

April 10, 1961
Minute Book 40 - Page 314

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, April 10, 1961, at 3 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on April 3rd were approved as submitted.

PRELIMINARY REPORT ON ZONING, PROPOSED NEW ZONING ORDINANCE AND MAPS FILED BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Mr. McIntyre, Planning Director, filed the Charlotte-Mecklenburg Planning Commission's preliminary report on zoning, together with proposed new zoning ordinance and maps, in compliance with the State Law. Councilman Dellinger moved that they be accepted, and expressed the appreciation of the Council for the work done in their preparation. The motion was seconded by Councilman Hitch, and unanimously carried.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 19, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 19 Amending the Zoning Ordinance to change zoning on property on the NW side of The Plaza, north of Milton Road, from Rural to O-I and B-1, on petition of John Crosland Company, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 109.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 20, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, adopting a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 20 Amending the Zoning Ordinance to change zoning on property on the south side of Highway Place, east of Academy Street, from R-1 to R-2, on petition of A. B. Thompson. The resolution is recorded in full in Resolutions Book 4, at Page 110.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 21, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and

April 10, 1961
Minute Book 40 - Page 315

unanimously carried, a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 21 Amending the Zoning Ordinance to change zoning on property on the east side of Eastway Drive, north of Kilborne Drive, from Rural to O-I and B-1, on petition of Mrs Esten M. Bohannon, was adopted. The resolution is recorded in full in Resolutions Book 4, at Pages 111 and 112.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 22, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, adopting a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 22 Amending the Zoning Ordinance to change zoning on property on the south side of Reece Road, east of Park Road, from R-2 to B-1, on petition of Mrs Bertie R. Smith, Mrs Ila R. Holmes and Mrs Lena R. McLellan. The resolution is recorded in full in Resolutions Book 4, at Page 113.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 23, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 23 Amending the Zoning Ordinance to change zoning on property at the SE corner of Bradford Drive and Reliance Street, from R-2 to B-1, on petition of G. T. James, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 114.

RESOLUTION FIXING DATE OF HEARING ON MAY 15TH ON ZONING ORDINANCE NO. 24, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, adopting a Resolution Fixing Date of Hearing on May 15th on Ordinance No. 24 Amending the Zoning Ordinance to change zoning on property on both sides of Bradford Drive, near Cantwell Street, from R-2 to B-1, on petition of Mr. Howard Counts, Mr. George White, et al. The resolution is recorded in full in Resolutions Book 4, at Page 115.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR RIGHT-OF-WAY ACROSS PROPERTY OF F. G. TEMPLETON FOR NEWLAND ROAD SANITARY SEWER TRUNK LINE.

Councilman Whittington moved that Condemnation proceedings be authorized started for right-of-way 1,310.94 feet long by 15 feet wide, across the property of F. G. Templeton, for the construction of Newland Road sanitary sewer trunk line. The motion was seconded by Councilman Hitch, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER AUTHORIZED IN ORCHARD ACRES SUBDIVISION.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the construction of 1,077 feet of sanitary sewer was authorized in Orchard Acres Subdivision, at the request of El Centro Development Company, at an estimated cost of \$3,605.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

COMMITTEE APPOINTED TO STUDY BILL TO AMEND CHARTER RELATIVE TO PERMANENT IMPROVEMENTS.

Councilman Smith suggested that the Mayor appoint a Committee to study the proposed Bill to amend the Charter relative to permanent improvements, with the City Manager, City Engineer and others interested, and bring in a report of their recommendations.

Mayor Smith appointed the Committee composed of Councilmen Smith, Myers and Albea.

A meeting of the Committee was then arranged for tomorrow, Tuesday, at 2 p.m.

REAPPOINTMENT OF FRANK A MCCLENEGHAN TO AUDITORIUM-COLISEUM AUTHORITY.

No further nominations were made to fill the vacancy on the Auditorium-Coliseum Authority, upon the Mayor's call; thereupon, Councilman Albea moved the reappointment of Mr. Frank A. McCleneghan for a term of 5 years, whom he had nominated at the meeting on April 3rd. The motion was seconded by Councilman Whittington, and unanimously carried.

REAPPOINTMENT OF W. A. RICHARD TO CIVIL SERVICE BOARD.

No further nominations were made to fill the vacancy on the Civil Service Board, upon the Mayor's call; thereupon, Councilman Dellinger moved the reappointment of Mr. W. A. Richard for a term of 3 years, whom he had nominated at the meeting on April 3rd. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED STATON & BARRINGER PLUMBING COMPANY FOR PLUMBING INSTALLATIONS AT LANDFILL SITE ON GRIFFITH LANE.

Councilman Babcock moved the award of contract to the low bidder, Staton & Barringer Plumbing Company, for plumbing installations at Landfill Site on Griffith Lane, as specified, in the amount of \$1,001.30. The motion was seconded by Councilman Hitch, and unanimously carried. The amendment to the motion by Councilman Myers was accepted, that the contract be so awarded subject to a satisfactory credit check of the Company.

The following bids were received:

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| Staton & Barringer Plumbing Co. | \$ 1,001.30 |
| Eveready Plumbing & Heating Co. | \$ 1,129.11 |
| J. V. Andrews Company | \$ 1,420.00 |

CONTRACT AWARDED ANCHOR FENCE DIVISION, ANCHOR POST PRODUCTS, INC. FOR GALVANIZED WIRE FENCE FOR ASPHALT PLANT AT INTERSECTION OF PATCH AVE AND ATANDO AVENUE.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Anchor Fence Division, Anchor Post Product, Inc. for galvanized wire fence for Asphalt Plant, at the intersection of Patch Avenue and Atando Avenue, as specified, in the amount of \$1,163.00

The following bids were received:

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| Anchor Fence Division, Anchor Post Products, Inc. | \$1,163.00 |
| Allied Chain Link Fence Co., Inc. | \$1,289.64 |
| Cyclone Fence Co. | \$1,373.00 |
| Allison Fence Company | \$1,415.00 |

April 10, 1961
Minute Book 40 - Page 317

CITY ASSUMES RESPONSIBILITY FOR PRELIMINARY PLANS FOR NORTHWEST EXPRESSWAY.

In connection with the recent discussion of the possibility of the City assuming responsibility for the preliminary plans for the North-West Expressway, Mr. Veeder, City Manager, stated he has discussed the subject with the Director of State Highways, who states this would expedite the date of construction a minimum of a year and possibly two years. Mr. Veeder stated it is reasonable to assume a substantial savings would be realized by the City in acquiring the rights-of-way now, because of the rising land value costs, which it is fair to estimate at a rise of 5% during a two year period; also, that opening the expressway to traffic even one year would be most advantageous. He stated further that the cost of preparing the plans is estimated at \$175,000, which the City could not expect to be repaid, and the approximate time for their preparation is estimated at 14 to 16 months.

Councilman Smith moved that the City assume the responsibility for the preliminary plans. The motion was seconded by Councilman Hitch, and unanimously carried.

CITY MANAGER AUTHORIZED TO NEGOTIATE WITH FIRM OF SMITH, POLLITTE & ASSOCIATES TO PREPARE PRELIMINARY PLANS FOR NORTHWEST EXPRESSWAY.

The City Manager stated it will be necessary to select a consultant to prepare the preliminary plans for the Northwest Expressway, and he recommended the firm of Smith, Pollitte & Associates of Columbia, S. C. whom he stated is highly qualified and to the best of his knowledge is the only firm that has had experience designing urban expressways in North Carolina; that they have done such work in Winston Salem and Asheville, which he has learned upon investigation was entirely satisfactory. He stated further this firm has established good working relationships with the N. C. Highway Department and Bureau of Public Roads.

Councilman Whittington moved that the City Manager be authorized to negotiate a contract with Smith, Pollitte & Associates as recommended, and bring in a report for Council consideration. The motion was seconded by Councilman Albea, and unanimously carried.

ACQUISITION OF RIGHTS-OF-WAY FOR EXTENDING EAST FIFTH AND EAST SIXTH STREETS TO EAST SEVENTH STREET AUTHORIZED AND DAVIS & DAVIS REALTY COMPANY EMPLOYED AS AGENTS TO ACQUIRE THE PROPERTY.

The City Manager advised that the appraisals have been completed on the right-of-way for extending East Fifth Street, from McDowell Street to East Seventh Street, and East Sixth Street, from Myers Street across McDowell Street and into East Seventh Street, and it is recommended that the acquisition of the rights-of-way for the extension of these streets be authorized. He advised that the construction cost estimates have been revised by the Engineering Dept. to reflect the final precise location of these connectors, and the total estimated cost for the rights-of-way is \$109,653.87, and the total construction cost is \$67,658.25. Councilman Dellinger moved that the City Manager proceed with the acquisition of the rights-of-way at the total estimated cost of \$109,653.87, as recommended. The motion was seconded by Councilman Whittington, and unanimously carried.

The City Manager then advised that Davis & Davis Realty Company made the appraisals on the rights-of-way at a cost of \$900.00 with the agreement to

acquire the rights-of-way at a total cost of \$2,650.00 including the cost of the appraisals, or \$1,750.00 to acquire the rights-of-way, if the Council wishes to employ them for this additional work. Councilman Smith moved that Davis & Davis Realty Company be employed to acquire the rights-of-way at a cost of \$1,750.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

CHARLOTTE HORNET'S BASEBALL CLUB GRANTED PERMISSION TO HAVE PARADE ON APRIL 20TH.

Councilman Babcock moved that the request Charlotte Hornet's Baseball Club to have a parade on their opening day, April 20th, at 12 o'clock, from Griffith Park to Sears, Roebuck Co. on N. Tryon Street, be granted. The Motion was seconded by Councilman Myers, and unanimously carried.

VARIETY EYE CLUB CLINIC GRANTED PERMISSION TO HAVE TORCH LIGHT PARADE FROM TOWN HOUSE ON PROVIDENCE ROAD TO MANOR THEATRE ON APRIL 19TH.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the Variety Eye Club Clinic was granted permission to have a Torch Light Parade from the Town House on Providence Road to the Manor Theatre on April 19th, at 7:45 p.m. in connection with the showing of a Movie from which the proceeds will go to their Charity Clinic.

BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO WAIVE ITS GOVERNMENTAL IMMUNITY TO THE EXTENT THAT IT TAKES OUT LIABILITY INSURANCE, APPROVED FOR PRESENTATION TO LEGISLATURE.

The City Attorney advised that the Legislative Delegation has suggested that the Bill To Provide For Liability of Municipalities For The Negligent Maintenance of Buildings Used In Governmental Functions, submitted by Council, be rewritten as a permissive county law whereby Charlotte could waive its governmental immunity to the extent that it takes out liability insurance, as they do not desire to introduce it as a state-wide bill. Mr. Shaw submitted the new Bill, and upon motion of Councilman Smith, seconded by Councilman Dellinger, the Bill as redrawn was approved.

BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO LICENSE DRIVERS AND OPERATORS OF AMBULANCES AND FRANCHISE AMBULANCES, APPROVED FOR PRESENTATION TO LEGISLATURE.

The City Attorney advised that the Legislative Delegation has indicated they think it more desirable that the Bill Relating To The Licensing Of Ambulance Drivers And Franchising Ambulances submitted by Council, be rewritten as permissive legislation for the City of Charlotte only and not state-wide. Mr. Shaw presented the new Bill he has drawn, and upon motion of Councilman Babcock, seconded by Councilman Myers, the new bill was approved.

CHARTER PROVISION RELATIVE TO PRIMARY LAW REGARDING CANDIDATES FOR MAYOR VOTED TO BE UNCHANGED.

The City Attorney advised that in 1959 Representative Snapp's amendment relative to the municipal primary not being necessary if no more than 14 candidates for Council and no more than two for Mayor filed for election,

April 10, 1961
Minute Book 40 - Page 319

the law was also changed that the candidate for mayor receiving a majority of the votes should be named as the only nominee for the office, to read "In the municipal primary the two persons receiving the highest number of votes for mayor shall be declared nominees for said office in the election", and the Legislative Delegation is now asking if the Council would like the former law restored. In the discussion Councilman Babcock stated he thinks if a person gets a clear majority in the Primary for mayor, he should be elected. Councilman Whittington moved that the Primary law pertaining to the Mayor remain as it presently is in the Charter. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Dellinger, Albea, Hitch, Myers and Smith.
NAYS: Councilman Babcock.

WILLIS I. HENDERSON EMPLOYED AS APPRAISER WITH RESPECT TO LEASE-AGREEMENT WITH DWIGHT L. PHILLIPS FOR AUDITORIUM-COLISEUM PARKING LOT.

The City Manager stated the Lease-Agreement with Mr. Dwight L. Phillips with respect to the Auditorium-Coliseum Parking Lot calls for the City to appoint an Appraiser to work with Mr. Phillips' appraiser, and he suggested the appointment of Mr. Willis I. Henderson, Realtor. Councilman Dellinger moved the appointment of Mr. Henderson, which was seconded by Councilman Myers, and unanimously carried.

CHARLOTTE WOMAN'S CLUB STATUS OF WOMEN COMMITTEE REQUESTS THE APPOINTMENT OF WOMEN ON THE CITY'S BOARDS AND COMMISSIONS.

A delegation of members of the Charlotte Woman's Club appeared before Council with Mrs. Doris Cromartie, Chairman of the Status of Women Committee, as spokesman, relative to the appointment of women to the City's various Boards. Mrs. Cromartie stated there are four Boards in particular on which women could serve the City well; 1st, Charity Solicitation Commission: It is the women who ring the door bells as solicitors on campaigns and they should be able to have a voice in the actions of the Commission. 2ndly, Charlotte Rehabilitation Hospital: The hospital was motivated by women and the majority of money raised for the hospital was done so by women, 3rd, Charlotte Housing Authority; This is another field in which women could serve well, and 4th, Health Advisory Committee: They feel that women could serve well on this Committee. Mrs. Cromartie stated there are 145 appointments made to Boards and only 8 women are serving today. She stated they will serve if asked and they are asking for such appointments.

Councilman Dellinger stated he thinks these ladies should be commended for coming down and making this request, and he thinks ladies are due the recognition of being asked to serve on our Board and Commissions.

PROGRESS REPORT REQUESTED ON WORK OF ENGINEERS IN CONNECTION WITH WESTSIDE GRADE CROSSING ELIMINATION PROGRAM.

Councilman Dellinger asked relative to the status of the work by Whitehead & Zickel, Engineers on the Westside Grade Crossing Elimination Program. The City Manager advised they are at work and he believes will have the work completed in 60 to 90 days. Councilman Dellinger then asked the City Manager to secure a progress report from the Engineers.

SEWER LINE CONSTRUCTION ON BROOKWOOD ROAD, FOXCROFT, REQUESTED EXPEDITED TO RELIEVE HEALTH HAZARD CAUSED BY SEPTIC TANKS.

Councilman Dellinger asked relative to the status of the sewer line construction he reported at the April 3rd meeting on Brookwood Road in Foxcroft. The City Attorney advised there has been no settlement with Mr. O'Herron as to right-of-way across his property for the sewer line. Mr. Veeder advised he reported to the Health Department the septic tank condition reported by Mr. Dellinger, but has not heard from them. Mr. Shaw stated he understands Mr. O'Herron is out of the city, and also, there is another property involved, and he will get this part of it straightened out as soon as he can contact both parties. Councilman Dellinger stated he understands the health condition is not good and it should be given attention.

RESOLUTION RELATIVE TO PROFESSIONAL BASEBALL IN CHARLOTTE.

Councilman Smith offered the following resolution, and moved its adoption, which was seconded by Councilman Albea, and unanimously carried:

RESOLVE that the City Council of the City of Charlotte, North Carolina, acknowledges with thanks to Mr. Phil Howser and the Charlotte Baseball and Amusement Company for retaining professional baseball in the City of Charlotte,

and

RESOLVE that the City of Charlotte will encourage the increased public support of this worthwhile enterprise and recreation.

CAR ALLOWANCES FOR HEALTH DEPARTMENT REQUESTED PAID.

Councilman Whittington advised the City Manager that he understands no car allowances have been paid persons in the Health Department since the new program was started on March 1st, and some of them are dependent on these funds to operate their cars. The City Manager stated he will check into this immediately.

TAX DEPARTMENT EMPLOYEES REQUESTED GIVEN OPPORTUNITY TO TAKE GROUP INSURANCE.

Councilman Whittington requested the City Manager to have the Personnel Director contact the Tax Department employees and see if they cannot take the new group insurance, as they have not been given the opportunity to do so.

STATUS OF GOOD SAMARITAN HOSPITAL TRANSFER.

At the request of Councilman Hitch as to the status of the Good Samaritan Hospital transfer, the City Attorney advised he has sent the Bond Attorneys in New York and the Secretary of the Local Government Commission suggested forms of complaint, and if they like it then the complaint can be filed, which will take ten days to two weeks.

TRAFFIC COUNT REQUESTED AT EAST FIFTH AND LAUREL AVENUE.

Councilman Myers asked that a traffic count be made at the intersection of East Fifth Street and Laurel Avenue where there is presently a blinker light.

April 10, 1961
Minute Book 40 - Page 321

OBJECTIONS EXPRESSED TO SOME PROVISIONS OF THE URBAN RENEWAL AMENDMENT
BEFORE LEGISLATURE.

Councilman Myers stated he understands that proposed legislation regarding Urban Renewal has been sent to the Legislature and he objects to three items, namely: 1. The Bill takes final disposition of each individual property and turns it over to the Commission, and he is wondering if the Council wants this, as it has caused trouble in other cities. 2. The Bill give the Urban Commission authority to condemn commercial property as well as residential. He is wondering if this should not be held to residential property only. 3. Payment of Legal Fees. If the property owner in the Brooklyn Area protests, whether he should win or lose, he would not be reimbursed the legal fees. He stated he would like to call for a motion next week to inform our Legislative Delegation on the matter. He stated further that Mr. Sawyer has indicated that the Redevelopment Commission does not approve some aspects of the Bill. He stated that he will bring the matter up next week for a vote.

Councilman Whittington stated he feels this is a legal matter and that the City Attorney and Redevelopment Commission should get together and bring in a recommendation next week.

Councilman Albea asked if this is not going to muddy the waters? That there have been more Bills killed by amendments than any other thing.

Councilman Myers stated he has not been able to learn who prepared the Bill. That he understands it was initiated by the Institute of Government and then came to the Redevelopment Commission.

The City Manager asked if they would not like to have someone at the meeting next week from the Redevelopment Commission, and Mayor Smith stated he thought it would be well to do so.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk