

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 Tokay Drive from the southern boundary of Tokay Heights, Section II to the southeast corner of the Monroe Evans Property, shall be paved and curbs and gutters laid thereon, and water and sanitary sewer mains and service laterals shall be constructed and installed in said street or parts thereof within the limits defined above; and such water and sanitary sewer mains and service laterals to be in accordance with standards of the Public Works Commission of the City of Fayetteville; and such improvements also to include the necessary grading as determined by Public Works Commission engineers and to do all other work incidental to the construction and installation of said water and sanitary sewer mains and service laterals and the cost of all 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 (except that the entire cost of such water and sanitary sewer service laterals shall be specially assessed) 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 26th day of August, 1963, by the City Council of the City of Fayetteville, North Carolina.

/s/ Wilbur Clark
Mayor

Maurice W. Downs
Clerk

Public hearing having been advertised and there being no opposition present and upon motion by Councilman Holt, seconded by Councilman Plummer, Hobson Street was ordered paved, without a petition by the unanimous adoption of the following resolution:

FINAL RESOLUTION
REQUIRING THE PAVING,
WITHOUT A PETITION,
OF
HOBSON 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 judgement, The City Council of Fayetteville, North Carolina, finds as fact that:

- 1) Hobson Street from Bragg Boulevard to Fort Bragg Road is unsafe and dangerous;
- 2) The RESOLUTION and ORDER adopted at its meeting on the last day of August, 1963, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF HOBSON STREET", having been duly published on the 14th day of August, 1963, 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 26th day of August, 1963, 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;
- 3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Hobson Street;
- 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 Hobson Street which lies between Bragg Boulevard and Fort Bragg Road, 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 intersection) 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 the 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 26th day of August, 1963, by the City Council of the City of Fayetteville, North Carolina.

/s/ Wilbur Clark
Mayor

/s/ Maurice W. Downs
Clerk

The Downtown Association again appeared before the Council on the matter of sidewalk canopies for Hay Street. The Association's spokesman, Mr. Joe Grimes, requested the Council to adopt the proposed ordinance as drafted by the City Attorney permitting construction of said canopies in the downtown area and that the City provide the electricity for the lights underneath the canopies. There then followed a general discussion with Public Works Commission Administrator Muench voicing the opinion that provision should be made for providing access to the Public Works Commission electrical transformers underneath the sidewalks when the canopies are built. Mr. Grimes stated that this would be done and would present no problem.

Councilman Packer then moved for adoption of the proposed ordinance permitting the construction of the canopies. Motion seconded by Councilman Rhodes and the following ordinance was adopted by unanimous vote of the Council:

AN ORDINANCE PERMITTING, UNDER CERTAIN
CONDITIONS, CONSTRUCTION OF
CANOPIES IN DOWNTOWN AREA

WHEREAS, the Downtown Fayetteville Association Incorporated representing numerous concerns and individuals in the downtown area is desirous of construction a canopy over, on and above the sidewalks in the downtown area;

WHEREAS, the central business district is unique and differs from other areas of the City in its problems and the solution to these problems;

WHEREAS, the continued prosperity and well-being of the central business district is of utmost importance to the City as a whole;

WHEREAS, the City Council deems it in the public interest and necessary for the general health, safety, and welfare to allow the construction of such canopy to provide protection from the elements and maintenance of property values;

NOW THEREFORE, THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDAIN:

Sect. 1. That property owners in the area bounded by and including both sides of Russell Street, Robeson Street, Bragg Boulevard, Rowan Street, Grove Street, and Cool Spring Street may erect and construct canopies over and attached to the sidewalks in said area subject to the following conditions:

- (1) That a detailed construction design be submitted for the area, block, or segment of a block for which a canopy is proposed. Design must be structurally sound and shall include only non-combustible materials. This design together with complete specifications shall be approved by the City Council after receiving a recommendation from the City Engineer, the Public Works Commission, and the Planning Board. This plan shall then be filed with the Building Inspector.
- (2) All canopies constructed shall be in complete compliance with plans and specifications approved and filed with the Building Inspector including materials, details, and in all other respects.
- (3) No advertising signs, promotional materials, or other items not included in the approved plans and specifications shall be attached in any manner to the canopy and its appurtenances. Signs designating the name of the business firm shall be limited to one per entrance, to be located underneath the canopy. Such signs shall be not more than five (5) feet in length and shall not extend more than twelve (12) inches below the ceiling of the canopy.
- (4) A public address system may be installed in an approved canopy provided that any transmission over the system shall be derived from a central location and its use shall be limited as follows:

(a) The volume of transmission shall be low enough not to be injurious to the public health, safety, or general welfare in any manner.

(b) Transmission over the system shall be limited to music, announcements of public interest, or announcements of a general nature pertaining to the