

Regular Meeting
Monday
August 26, 1963
8:00 P. M.
Court Room

Present:

Mayor Wilbur Clark

Councilmen: Eugene Plummer
Ted O. Rhodes
Charles Holt
Luther Packer

City Manager, G. W. Ray
City Attorney, J. O. Tally, Jr.
P.W.C. Treasurer, H. B. Stein
P.W.C. Administrator, R. A. Muench, Jr.

Mayor Clark called the meeting to order and asked the Reverend Mr. Kirk McNeill, Associate Pastor of Hay Street Methodist Church to deliver the invocation.

Upon motion made and duly seconded the minutes of the meetings of July 8, 19, 22, and August 1, 1963 were approved as submitted.

Council recognized Mr. Coy Brewer representing the Fayetteville Lions Club who requested Council to lease their club additional property at their Civic Center on West Rowan Street in order that they might enlarge their present building and parking lot on the south and west sides respectively of the present building. Mr. Brewer stated the reason for this request is to relieve present crowded conditions in the building and in the parking lot and along the street.

Councilman Rhodes moved that the requested lease, as illustrated on the City Engineer's map, be advertised for sale at public auction at 12:00 Noon, October 14, 1963 at the front door of the City Hall. Motion seconded by Councilman Holt and carried unanimously.

Public hearing on the paving of a portion of Edenwood Drive, having been continued from the meeting of July 22nd to this time was considered. Mr. J. T. Squires, a local real estate-rental agent voiced the opposition of his client, MSgt George Tumaszik, a property owner, to the paving. Following a short discussion Councilman Plummer moved that portion of Edenwood Drive be ordered paved by the adoption of the following resolution. Motion seconded by Councilman Packer and carried unanimously.

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

- 1) Edenwood Drive from Anarine Road to the western boundary of Edenroc Subdivision is unsafe and dangerous;
- and
- 2) The RESOLUTION and ORDER adopted at its meeting on the 8th day of July, 1963, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF EDENWOOD DRIVE", having been duly published on the 10th day of July, 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 22nd day of July, 1963, at 8:00 o'clock P.M., in the Court room at the City Hall of Fayetteville, North Carolina, and at said meeting public hearing was continued on this matter 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;
- and
- 3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Edenwood Drive;
- 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 Edenwood Drive which lies between Anarine Road and the

western boundary of Edenroc Subdivision, 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 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

Maurice W. Downs
Clerk

Public hearing was held on proposed rezoning of an area on Raeford Road from R6 and R10 Residential District to P2 Professional District. Mr. Doran Berry, Attorney representing the proponents, Mr. J. T. Squires and others who were present. There were approximately 12 persons present in the audience and 6 write-ins opposing the rezoning. Following a vigorous discussion Councilman Plummer moved for denial of the request for rezoning. Motion seconded by Councilman Rhodes. Councilman Holt entered substitute motion that the matter of rezoning be tabled until such time as the petitioners acquire 2/3 of the property owners consent to lift the restrictive covenant. Motion seconded by Councilman Packer. Following further discussion, Mayor Clark called for vote. For the substitute motion: Councilman Holt and Councilman Packer. For the original motion: Councilman Plummer, Councilman Rhodes, and Mayor Clark.

Councilman Packer then introduced a matter of the City acquiring a tract of land off Ramsey Street across from the Lucile Souders Elementary School to be used for a park area. Following some discussion during which Recreation Department Superintendent, Cheshire and Mr. Parrish of the Recreation Advisory Committee endorsed the purchase of this tract, Councilman Rhodes moved that the City take up the option to purchase the tract for use as a park and recreation area upon condition that the seller, Walter L. Poole, furnish binder for title insurance to the City. Motion seconded by Councilman Packer and carried unanimously.

Public hearing having been advertised and there being no opposition present and upon motion by Councilman Plummer, seconded by Councilman Packer a portion of Tokay Drive was ordered paved, pursuant to petition, by the unanimous adoption of the following resolution:

FINAL RESOLUTION
REQUIRING THE PAVING
AND OTHER IMPROVING,
PURSUANT TO PETITION,
OF
TOKAY 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 judgement, the City Council of Fayetteville, North Carolina, finds as fact that:

- 1) A petition, pursuant to North Carolina General Statute 160-82, et seq, was filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Tokay 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 RESOLUTION and ORDER adopted at its meeting on the 22nd day of July, 1963, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF TOKAY DRIVE", 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;

and

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

and

- 4) The property abutting on said street to be so paved and improved will be benefited by such