then moved that the Council extend permission of the developers of Tallywood Subdivision to include added street paving within the development which they are having paved by private contractor. Motion was seconded by Councilman Rose and approved at the old price.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted to authorize the Mayor to sign a street paving petition for the streets in Washington Square.

Councilman Plummer then moved that a public hearing be advertised for January 8, 1962, for the street paving in Washington Square. Motion was seconded by Councilman Maness and carried.

In view of the approaching Christmas holiday season, the Council, upon motion by Councilman Plummer, seconded by Councilman Maness, voted to suspend the regular Council meeting of Monday, December 25, 1961.

Councilman Plummer then moved that Monday, December 25th and Tuesday, December 26th, 1961 be declared as holidays for city employees. His motion was seconded by Councilman Maness & carried.