

Regular Meeting
Monday, September 11, 1961
8:00 P. M.
Court Room

Present:

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

Councilmen:

Eugene Plummer
D. B. Maness
Ted O. Rhodes

City Attorney, J. O. Tally, Jr.

City Manager, G. W. Ray

PWC Chairman, P. O. Hoffer

PWC Administrator, Ray Muench

Mayor Butler stated the first matter of business was a public hearing on a request to rezone a tract of land as described below from R-10 Residential to C-1 Local Business. A public hearing had been advertised. There was no opposition present and upon motion by Councilman Rose, seconded by Councilman Maness, and unanimously approved, the zoning ordinance was amended as follows:

Rezone from R-10 Residential to C-1 Local Business the following:

BEGINNING at the intersection of the southern line of the Morganton Road and the western line of Olive Road and running thence North 71 degrees 30 minutes West along the Morganton Road 53.8 feet; thence South 18 degrees 30 minutes West 150 feet; thence South 71 degrees 30 minutes East 82 feet to Olive Road; thence North 7 degrees 51 minutes East along Olive Road 152.5 feet to the beginning.

BEING lots 9 and 10 in Block B of Sherwood Forrest, as shown on plat in book 8, page 46.

All of lots #7 and 8 in Block B of Sherwood Forrest as per plat of the same recorded in Plat Book 8 page 46 of the Cumberland County Registry. This lot of land faces on the Morganton Road, is 60 feet in width and 150 feet in depth. Its distance from the intersection with the western margin of Olive Road is 53 feet.

Public hearing was held on question of rezoning a tract of land on Ramsey Street beyond Rose Hill Road from R-6 Residential to C-1 Local Business. Jackson McIntosh, a property owner, appeared in opposition to the proposed rezoning and requested that the portion of his property included in the area for rezoning be deleted. After considerable discussion, Councilman Rose moved that the matter be continued until the next regular meeting of the Council. Motion was seconded by Councilman Maness and unanimously carried.

A delegation of property owners from Dogwood Street was recognized. Their concern was in having their street, for which a paving petition has been on file for some time, paved without further delay. They were informed that the lack of a sanitary sewer was responsible for the delay.

R. A. Muench, PWC Administrator, stated that a dormant sanitary sewer main was not necessary since the area could be served immediately with sanitary sewer service provided the residents apply for 13 services. Then the City could proceed with the street paving as soon as was practical. The residents agreed to make application.

A delegation of property owners, headed by Mr. Rudolph Studer, was recognized in the matter of a dormant sanitary sewer in Courtney Street and Seneca Drive. Mr. Muench stated that installation of the dormant main could proceed when five applications for service are received.

Two delegations of local merchants were present in the interest of the Sunday Blue Law. Mr. Tom Long, Chairman of the Retail Merchants Division of Fayetteville Chamber of Commerce, was spokesman for one group desiring to operate under the State Blue Law.

Mayor Butler read a letter from the Eutaw Shopping Center Trade Association in which was a request that the Council act to stay under the State Blue Law.

Mr. Walker Bender was spokesman for the second group of Merchants and stated that his group requests the Council to exempt the city from the State Blue Law.

Councilman Rose directed a question to City Attorney, Tally, as to whether the city could exempt itself from the State Blue Law after the October 1, 1961 deadline. Tally said, in his opinion, that the Council could do this, if desired.

Mayor Butler then polled the audience pro and con. Nineteen persons appeared in favor of staying under State Blue Law and four persons appeared in favor of city's present ordinance on Blue Law.

After some further discussion, Attorney Tally advised the Council that if it elected to favor the State Law, then action to rescind Council's prior resolution to exempt the City from such law would be in order.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted unanimously to rescind its action of August 14, 1961 to exempt the City from General Statute 14-346.2.

Mr. Sam Blackwell, representing the Cumberland County Electrical Contractors Assn., was recognized and submitted a list of amendments to be incorporated in the city's Electrical Code on new construction. Mr. Blackwell stated these same amendments would be submitted to the county for their adoption.

Mayor Butler referred the matter to Mr. Muench of PWC, Attorney Tally and Mr. Bowen, City Building Inspector, for study and requested their report be made at Council meeting of August 25, 1961.

A public hearing having been duly advertised and there being no opposition present, and on motion of Councilman Plummer seconded by Councilman Rose, the Council unanimously adopted the following resolution:

RESOLUTION AND ORDER TO FILE AND PUBLISH
PRELIMINARY ASSESSMENT ROLL FOR STREETS
AND SIDEWALK PAVING AND OTHER IMPROVEMENT
ON DAVIE STREET, BRIARCLIFF DRIVE, ORANGE
CIRCLE, GRAY STREET, MARSH STREET, KELLOG
AVENUE, GIBSON STREET, OLIVE ROAD (A dis-
tance of 110 ft. South from Morganton Rd.)
AND A SIDEWALK ON MORGANTON ROAD IN FRONT
OF J. W. PATE PROPERTY.

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 judgment, the City Council of Fayetteville, North Carolina, finds as fact that:

1) Davie Street, Briarcliff Drive, Orange Circle, Gray Street, Marsh Street, Kellogg Avenue, Gibson Street, Olive Road (A distance of 110 feet South from Morganton Road) and a sidewalk on Morganton Road in front of J. W. Pate property, in the City of Fayetteville, North Carolina, have been paved and curbs and gutters laid on the streets, and the total cost of such paving and improvement have been computed and ascertained and assessments of the cost of the same made by the City Council, which has made an assessment roll for such with the name of each person assessed, the amount assessed against each such person, with a brief description of the lots of parcels of land so assessed;

NOW, THEREFORE, the City Council of the City of Fayetteville, North Carolina, does order that:

1) Said preliminary assessment roll shall be immediately filed and deposited in the office of M. W. Downs, City Clerk of the City of Fayetteville, in the City Hall of the City of Fayetteville, where the same may be inspected by all parties interested.

2) Notice is hereby given that a meeting of the City Council of Fayetteville, North Carolina, will be held in the Court Room of the City Hall of Fayetteville, North Carolina, at 8:00 P.M., on the 11th day of September, 1961, to hear allegations and objections in respect of the aforesaid special assessments, when and where all persons interested may attend and be heard; and notice is further given that any person interested in said assessment roll who shall fail to appear at said time and place and make or file objections thereto, will be forever barred and precluded from contesting the amount or validity of such assessments, and such assessment roll thereupon will be confirmed.

3) This RESOLUTION and ORDER shall be published once in the Fayetteville Observer, a newspaper published in the City of Fayetteville, ten (10) days before the time fixed for said meeting.

Adopted this 14th day of August, 1961, by the City Council of the City of Fayetteville, North Carolina.

Robert H. Butler
Mayor

M. W. Downs
City Clerk