

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 9, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Mr. Sam Hinson, prominent Methodist layman and Teacher in Calvary Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on April 2nd were approved as submitted.

REQUEST FOR TEMPORARY SIDEWALKS TO BRIARWOOD SCHOOL REFERRED TO CITY MANAGER AND TRAFFIC ENGINEER FOR CONFERENCE WITH PETITIONERS AND FOR COST ESTIMATE AND RECOMMENDATIONS TO COUNCIL.

Mr. Curtis White, representing Briarwood School, appealed to Council for the construction of temporary sidewalks from The Plaza up to Wilann Street, about two blocks. He stated, however, they would really like a gravel sidewalk on one side of The Plaza from Farris Drive to Shannonhouse Street and give everyone across the street a sidewalk to walk on instead of having to walk on the highway. He stated they are forced to drive their children to school because of the traffic hazard. Mr. White stressed the fact that subdivisions are being developed in the area that will increase the number of children attending Briarwood School. He stated that a survey made by Mr. Hoose of the number of children walking to school was not representative of those who would walk if it were not for the danger. Mr. White stated he has discussed the request with Councilman Dellinger and it may be that a cost of the work has been made. Mr. Hoose was present and stated he did not recommend the construction of the sidewalk, based on the results of his survey and therefore no cost estimate would have been made. Mr. Hoose stated further there is a drainage ditch along the street that will add to the difficulties of laying a sidewalk, and he pointed out that shrubs and trees are planted down to the street.

Mr. Ben Gupton, representing the residents, stated there is some confusion as to where the sidewalk is needed. There appears to be two issues involved, Mr. White is talking about two blocks on The Plaza and others are talking about the sidewalk on Wilann Drive. That he is sure Mr. Dellinger has been asked about the two blocks on The Plaza proper, from Shannonhouse Avenue to Lakedale Avenue, and that does not include the paving that Mr. Hoose is referring to, which is Wilann Drive from The Plaza to the school. That what he and Mr. White are actually interested in is the additional widening of the street, or a sidewalk, down The Plaza at this time. Councilman Dellinger stated that is not the request that was brought to him, and The Plaza is a State Highway.

Following an explanation of the area and what is needed by Mr. Gupton, Councilman Jordan suggested that Mr. Veeder and Mr. Hoose get together with

Mr. Gupton and Mr. White and learn just exactly what they want and bring a cost estimate back to Council.

Mr. White stated they will be glad to do so, that his request is what was started out with but it has evidently been added to since that time.

OATH OF OFFICE TO BE ADMINISTERED JUDGE WILLIAM GRIST, ASSOCIATE RECORDER AND MR. WILLIAM GRAHAM, ASSISTANT SOLICITOR OF CITY RECORDER'S COURT, BY MAYOR BROOKSHIRE APRIL 10TH.

Judge William Grist expressed his appreciation for his appointment as Associate Recorder in the City Recorder's Court, and stated he is going to accept the appointment, and has a great deal of humility in trying to approach the problem. That he and Judge Beacham are endeavoring to get the Court set up, and he will try to operate a Court that is acceptable to the Council and acceptable to the public and he will run it to the best of his ability. If from time to time the Council hears complaints from people convicted, feel free to call him at his office at any time and discuss them, because he wants to do the job the way the Council thinks it should be done, at the same time he must do it the way he thinks it should be done.

Judge Grist asked that the Mayor administer the Oath of Office to him and the newly appointed Assistant Solicitor, Mr. William Graham, tomorrow at 3 o'clock, here in the Council Chamber, if it is convenient.

Mayor Brookshire advised he will be happy to administer the Oath at the suggested time, and thanked Judge Grist for coming before the Council and making the remarks he has; that the Council has a great deal of confidence in him and will be willing and glad to work with him.

RESOLUTION CONSENTING TO THE ASSIGNMENT OF HAWTHORNE AVIATION LEASE AGREEMENT TO TENNESSEE AIRMOTIVE, INC.

A resolution entitled: Resolution Consenting to the Assignment of Hawthorne Aviation Lease Agreement to Tennessee Airmotive, Inc, was introduced and read, and upon motion of Councilman Thrower, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 188.

SETTLEMENT OF CLAIM OF LESTER B. BROCK FOR REPAIRS TO CAR.

Councilman Thrower moved approval of the settlement of the claim of Mr. Lester B. Brock, in the amount of \$12.00, for repairs to his car damaged by flying rock during a blasting operation by the Street Department on March 20, 1962, which settlement was recommended by the City Attorney. The motion was seconded by Councilman Whittington, and unanimously carried.

CHANGE ORDER #1 AUTHORIZED IN CONTRACT WITH FOARD CONSTRUCTION COMPANY FOR CONSTRUCTION OF FIRE STATION #14.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, Change Order #1, representing a total credit of \$144.56 in the contract price with Foard Construction Company for the construction of Fire Station #14, was authorized.

ACQUISITION OF PROPERTY ON NORTH SIDE OF WEST MOREHEAD STREET, BETWEEN ELDRIDGE STREET AND SOUTH GRAHAM STREET, FROM EDNA D. GARIBALDI ET AL FOR RIGHT-OF-WAY FOR STREET WIDENING INCIDENT TO THE WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Councilman Albea moved approval of the acquisition of 500 square feet of property from Edna D. Garibaldi et al on the north side of West Morehead Street, between Eldridge Street and South Graham Street, at a unit price of \$3.00 per square foot, or a total price of \$1,500.00, for right-of-way for street widening incident to the West Side Grade Crossing Elimination Project. The motion was seconded by Councilman Thrower, and unanimously carried.

REQUEST OF GEORGE S. GOODYEAR FOR PAYMENT FOR SANITARY SEWER LINES CONSTRUCTED OUTSIDE THE CITY PRIOR TO 1955 DEFERRED FOR FURTHER STUDY.

At the recommendation of Mr. Paul Bobo, Administrative Assistant, the request of Mr. George S. Goodyear for payment for the sanitary sewer lines constructed by him outside the city prior to 1955, without contracts, was deferred for further study by Mr. Veeder, Mr. Morrissey and Mr. Bobo, and for their recommendation, upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED IN ALBEMARLE ROAD.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the construction of 844-feet of sanitary sewer lines was authorized in Albemarle Road, from near Independence Boulevard NE to near Pierson Drive, at the request of Ervin Construction Company, at an estimated cost of \$2,495.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

DUPLICATE DEED AUTHORIZED ISSUED TO EVERGREEN CEMETERY LOT.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute a duplicate deed to Mrs E. P. McLeod for Lot 299, Section 4-A, Evergreen Cemetery, at \$3.00.

CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY, INC FOR AERIAL CABLE.

Councilman Smith moved the award of contract to Graybar Electric Company, Inc., the low bidder, for 16,500 feet of Aerial Cable at a total price of \$2,875.12. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Graybar Electric Company, Inc.	\$ 2,875.12
Mill-Power Supply Company	3,343.60
Westinghouse Electric Supply Company	3,616.31
General Electric Supply Company	4,566.21
Shelby Supply Company	5,209.05

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF STREET IMPROVEMENTS ON EAST 5TH AND EAST 6TH STREETS.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded Crowder Construction Company, the low bidder, for the construction of Street Improvements on East 5th and East 6th Streets, on a unit price basis, representing a total bid price of \$49,039.30.

The following bids were received:

Crowder Construction Company	\$49,039.30
Sherrill Construction Company	56,918.40
Rea Construction Company	58,950.65

ACQUISITION OF PROPERTY NEAR SW CORNER OF INTERSECTION OF SUGAW CREEK AND EAST 7TH STREET FROM GENERAL MILLS, INC. FOR EXTENSION OF EAST 5TH AND EAST 6TH STREET AND RIGHT-OF-WAY FOR NORTHWEST EXPRESSWAY.

Councilman Whittington moved approval of the acquisition from General Mills, Inc. of 37,566 square feet of property located near the SW corner of the intersection of Sugaw Creek with East 7th Street, at a total price of \$50,000.00 for the extension of East 5th and East 6th Street into East 7th Street, and as right-of-way for the Northwest Expressway. The motion was seconded by Councilman Albea, and unanimously carried.

ACQUISITION OF PROPERTY AT INTERSECTION OF NORTH COLLEGE STREET AND EAST 12TH STREET FROM HAROLD E. PERPER AS RIGHT-OF-WAY FOR THE NORTHWEST EXPRESSWAY, PROVIDED OPTION MAY BE OBTAINED ON ADJOINING PROPERTY FACING ON NORTH TRYON STREET AT A SATISFACTORY PRICE PER SQUARE FOOT.

Councilman Whittington moved approval of the acquisition from Mr. Harold E. Perper of 10,525 square feet of property located at the intersection of North College Street and East 12th Street, at a total price of \$25,639, as right-of-way for the Northwest Expressway, provided the property owners will also give the City an option on the adjoining property facing on North Tryon Street at a satisfactory price per square foot. The motion was seconded by Councilman Albea, and unanimously carried.

INSTALLATION OF SANITARY SEWER LINES AUTHORIZED IN PORTION OF WILKINSON BOULEVARD BEING WIDENED, AND CITY MANAGER AUTHORIZED TO ADVERTISE FOR BIDS ON SAID WORK.

Councilman Jordan moved approval of the installation of sanitary sewer lines in that portion of Wilkinson Boulevard now being widened, at an estimated cost of \$58,055, and the transfer of \$41,000 from the Capital Improvement Budget, (purchase of sewer lines) and of \$17,055 from Capital Improvements Budget (enlargement of Irwin Creek Outfall) for this purpose, and that bids be advertised for the said installation. The motion was seconded by Councilman Bryant, and unanimously carried.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 30TH ON A PROPOSED AMENDMENT TO CHAPTER 23, ARTICLE III, SECTION 23-34a OF THE CITY CODE.

At the request of Mayor Brookshire, the City Attorney advised that the present Zoning Ordinance limits the use of land for sanitary landfill purposes to Industrial Districts; this handicaps the City in being able

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to properly manage its disposal functions in that it is much more desirable and logical and economical to have landfill usage provided in what is now zoned as residential areas. In order to accomplish this, it will be necessary to amend the Zoning Ordinance and this is recommended by the Planning Board. Therefore, it would be in order to fix the date for a public hearing on the proposed amendment as outlined in the memorandum attached to the Conference Agenda. Councilman Thrower moved the adoption of a Resolution Providing for a Public Hearing on the Proposed Amendment to the Zoning Ordinance, which was fixed for April 30th at 3 o'clock p.m. The motion was seconded by Councilman Dellinger.

In the discussion, it was pointed out by Councilman Smith that this could also be accomplished by the City asking for a change in zoning on the individual merits of each case, instead of changing the zoning ordinance, and see what objections there were to each case. It was pointed out this would constitute spot zoning and raise greater objections. The City Attorney stated the end results would be the same and no doubt land would be selected that was unsuitable for residential development, and as pointed out in the memorandum from the Planning Board, in sparsely developed residential areas. The City Attorney pointed out further that the City would be acquiring the land for these sites and the Council could, or could not as they saw fit, acquire the recommended sites.

At the question of Councilman Jordan if property could not be found in Industrial zones for these landfill sites, Councilman Bryant stated he has been interested in this and has discussed it with the City Manager and he advised they have had an extreme problem finding a satisfactory site in the northeast area of town where one is needed, hence the request to amend the zoning ordinance.

The vote was taken on the motion for the adoption of the Resolution fixing the date of the public hearing, and unanimously passed. The resolution is recorded in full in Resolutions Book 4, at Page 189.

IRREGULARITY OF HOUSE NUMBERS ON OLD SARDIS ROAD REQUESTED CHECKED INTO BY CITY.

Councilman Smith stated he has been approached regarding the house numbers on Old Sardis Road from Providence Road, that they are irregular and it is difficult to locate the houses. He asked Mr. Bobo to check into this and give a report to Mr. Beard with the North Carolina National Bank branch in the Law Building who approached him concerning this.

SURVEY AND COST ESTIMATE REQUESTED FOR WIDENING OF WEST 6TH STREET, FROM N. TRYON STREET TO N. GRAHAM STREET.

Councilman Dellinger moved that the Council instruct the City Manager to proceed with a survey of West 6th Street, from North Tryon to North Graham and get an estimate of the cost of widening the street, which has been discussed for some three years now. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER REQUESTED TO CHECK WITH PROPERTY OWNER AT 221 GRANDIN ROAD REGARDING THE REMOVAL OF OAK TREE WHOSE ROOTS PUSH UP SIDEWALK.

Councilman Dellinger requested that the Engineering Department check with the property owner at 221 Grandin Road relative to the City removing a large oak tree in the grass strip as the tree roots push up the sidewalk pavement; that the City has repaired the sidewalk at this location several times because of this, and the tree should be removed.

CONSIDERATION OF STREET IMPROVEMENT & MAINTENANCE POLICY AND INCREASE IN MAJOR DEPARTMENT HEAD SALARIES POSTPONED.

Mayor Brookshire suggested as the City Manager is out ill, consideration of the proposed Street Improvement and Maintenance Program should probably be postponed, as Mr. Veeder has given much time and thought to the program and should be present to discuss it. Councilman Whittington stated he felt it should be decided as soon as possible. Councilman Smith asked if the Major Department Head Salaries recommended by the City Manager are not to be considered today? Councilman Bryant stated he is willing and ready to go ahead with the recommended Street Policy as set out in the Agenda, and also the matter of the Salaries for the Department Heads, and he will be glad to discuss these and take a vote on them. Councilman Whittington again stated he thinks the Council should set some definite date to decide the street policy, that he appreciates the fact that Mr. Veeder is sick, and if the majority wants to wait he will do so, but he thinks Mr. Bobo can discuss it from the viewpoint of the City Manager, and he would like to get it decided so that the people will know what to expect, and he would like to get into it today. Councilman Dellinger stated he is ready to vote on the Street Policy but he certainly thinks we are getting unduly excited about the Salaries of the Department Heads and should be considering the people down the line; that he personally feels if their salaries are out of line it should be looked into but does not think the higher paid people should be singled out and increased when there are people down the line who can hardly exist, and he thinks the Council should give a long look at the recommendations. That he thinks when we have a Job Classification or Pay Plan System then when one group is out of line, they all are. Councilman Albea stated he feels the same way and he is not ready to vote on the salary question without a lot of study. Councilman Smith stated he has discussed this with the City Manager and the reason he wants to do this is to bring these Department Heads up so the people under them can also be advanced. Councilman Dellinger stated this is no way to build up harmonious relations by raising the top personnel and doing nothing at the same time for the others. Councilman Smith stated that can be done when the new budget is made. Councilman Albea stated he thinks all advances should be made at the same time. Councilman Smith stated the general employee can be replaced easier than those at the head of the department, and some of the people in the top jobs have been offered better jobs, that we have two vacancies right now - the Building Inspection Supt. and the Airport Manager. Councilman Dellinger stated he does not think it is necessary at all to raise every department head's salary just to fill two jobs. He asked the Mayor if department head salary figures cannot be obtained from Atlanta, Greensboro, Knoxville, and other cities of comparable size to Charlotte so that our salaries can be compared with these, and Mayor Brookshire said he would be glad to do so.

Mayor Brookshire stated both the subject of Salaries as recommended and the Streets will be put on the Conference Agenda for discussion next Monday, if that is agreeable, and he would suggest that the Council meet next week at 1 o'clock in order to have time for this and the other things.

HEARING TO BE HELD ON PETITION OF TRAVEL LODGE FOR CHANGE IN ZONING ON PROPERTY ON SOUTH TRYON STREET ON MONDAY, APRIL 30TH.

Councilman Smith advised that Travel Lodge plans to build a large motel next to the National Cash Register place on South Tryon Street and they found when they started drawing up the plans that the whole block is zoned Commercial, or rather Industrial, which means that you have to set back 20 feet; that Travel Lodge went before the Zoning Adjustment Board and were told they did not feel this comes under their jurisdiction altho they thought it should be done and they thought it should be handled by the Council. That the next hearing date is scheduled for May 21st, and then there is a wait of a week to get the Planning Board's recommendation, which would be the 28th and these people would be greatly delayed, so it has been suggested by Mr. Veeder that if Council would authorize a special hearing of this at the Council Meeting on the 30th of April it would greatly aid these people, because their option will run out if it is delayed too long. He moved that a hearing be held on April 30th on the petition of Travel Lodge for a change in zoning of property on South Tryon Street, and the adoption of a Resolution Providing for the public hearing. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated he does not think it is a good idea to start hearing these zoning matters at times other than the regular dates. Councilman Whittington asked if this does not concern Winifred Street, and Councilman Smith stated it does at the rear of the property, that the entire block is concerned. Councilman Whittington stated the reason he says this is that just Thursday of last week a man lost a contract on a building because the Zoning Board of Adjustment would not meet with him for a month, and we can be getting into a situation where we are helping one and turning down maybe fifty more that we do not know about. Councilman Dellinger asked if this is not a setback hardship, and Councilman Smith stated it is.

Mr. Morrisey asked if the hearing is to be on a request for rezoning from Industrial to Business, and not a question of setback? Councilman Smith stated that is correct. Mr. Morrisey then stated it is not a matter for the Zoning Board of Adjustment. Councilman Dellinger stated they only act on matters of hardship.

The vote was taken on the motion for the hearing to be held on April 30th, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk