

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 ^{not} 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

of Fayetteville and shall restore such streets, lanes, sidewalks, alleys, bridges, highways and other public places to their original condition.

Section 14. The Grantee shall indemnify and hold the City harmless at all times during the term of this Franchise from and against all claims for injury and damages to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment, appliance or products authorized or used pursuant to authority of this Franchise.

The Grantee shall carry insurance in such form as shall protect the City and themselves from and against any and all claims for injury or damages to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any structure, equipment, appliance or products authorized or used pursuant to authority of this Franchise, and the amount of such insurance against liability due to damage to property shall be not less than One Hundred Thousand (\$100,000.00) Dollars as to any one person, and Two Hundred Thousand (\$200,000.00) Dollars as to any one accident, and against liability due to injury or death to persons One Hundred Thousand (\$100,000.00) Dollars as to any one person and Three Hundred Thousand (\$300,000.00) Dollars as to any one accident.

The Grantee, upon receipt of due notice in writing from the City shall defend, at its own expense, any action or proceeding against the City of Fayetteville in which it is claimed that the injury or damage arose from the Grantee's activities in the operation of its television system.

Section 15. If the Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations, except for causes beyond the reasonable control of the