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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, August 26, 1963 at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilman Smith.

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#### INVOCATION.

The invocation was given by the Reverend Emanuel Bouyoukas, Pastor of Holy Trinity Greek Orthodox Cathedral.

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on August 19th were approved as submitted.

COUNCIL ADVISED THAT TRAFFIC JAM ON COLLEGE STREET TODAY CAUSED BY PARKING LOT IN 100 BLOCK OF NORTH COLLEGE STREET AND NOT BY PARKING ON STREET.

Mr. P. D. Kleckley of Farris Bros. Furniture Company, who had appeared before Council on several occasions in protest of the adoption of the proposed Downtown Parking Regulations, advised he came down to say there was a traffic jam on College Street today from about 10 or 10:30 this morning until 1:30 or 2 p.m., and it was not caused by parking on the street but by the Parking Lot in the 100 block of North College. That if any of the Council was by there or been by there today he saw what it caused. He stated he brought this to Council's attention when he first appeared before Council on the subject of Downtown traffic; nothing has been done about the Parking Lot, it is still jamming traffic all the way round the corner on Trade Street and backing it up into the 100 block of South College Street. He stated the west lane, which is the lane towards Tryon Street remained open fairly well this morning but the right-hand or east lane did not remain open because of that one and only one reason.

Mayor Brookshire thanked Mr. Kleckley and stated that Mr. Veeder is making a memorandum on what Mr. Kleckley has said.

PLAQUE IN ACKNOWLEDGMENT AND APPRECIATION FOR LONG SERVICE TO CITY PRESENTED DOUGLAS EVANS ON HIS RETIREMENT.

Mayor Brookshire presented to Douglas Evans, Retiring City Hall Janitor, a Plaque in acknowledgment and appreciation for his long service to the City from February 6, 1930 to September 1, 1963 and wished him well in his retirement.

Douglas expressed his appreciation of the Plaque and said he had enjoyed working with the City through the years and in his special duties keeping the Mayor's office and Council Chamber clean and setting up for Council Meetings each week, and he hoped he would live a long life.

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ACTION ON PETITION NO. 63-45 FOR CHANGE IN ZONING FROM R-15 TO O-6 OF A 10 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF SHARON ROAD AND SHARON VIEW ROAD, DEFERRED AND PETITION REFERRED BACK TO PLANNING COMMISSION FOR CONSIDERATION OF ZONING THE PROPERTY LESS THAN THE O-6 ZONING REQUESTED.

Petition No. 63-45 by James M. Herlocker, Thomas A. Lockhart, et al for change in zoning from R-15 to O-6 of a 10-acre tract of land at the north-east corner of Sharon Road and Sharon View Road on which the Hearing was held on August 19th was presented for Council decision, two petitions protesting the change in zoning having been filed, bearing the signatures of 100% of the adjoining property owners on both the east and west sides of the property in question, thereby invoking the protest provision of the Statutes.

Mr. Thomas Lockhart stated that on behalf of the petitioners for this zoning change, they ask the Council to defer action on the petition and to refer it back to the Planning Commission for consideration of a zoning of this property less than the O-6 zoning requested.

Mayor Brookshire asked the City Attorney if this is in order, and Mr. Morrisey replied that it is.

Councilman Jordan moved that action be deferred and the petition be referred back to the Planning Commission for consideration of a zoning of the property less than the O-6 zoning requested. The motion was seconded by Councilman Bryant, and unanimously carried.

ORDINANCE NO. 194-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 2901 DUNN STREET FROM B-1 TO B-2, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, adopting Ordinance No. 194-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from B-1 to B-2 of the property at 2901 Dunn Street, on petition of Mr. L. P. Mayhew, and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 443.

PETITION NO. 63-48 FOR CHANGE IN ZONING FROM O-6 AND R-9 TO B-1 OF PROPERTY ON WEST SIDE OF NORLAND DRIVE (FORMERLY WOODLAND DRIVE) NEAR CHARLES STREET, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, Petition No. 63-48 for a change in zoning from O-6 and R-9 to B-1 of two 100-ft. lots on the west side of Norland Drive (formerly Woodland Drive) near Charles Street, was denied as recommended by the Planning Commission.

ORDINANCE NO. 195-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE RAILWAY RIGHT OF WAY PORTION OF THE AREA BOUNDED BY WEDDINGTON AVENUE, BASCOM STREET AND THE SAL RAILWAY, FROM R-6MF TO I-2 COMPRISING THE PETITION OF QUEEN CITY LUMBER & SUPPLY COMPANY, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, adopting Ordinance No. 195-Z Amending Chapter 23, Section 23-8 of the City Code, changing the Railway right of way portion of the area bounded by Weddington Avenue, Bascom Street and the SAL Railway, from R-6MF to I-2 Comprising the Petition of Queen City Lumber & Supply Company, as recommended by the Planning Commission. The Ordinance is recorded in full in Ordinance Book 13, at Page 444.

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PETITION NO. 63-50 FOR CHANGE IN ZONING FROM R-6MF TO I-2 OF TRACT OF LAND ON THE NORTHEAST SIDE OF ROZZELLS FERRY ROAD, BEGINNING 230-FT. SOUTHEAST OF MANLEY STREET, DENIED.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, Petition No. 63-50 by Mr. R. S. Cook for a change in zoning from R-6MF to I-2 of a tract of land on the northeast side of Rozzells Ferry Road, beginning 230-ft. southeast of Manley Street, was denied as recommended by the Planning Commission.

AMENDMENT NO. 2 TO AGREEMENT BETWEEN CITY OF CHARLOTTE AND REDEVELOPMENT COMMISSION, APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Alba, and unanimously carried, approving Amendment No. 2 to the Agreement between the City of Charlotte and the Redevelopment Commission (dated March 29, 1961) to enable the City to purchase from the Commission Block 1, Section 1 of the Brooklyn Urban Renewal Area, in two separate parcels designated as Parcels 1-1 and 1-4 on the Plat, out of funds provided for in two separate budgets of the City, rather than purchasing the Block in its entirety from funds provided for in a single budget, as called for in the original Agreement.

CONTRACTS AUTHORIZED FOR APPRAISAL OF SEVEN TRACTS OF LAND AS RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contracts were authorized with the following persons for the appraisal of seven tracts of land as right of way for the Northwest Expressway:

- Robert R. Rhyne, Sr.                      Appraisal of 5 tracts of land on N. Graham, W. 11th and W. 10th Streets.
- Stewart Elliott                              Appraisal of 2 tracts of land on N. Johnson, Ross Row, E. 11th and E. 10th Streets.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR ENCROACHMENT ON THEIR RIGHT OF WAY FOR THE INSTALLATION OF WATER MAIN ALONG THE WEST SIDE OF THE ENTRANCE RAMP FROM TUCKASEEGEE ROAD TO INTERSTATE 85.

Councilman Bryant moved approval of an Agreement with the State Highway Commission for encroachment on their right of way for the installation of a water main along the west side of the entrance ramp from Tuckaseege Road to Interstate 85. The motion was seconded by Councilman Jordan, and unanimously carried.

ACTION DEFERRED ON CONTRACT WITH NANCE-TROTTER REALTY, INC. FOR INSTALLATION OF WATER MAINS IN FARMCREST SUBDIVISION, TO GIVE THE CITY MANAGER AN OPPORTUNITY TO CONTACT THE DEVELOPERS WITH REGARD TO STREET RIGHT OF WAY.

Councilman Thrower moved approval of a contract with Nance-Trotter Realty, Inc., for the installation of 1,890 feet of water mains and 2 hydrants in Farmcrest Subdivision, inside the city limits, at an estimated cost of \$6,100.00. The City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total cost. The motion was seconded by Councilman Jordan.

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At the question of Councilman Whittington as to the location of Farmcrest Subdivision, it was established that it is located northwest of Sugaw Creek Road and South of Interstate Highway 85, which Councilman Whittington stated is across the street from Hidden Valley.

Councilman Dellinger pointed out that we are going to be in the same position here that we were some months ago at the Goodyear Development, about which Mr. E. J. Rust and others came down and we had to acquire some right of way from people on the street because of a similar situation. That it seems to him we have a chance here, if this is a Subdivision, to right this before it goes any further. This road is not wide enough that they are putting in and as soon as it is finished they will come in and ask that it be widened and we will have to assess the adjoining property owners just as we did before. That he is wondering if there is any way we can prevent this now.

The City Manager stated it ties in but specifically the need for additional right of way is not involved in this contract. Councilman Dellinger stated that may be so, but we should see if we can prevail on these people to put in a road that is the right width, or they will go ahead and finish this road and then come in and ask that the people on the street be assessed for the wider road. We should have a policy whereby we could forestall a thing like this.

The City Manager stated he still thinks we have two issues here.

Councilman Whittington stated this problem that Mr. Dellinger is referring to has been brought to the attention of several Councilmen. Mr. Birmingham knows about it and two of the people who are affected are in the audience and the Council should have a clarification of this matter before we vote on this contract. Mr. Veeder stated that in view of the conversation and the objective we are seeking, he suggests that Council defer action on the contract.

Councilman Whittington offered a substitute motion that action be deferred, which was seconded by Councilman Jordan.

Councilman Dellinger suggested that these people be contacted and told that they are going to be expected to comply with regulations. If we pass this, it is tantamount to us agreeing to some kind of negotiations to spend city money to finish this street at a later date, which has been the pattern we have followed for the past few years.

The vote was taken on the substitute motion, and unanimously carried.

#### STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the following streets were taken over for continuous maintenance:

Street	From	To
Edward Street	175' W. of St. Anne Place	Bingham Drive
Glenville Avenue	175' SW of Purser Drive	530' NE of Purser Dr.
Dora Drive	Purser Drive	150' north
Purser Drive	175' W of Glenville Ave.	120' E of Dora Drive
Davenport St.	425' S of Tresevant St.	End at Cul-de-sac
Dawnview Street	Davenport Street	End at Cul-de-sac
Goshen Place	Walker Road	End at Cul-de-sac
Hillside Drive	Goshen Place	End at property line

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SETTLEMENT OF CLAIM OF CHARLES T. GARRISON.

Councilman Thrower moved approval of the payment of \$27.00 to Mr. Charles T. Garrison, in settlement of his claim for damages to personal property at 3423 Monroe Road, caused by a sewer stop-up on March 5, 1963. The motion was seconded by Councilman Bryant, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. Harold L. Keely for the transfer of Graves 2 and 3, in Lot 15-A, Section 3, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED REPUBLIC STEEL CORP. FOR STEEL CORRUGATED PIPE.

Councilman Jordan moved the award of contract to the low bidder, Republic Steel Corporation, for the purchase of Steel Corrugated Pipe, as specified, at a total bid price of \$6,062.58. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Republic Steel Corporation	\$ 6,062.58
Armco Drainage & Metal Products, Inc.	6,568.10
Carolina Culvert & Metal Co.	6,753.65
Gray Concrete Pipe Company	8,313.60

CONTRACT AWARDED L.A. ARMSTRONG FOR PIT GRAVEL.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, contract was awarded the only bidder, Mr. L. A. Armstrong, for 3,000 cubic yards of Pit Gravel, as specified, at their bid price of \$4,944.00, on a unit price basis.

CONTRACT AWARDED HAJOCA CORP. FOR BRASS GOODS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Hajoca Corporation, for 13,820 pieces of Brass Goods, as specified, at their bid price of \$13,238.60.

The following bids were received:

Hajoca Corporation	\$13,238.60
Grinnell Company, Inc	13,313.42
Parnell-Martin Supply Co.	13,570.24
Shelby Supply Co.	13,598.30
The Farnan Brass Works Co.	13,860.55
Pump & Lighting Co., Inc.	13,947.89
Southern Meter & Supply Co.	14,519.51

CONTRACT AWARDED BELK BROS COMPANY FOR WORK CLOTHING.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Belk Bros. Company,

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for work clothing, as specified, for Various City Departments, on a unit price basis, at their bid price of \$21,825.07.

The following bids were received:

Belk Bros. Company	\$21,825.07
Goldmark Specialty Company	22,163.43
The Hub Uniform Company	22,403.76
Hawthorne Uniform Shop	23,263.73

**CONTRACT AWARDED GOLDMARK SPECIALTY COMPANY FOR TROUSERS AND JACKETS.**

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Goldmark Specialty Company for Trousers and Jackets, as specified, on a unit price basis, at their bid price of \$3,909.90.

The following bids were received:

Goldmark Specialty Company	\$ 3,909.90
Belk Bros. Company	4,608.18
The Hub Uniform Company	4,687.88

**ACQUISITION OF RIGHTS OF WAY FOR CLEAR ZONE OF NORTH-SOUTH AIRPORT RUNWAY EXTENSION, FOR NORTHWEST EXPRESSWAY AND FOR SANITARY SEWER CONSTRUCTION IN WENDOVER WOODS SUBDIVISION.**

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, acquisition of the following property for use as rights of way as follows, was authorized:

**TWO TRACTS IN CLEAR ZONE OF NORTH-SOUTH RUNWAY EXTENSION**

- (a) Acquisition of house and lot 120' x 150' on Wilmont Road, Berryhill Township, from Lillie E. Bulla, at a total price of \$9,500.00.
- (b) Acquisition of house and lot 19,000 sq. ft. on Wilmont Road, Berryhill Township, from Lillie E. Bulla and Lena B. Cole, at a total price of \$14,000.00.

**TWO TRACTS FOR NORTHWEST EXPRESSWAY**

- (c) Acquisition of house and lot, 11,426 sq. ft, at 808 N. Davidson Street, from Luther N. Buckaloo and Dorothy B. Buckaloo, at a total price of \$5,600.00.
- (d) Acquisition of house and lot, 7,800 sq. ft, at 524 Jackson Avenue, from Frederick O. Sing and wife Madelin, at a total price of \$10,000.00.

**EASEMENTS FOR SANITARY SEWER CONSTRUCTION IN WENDOVER WOODS SUBDIVISION.**

- (e) Acquisition of easement in right of way 10' wide x 157.56' long, in Wendover Woods Subdivision, from Paul W. Sanger and wife, Mary Ann, at a total price of \$78.73.
- (f) Acquisition of easement in right of way 10' x 161.36' long in Wendover Woods Subdivision, from Carrie Marshall Gilchrist and Peter S. Gilchrist, Jr., at a total price of \$80.68.

MAYOR ADVISES A LENGTHY PROGRAM ON CHARLOTTE'S PROGRESSIVE APPROACH TO THE RACE RELATIONS QUESTION WILL BE TELEVISED BY THE ABC NETWORK OVER WSOC-TV ON SEPTEMBER 8TH.

Mayor Brookshire advised that Mr. Steve Delaney says the ABC Television Network will carry a lengthy program on Charlotte's progressive approach to the Race Relations question, on September 8th over WSOC-TV, and national staff members of ABC will be here on Wednesday of this week and at that time will record a session of the Mayor's Community Relations Committee, among other activities in our city. He stated this should be most interesting and he thinks we will all want to see it.

RESOLUTION EXTENDING TO TEN YEARS THE TIME FOR PAYMENT OF STREET IMPROVEMENT ASSESSMENTS ON KILDARE DRIVE, LYTTLETON DRIVE AND SHARON ROAD.

The City Attorney advised there were three street improvements done by assessment under the old Charter provision, whereby the property owners had only up to 5 years to pay the assessment. Subsequent assessments under the new Charter provisions allows 10 years to pay, and many of the residents on the three earlier streets are requesting the same privilege of 10 years. Therefore, he has prepared a Resolution Extending to Ten Years the Time for Payment of Street Improvement Assessments on these streets - Kildare Drive, Lyttleton Drive and Sharon Road, for Council consideration.

Councilman Dellinger moved the adoption of the Resolution, which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 333.

HEARING FIXED FOR SEPTEMBER 9TH ON APPLICATION OF BAKER CAB COMPANY FOR THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR TAXICABS.

The City Attorney advised he has received an application for the issuance of Certificates of Public Convenience and Necessity for Taxicabs from Baker Cab Company, and he suggests that Council fix the date for the Public Hearing on the application for the next meeting on September 9th.

Councilman Alba moved that a Public Hearing be held on September 9th at 3 o'clock p.m., on the application of Baker Cab Company for the issuance of Certificates of Public Convenience and Necessity for Taxicabs and a Notice thereof be published. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACT AUTHORIZED WITH C.D. SPANGLER CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN SHAMROCK TERRACE DUPLEX SUBDIVISION.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, contract was authorized with C. D. Spangler Construction Company for the installation of 3,930 feet of water mains and 3 hydrants in Shamrock Terrace Duplex Subdivision, inside the city limits, at an estimated cost of \$12,600.00. The City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

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CONSTRUCTION OF TEMPORARY SIDEWALK ON ORANGE STREET FOR ONE BLOCK, BETWEEN SANDLEWOOD ROAD AND FANNIE CIRCLE.

The City Manager advised that a request has been made for a temporary sidewalk on Orange Street for one block, between Sandlewood Road and Fannie Circle. He advised it has been recommended by the Traffic Engineering Department after a study of the need, to serve the Billingsville School. Therefore, recommend that you consider the \$400.00 appropriation necessary from the Contingency Fund for this program. Councilman Dellinger moved that the sidewalk be constructed as outline, and the funds be transferred from the Contingency Fund. The motion was seconded by Councilman Jordan, and unanimously carried.

SETTLEMENT OF CITY VS JOSEPH CONRAD ET AL - KENILWORTH AVENUE EXTENSION PROJECT AUTHORIZED.

Mr. Veeder, City Manager, advised that the City Attorney recommends that a settlement be effected in the Joseph Conrad case with which the Council is familiar, involving property in the Kenilworth Avenue Extension Project, in the amount of \$29,288.50.

The City Attorney advised that the Commissioners award, as a result of the condemnation proceedings, was \$28,228.50. The settlement was on the basis of an additional \$1,000.00. The Conrads have appealed the Commissioners award to the Superior Court and in the due course of time it would be a new trial in Superior Court before a Jury. We think this is in the best interest of the City to agree to the settlement of this amount of money at this time.

Councilman Bryant moved approval of the settlement in the amount of \$29,288.50, as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk