

A public hearing having been advertised and there being no opposition present and upon motion by Councilman Rhodes, seconded by Councilman Plummer, the Council unanimously adopted the following Resolution:

**PRELIMINARY RESOLUTION REQUIRING THE PAVING,  
PURSUANT TO PETITION, OF SHERMAN 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 judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, pursuant to North Carolina General Statute 160-82, et seq, has been filed with The City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of SHERMAN 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 public interest, safety, convenience and general welfare requires the paving and other below described improvement of SHERMAN DRIVE;

and

3) 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 SHERMAN DRIVE from the end of existing pavement to the southwest corner of Lot 9, Block A, 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) A meeting of the City Council of Fayetteville will be held at the City Hall of Fayetteville at 8:00 P. M. on the 13th day of November 1961, on the proposed improvement(s) when all objections to the legality of making said proposed improvement(s) shall be made in writing, signed in person or by Attorney, and filed with the Clerk of the City of Fayetteville at or before such time, and any such objections not so made will be waived.

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 17th day of October, 1961 by the City Council of the City of Fayetteville, North Carolina.

M. W. DOWNS  
CLERK

ROBERT H. BUTLER  
MAYOR

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted unanimously to present to the residents on the south side of Facility Drive a petition in the form of a contract between them and the city by which such residents would bear one-third of the cost of paving Facility Drive if the petition is signed by 100% of the residents. This particular action was taken by the Council since the Veterans Hospital property lies on the north side of Facility Drive.

Mr. Sneed High, local attorney, presented a proposed amendment to the city's Taxicab Ordinance regarding the transfer of certificates by a holder of such certificates.

The matter was discussed at some length and Mr. High was advised to confer with City Attorney Tally and draw the proposed amendment for presentation at a later meeting.

City Manager Ray read a petition of protest from residents and property owners of North Water Street complaining about the public dances being held at Breece's Banquet Hall. The petitioners stated that the affairs constituted a public nuisance specifically as to loud noise, heavy traffic and profane language. Approximately 12 persons were in the audience regarding this petition.

Mr. Jerome Clark, Attorney, representing the estate of Ernest Breece, also was present in this matter and spoke briefly to the Council.

Following a discussion of the issues concerned, Mayor Butler appointed Councilman Plummer and Councilman Maness as a committee to work with City Attorney Tally to study the matter and come back to the Council at a later meeting with a recommendation as to how the interests of all concerned could best be served.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted unanimously to deny a request by the Dove Music Company of Fayetteville to hold a dance at Breece's Banquet Hall on November 30th.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted unanimously to adopt the following ordinance:

NUMBER 1961-3

to specifications herein contained. Be it enacted by the City of Fayetteville, North Carolina, that the following ordinance be and the same shall be:

**HEATING (AND VENTILATING, AIR CONDITIONING, AND RELATED MATTERS) ORDINANCE**

The City Council of the City of Fayetteville, North Carolina, Do Ordain:

**Section 1) Title**

This Ordinance shall be known and cited as "The Heating Code of the City of Fayetteville, N.C."

**Section 2) Office of Heating Inspector Created; Duties Generally.**

There is hereby created the office of Heating Inspector of the City of Fayetteville, N.C. Such office shall be filled by appointment by the City Manager. Such Inspector shall be skilled and experienced in heating, air conditioning and related systems. Generally, such Inspector shall be charged with the duties of issuing all permits for heating, air conditioning and related systems and appliances, installations, repairs and removals, and all matters and things covered by this Ordinance and supervising all construction, installations, repairs and removals of all such within the City.

**Section 3) Inspector Judge of Materials and Workmanship; Tests; Appeal From Decisions of Inspector.**

The Heating Inspector shall require satisfactory quality of materials and workmanship to meet the standards and requirements of this Ordinance. He shall be responsible for the execution of the provisions of this Ordinance and other ordinances relating to the work under his jurisdiction.

The Inspector shall subject the installation, construction, repair and removal of heating, air conditioning, and related systems to such examinations and tests as he may deem necessary and shall be empowered to approve and accept only such as shall be done according to the provisions of this Ordinance.

Page One

TALLY, TALLY, TAYLOR & STRICKLAND  
ATTORNEYS AT LAW  
FAYETTEVILLE, N.C.