

202

Regular Meeting
City Council
August 14, 1961

Present:

Mayor Robert H. Butler
Mayor Pro-tem Sol C. Rose

J. O. Tally, Jr., City Attorney
G. W. Ray, City Manager

Councilmen:

Eugene Plummer
Ted Rhodes
D. B. Maness

Mayor Butler stated the first order of business was that of a public hearing on a petition for paving Ann Street from Gray Street Northward to its intersection with Vine Street. No one was present to voice any objection and upon motion of Councilman Rose, seconded by Councilman Plummer, this section of street, by unanimous vote, was ordered paved.

The Cross Creek or downtown parks committee, of which the co-chairwomen are Mrs. Julian Hutaff, Mrs. Neil Currie, Jr. and Mrs. Richard Lilly were present to report further on activities pertaining to the purchase of the Kyle property on Green Street and the development of the proposed park.

Mr. Hector McGeachy, Jr., as spokesman for the committee, stated that "approximately 100 people who are interested in such a park met in the courtroom at City Hall on Wednesday evening, August 9th, and that some 15 or more persons spoke very highly in favor of purchasing the Kyle property as the first step towards the development of the proposed park. He stated further that no opposition to this project was voiced by anyone present.

Mr. McGeachy recognized Mr. Charles Warren, president of the Chamber of Commerce, who stated that during his term as president of the Chamber, a number of industrial prospects interested in locating in Fayetteville had expressed considerable interest in parks as a factor to be considered in locating a plant in a new community. Mr. Warren stated that in his opinion the proposed park would be a tremendous asset to the business and cultural interest of the city.

Mrs. Allen Campbell was next recognized by Mr. McGeachy. Mrs. Campbell stated that when she first came to Fayetteville 33 years ago, there were many attractive spots in Fayetteville that Army personnel liked to visit, but that in recent years, she was not able to find those spots. She stated further that in San Antonio, Texas a river beautification project had been carried out in such a way that the river area has become a beauty spot which is most inviting to all Army personnel stationed in the area and is a source of tremendous pride to the community and especially to those who had a part in this development.

Mrs. J. W. Johnson, Jr. was recognized and gave a brief history of the Kyle house, which she stated was begun in 1832 on a site where there had been previously a school. She stated that the materials for the building were brought here from Philadelphia and that the structure was completed in 1840. She stated that the house is an excellent example of the architecture of that period, and that the Fayetteville should, by all means, preserve it.

Mrs. Ernest Reinecke, whose late husband spent many years of his life in restoring old buildings, stated that Mr. Reinecke had commented many times about the beauty of the Kyle house and of what an asset it is to the town.

Mr. Henry Rankin stated that the purchase of the property on Green Street would ^{kw} together many points of interest in Fayetteville, particularly St. John's Church and First Presbyterian Church on which the congregation has recently spent one-half million dollars, a good portion of which was to preserve the old structure of the church.

Mr. McGeachy requested that the Council take immediate steps to acquire the Kyle property while there was time.

Mayor Butler stated that he was personally very much in favor of acquiring the property and asked for further discussion from the Council.

Mr. Rumbough, Planning Director, stated that Federal funds to the extent of 20 to 30 per cent of the cost might be available, under the Omnibus Housing Act, for the preservation of permanent open space in the downtown area.

Councilman Plummer moved that Mr. Rumbough be instructed to investigate the possibility of getting Federal participation in the project and that the City negotiate with

the Kyle family as to price of the property so that the committee might have a report by the next meeting. Councilman Rose, in seconding the motion, stated that while he was not opposed to requesting Federal aid, he was of the opinion that all possibilities of local financing be first explored. The motion was carried unanimously.

The request of the Cape Fear Community Antenna Company for a franchise to provide a community television antenna system in Fayetteville was next considered. Mr. James R. Nance, Attorney for the company, presented the ordinance which would grant the franchise. Mr. W. G. Enloe, District Manager for the N. C. Theaters, Inc., stated that his company operated the Carolina and Broadway Theaters in Fayetteville and that they are opposed to any franchise which would make possible cable movies originating in the local area. Mr. Nance and City Attorney, J. O. Tally, Jr., were requested to revise the proposed ordinance so as to eliminate the possibility of cable movies from the local area and this was done.

The ordinance was then, upon motion of Councilman Plummer, seconded by Councilman Rhodes, adopted unanimously, first reading: the ordinance as follows:

203

#1961-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAYETTEVILLE GRANTING TO CAPE FEAR COMMUNITY ANTENNA COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO ERECT, MAINTAIN AND OPERATE TRANSMISSION AND DISTRIBUTION FACILITIES IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, LANES, AVENUES, ALLEYS, BRIDGES, HIGHWAYS AND OTHER PUBLIC PLACES IN THE CITY OF FAYETTEVILLE, NORTH CAROLINA AND ANY SUBSEQUENT ADDITIONS THERETO, FOR THE PURPOSE OF TRANSMISSION BY CABLE AND DISTRIBUTION OF TELEVISION IMPULSES AND TELEVISION ENERGY FOR SALE TO THE INHABITANTS OF SAID CITY AND OTHER PURPOSE.

THE COUNCIL OF THE CITY OF FAYETTEVILLE DOETH ORDAIN:

Section 1. In consideration of the faithful performance

and observance of the conditions, restrictions and reservations hereinafter specified a Franchise is hereby granted to Cape Fear Community Antenna Company, its successors or assigns, hereinafter called the "Grantee", to erect, maintain and operate for a period of five (5) years from the date of final passage of the Ordinance an audio and video, (television), transmission and distribution system and its necessary facilities and additions thereto in, under, over, along, across and upon the streets, lanes, avenues, alleys, sidewalks, bridges, highways and other public places in the City of Fayetteville and subsequent additions thereto, for the purpose of transmission and distribution of audio and video, (television), impulses in accordance with the laws of the United States of America, the State of North Carolina and the Ordinances of the City of Fayetteville.

Section 2. Wherever used in this franchise, the words "audio", "video" and "television" shall mean a system for simultaneous transmission of audio signals and transient visual images or the separate transmission of either of them by means of electrical impulses, *originating from licensed television transmitters.*