

February 18, 1963
Minute Book 42 - Page 460

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, February 18, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Commission members present during the hearings on petitions for changes in zoning classifications were Mr. Ervin, Mr. Hanks, Mr. Jones, Mr. Suddreth, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Sibley, Chairman and Mr. Stone and Mr. Lakely.

* * * * *

INVOCATION.

The invocation was given by the Right Reverend Michael J. Begley, Pastor of Saint Ann's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on February 11th were approved as submitted.

HEARING ON PETITION NO. 63-3 FOR CHANGE IN ZONING OF ALL THE LOTS ON THE SOUTHWEST SIDE OF BRIARDALE DRIVE.

The scheduled hearing was held on Petition No. 63-3 by Ervin Construction Company for change in zoning from R-9 and B-2 to R-9MF of all lots on the southwest side of Briardale Drive.

The Planning Director advised the property lies behind Independence Boulevard frontage extending from Wallace Road out from the city and the property is approximately two blocks long. Much of the land is being developed with duplexes. A portion of the property consists of vacant lots designed for residential use, particularly those lots adjacent to Wallace Road. The property across Briardale Drive is also being developed as part of the new subdivision. The zoning of the property is of two classifications, principally zoned for business on the southerly side of Briardale Dr. and a portion of three other lots are zoned R-9.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-4 FOR CHANGE IN ZONING OF TRACT OF LAND LOCATED WEST OF STATESVILLE ROAD AND SOUTH OF INTERSTATE 85.

The public hearing was held on Petition No. 63-4 by F. G. Templeton for change in zoning from R-6MF to I-1 of tract of land 100' x 350' located approximately 300 ft. west of Statesville Road and 385 ft. south of Interstate 85.

February 18, 1963
Minute Book 42 - Page 461

Mr. McIntyre, Planning Director, advised the property is vacant and lies a short distance from Interstate 85, and a short distance west of Statesville Avenue. The property fronts on a street that has not been formally improved; directly across this informal street is a storage warehouse and diagonally across from the property is a residential development. The Howard Johnson Hotel and Restaurant is located in the near vicinity at Highway 85-Statesville Road intersection. The property is adjoined on two sides by Industrial zoning, otherwise it is R-6MF.

Mr. F. G. Templeton, Petitioner, stated he plans to put up an A & P Store on the property and needs some depth to the lot; that the frontage is alright but the tract is not as deep as required. He stated he owns all of the property surrounding the tract in question, consisting of 190 acres. That as far as he knows, no one in the neighborhood objects to the change in zoning.

No opposition was expressed to the change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-5 FOR CHANGE IN ZONING OF ALL PROPERTY WITHIN THE TRIANGLE BOUNDED BY N. MCDOWELL STREET, E. 5TH STREET AND E. 6TH STREET.

The scheduled hearing was held on Petition No. 63-5 by J. P. Carr Estate et al for change in zoning from O-6 to B-2 of all property within the triangle bounded by North McDowell Street, East 5th Street and East 6th Street.

The Planning Director advised the property lies to the east of McDowell Street in the triangle recently formed by the extension of East 5th and East 6th Streets, the entire triangle being included in the petition. Within the triangle at the present time there are single family homes, duplexes and apartments and a portion of the land is vacant. Going out McDowell Street from 6th Street there are various business developments; across McDowell Street from the property is a church and restaurant. On the opposite side of 5th Street are apartments and vacant land going down as far as Long Street. From 5th Street back towards Trade Street the development is residential and a restaurant and cleaning establishment. The adjoining zoning is O-6 except the Business zoning on each side of 7th Street.

Mr. Bank McClintock stated he is representing the J. P. Carr Estate, the petitioners. That nine property owners within the triangle have approved the change in zoning and seven of them have signed the petition he has and the other two have given their verbal support. He stated the Carr Estate has a client who is interested in buying and developing a portion of the property for a national auto repair service, which requires B-2 zoning. That up until the recent city-wide rezoning, this area was zoned for industry but was changed to O-6 for office use. He advised when the land was recently taken for the East 5th and East 6th Street extension, the City Authorities were rather convincing to the owners that it would make the land fronting these streets much more usable for business, but shortly thereafter they changed the zoning to O-6. He advised that the O-6 zoning extends from Davidson Street to Hawthorne Lane, and they feel this property was so zoned until some particular need for business use arose; therefore, they ask that the triangle be rezoned to meet their needs.

No objections were expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-6 FOR CHANGE IN ZONING OF THREE LOTS BEGINNING AT SOUTHEAST CORNER OF NORTH MCDOWELL STREET AND EAST 5TH STREET AND KNOWN AS NOS. 120, 124 AND 128 NORTH MCDOWELL STREET.

The scheduled hearing was held on Petition No. 63-6 by Inez Byers, for change in zoning from O-6 to B-2 of three lots beginning at the southeast corner of N. McDowell Street and E. 5th Street, and known as Nos 120, 124 and 128 North McDowell Street.

The Planning Director stated the property is adjacent to the J. P. Carr Estate property, which was just discussed, and extends for three lots from 5th Street back towards Trade Street. The property is developed with a house at the corner used for residential purposes but now condemned, a multi-family structure next and on the third lot a sandwich shop and residence. Across the street is a Church and down McDowell Street towards East 7th Street there is a restaurant. The property is adjoined by a residential development that was established on East 5th Street, and is adjoined on the rear lot line by an alley.

Mr. Fred Hasty, Attorney for the petitioner, advised that on the southeast corner of East 5th Street there is a vacant apartment unfit for occupancy and next to the corner is an apartment house, 124 N. McDowell Street, which is occupied, and next is a concrete block cafe and resident, and next is a business, and the remainder of the property towards Trade Street is zoned B-2. The zoning along East 7th Street is B-2, and only the property in question and the triangle are zoned O-6, surrounded by B-2 zoning. He advised his client purchased the property in 1961, and in the next city-wide zoning, the property was changed from B-1 to O-6. That his client, Inez Byers, proposes to erect on the corner lot a building, the second floor of which will be apartments and the lower floor to be occupied by a barber-shop, a pool room and a cafe. Mr. Hasty stated he thinks this application for a change in zoning has more merit than any he has ever presented Council. That he thinks the change should be granted for several reasons: 1. the property is not suitable for offices or institutions, 2. there is ample property zoned O-6 elsewhere, 3. there is ample office space now available in Charlotte, 4. there presently seems to be no activity in buying or selling in this area for O-6 purposes, 5. the change will not affect the surrounding area, 6. the change will not harm the overall zoning plan of the zoning ordinance, 7. they do not believe anyone objects to the change, and 8. the predicament of Inez Byers. She is a colored lady who lives at 428 East 1st Street in the Brooklyn area, and is indisposed and disabled and is confined to her bed with a disease of the back, she has lived in Charlotte for 40 years, and during that time purchased the property at 428 East 1st Street and built a brick building which has apartments on the second floor and a cafe, barber shop and pool room on the first floor, from which she gets her living. Under the Urban Redevelopment Program she must move and she would like to move to McDowell and East 5th Street and in fact purchased the property for that purpose as soon as she found she would be displaced by Urban Redevelopment. Her tenants have assured her if she will erect a similar building at McDowell and 5th Street they will go with her over there and will sign a lease with her; so by making this possible, you will be transferring her business from the present location to the new one, and it will meet a need for the colored people. Mr Hasty presented a letter from Mrs Byers to the Council and Planning Commission, stating she had to resign after teaching in the Charlotte Public Schools because of arthritis of the spine and the appeal for waiver of the new zoning of her property on North McDowell Street is made in order to have some income for her support after she is evacuated from 428 East 1st Street. That she purchased the property on North McDowell because it was then zoned for business and not

February 18, 1963
Minute Book 42 - Page 463

too far removed from her present location so that her tenants would go with her and it was also located in an area that could be served by the facilities her tenants furnish.

Mr. Hasty stated he does not see why property should be restricted as to zoning unless it harms a neighbor or community, and here he believes neither will be harmed but rather it will be improved by the business of his client.

No opposition was expressed to the proposed change.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-7 FOR CHANGE IN ZONING OF LOT AT 4100 PARK ROAD.

The public hearing was held on Petition No. 63-7 by Andrew A. Watts, for change in zoning from R-6MF to O-6 of a lot 70' x 175' at 4100 Park Road.

Mr. McIntyre, Planning Director, advised the property consists of one lot directly across from Park Road Shopping Center, 1/2 block north of Heather Lane, located in the middle of the block. The lot is occupied by a single family structure and adjoined on one side by a vacant lot and on the Heather Lane side by single family structures and offices extending down to Drexel Place. North of the property there are residential properties and also behind the property. Across Park Road the zoning is B-1 where the Shopping Center is located.

Mr. William Abernethy, representing the petitioner, advised Mr. & Mrs Watts have a proposition for the purchase of their property which, if the zoning change is granted, will result in the erection of a type of office building. Mr. Abernethy presented a petition signed by all other lots owners in this block, between Heather Lane and Holmes Drive, urging that the rezoning be granted and giving their consent thereto. He stated the petitioners resident in the block, sits back 50 feet and there is a vacant lot between it and the next house which sits back only 25 feet and there are two other homes in the block, both of which sit 100 feet back from the street. He stated there is a business establishment in the next block above Holmes Drive. They feel that eventually the property across from the Park Road Shopping Center will be changed and they would like to have it changed for office usage. He stated the offices would close at 5 o'clock, so there will be no noise at night to disturb the adjoining residential property, which certainly would be preferable to business.

Councilman Whittington asked if there has been any indication that the adjoining property owners to the Watts family would like the entire block rezoned for Office use? Mr. Abernethy stated he does not know, that all he knows is all of the residents in the block signed the Watts petition requesting the change.

No objections were expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-8 FOR CHANGE IN ZONING OF LAND FRONTING ON ROZZELLS FERRY ROAD AND WEST TRADE STREET, BETWEEN JUDSON AVENUE AND BELLHAVEN BOULEVARD.

The scheduled hearing was held on Petition No. 63-8 by W. A. Wardell, for

February 18, 1963
Minute Book 42 - Page 464

20663

change in zoning from R-6MF and B-2 to I-2 of tract of land fronting 450 feet on Rozzells Ferry Road and 150 ft. on West Trade Street, about midway between Judson Avenue and Bellhaven Boulevard.

Mr McIntyre, Planning Director, stated the petition covers an irregularly shaped piece of property, which fronts on West Trade Street between Judson Avenue and the intersection of West Trade with Rozzells Ferry Road, and some more of the property fronts on Rozzells Ferry Road, also between Judson Avenue and the intersection of Rozzells Ferry Road with W. Trade Street - in other words, the property runs entirely through the block. Presently the property is mostly developed residentially but most of the land covered by the petition is presently vacant. The toward town side of the property included in the petition is adjoined by a Church fronting on West Trade Street and also by a business establishment; on the north there are a variety of business establishments; across Rozzells Ferry Road there is vacant land.

Mr. Wardell, petitioner, stated the property was purchased between 1958 and 1959 because it was zoned Industrial; in January 1962 without his knowledge and therefore without his opportunity to appeal, the West Trade Street lot was changed from Industrial to R-6MF and the Rozzells Ferry Road lot was changed from Industrial to B-2. That the small church on West Trade Street was built on land zoned Industrial and with heavy industry already facing it across the street, it was built because a church was needed in this industrial community, in fact the donations of his wife and himself went to help build the church. Across the street from his property and the church, all of the property in sight is zoned I-2 and solidly built up with heavy industry. He stated all of the development across and to the left of his property is heavy industry such as Charlotte Concrete Supply Company, a Chemical Company, Industrial Steel Company and others. He stated the price he paid for his property was quite considerable, and he has spent a great deal grading the property for industrial usage, believing that the land was zoned Industrial and not until recently did he learn through a real estate agent that the property had been changed from Industrial to B-2 and R-6MF. He stated he is now at a standstill and at a loss until he can get the property changed back to I-2; therefore, he asked that he be given every consideration.

Mayor Brookshire called attention to Mr. Wardell that he said the new zoning was placed on the property without his knowledge, and he wants to tell him that before the present zoning ordinance was adopted several public hearings were held after advertisement, and Mr. Wardell probably overlooked it.

Mr. Wardell stated he makes his living traveling and he realizes the advertisement is meeting the legal requirement but he did not see it.

No objections were expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-9 FOR CHANGE IN ZONING OF TRACT OF LAND AT
SOUTHWEST CORNER OF BEATTIES FORD ROAD AND KELLER AVENUE.

The public hearing was held on Petition No. 63-9 by C. D. Spangler Construction Company for change in zoning from B-1 to B-2 of a tract of land 140' x 200' at the southwest corner of Beatties Ford Road and Keller Avenue.

February 18, 1963
Minute Book 42 - Page 465

The Planning Director advised the property covered by the petition is vacant, approximately 140 feet on Beatties Ford Road and 250 feet deep at the intersection of Keller Avenue with Beatties Ford Road. The property is a short distance removed from the Spangler Shopping Center recently established at the intersection of LaSalle Street and Beatties Ford Road, the land adjoining the Shopping Center is vacant, and the land behind it is vacant extending over to Senior Drive where it is developed residentially some distance from the property in question and extending in a northerly direction the land is vacant with the exception of a miniature golf course. Across Beatties Ford Road, there is a business development, and a Drive-In Restaurant, and going north across Keller Avenue there is a Gasoline Station, Grocery Store, House Movers and a variety of businesses extending up Beatties Ford Road. All of the adjoining property is zoned B-1, and the request is for the property in question to be changed to B-2.

Mr. John D. Shaw, Attorney for the petitioner, stated the property requested rezoned is at the corner of Keller Avenue and Beatties Ford Road, and Mr. Spangler desires to put a Drive-in Restaurant on the property, which cannot be done under B-1 zoning, therefore is requesting a change to B-2 zoning. They can have a Restaurant but not the Drive-in feature under B-1. He stated Mr. Spangler owns all of this property. He pointed out on the map of the area the different stores within the shopping center and the parking area. Mr. Shaw also pointed out the stores bordering the area, including the two Drive-in Restaurants. He stated that Mr. Spangler takes a great deal of pride in the shopping center which includes a Super-Market, a Barber Shop, a Shoe Repair Store, a Home Applicant Store, a Radio Shop and a Laundry, Drug Store -with a large parking area in the front and service parking in the rear. He stated they would like to also have a Drive-in Restaurant and the question is how objectionable it would be - it would not operate any later than a regular Cafe, the only thing would be the matter of cups and plates thrown on the parking lot, but that is not a question for zoning to regulate but for good-housekeeping, which Mr. Spangler will take care of under the lease for the Drive-in Restaurant.

Mr. Calvin Brown, stated he represents 33 people who have signed a petition he has, but did not file with the City, opposing the change from B-1 to B-2. Their main objection is that a B-2 zoning will create the type of situation that they do not want out there; B-2 zoning is flexible and will allow the establishment of all types of businesses, and they want to keep this area of high standards. B-2 zoning will allow Pool Rooms, and Shoe Shine Parlors, with a large number of people standing around on the street, while they are trying to have one decent area in that section of the town, and they want all types of developments to be of the highest quality and do not want the creation of teen-age hangouts. In other words, they do not want another 2nd Street over in West Charlotte. That they realize the request today is only for spot zoning, but once the zoning is broken down, it makes it easier for the next man to get his change through. This area is surrounded by three very fine residential sections - University Park adjacent to Beatties Ford Road, Lincoln Heights and Dellbrook - and other residential areas in the planning stages, and they ask Council to help them build it up instead of tearing it down. They want one decent shopping area in town where their people can go to do their shopping without stumbling over drunken bums on the streets, without listening to all kinds of indecent language, and the same is true in going to a doctor's office. They ask that Council bear this in mind, and help them develop this area into a fine decent place to live. The language of the usages in a B-1 Zone in the Zoning Ordinance is clear and states it is "to protect the surrounding areas"; therefore, they want to keep the B-1 zoning.

February 18, 1963
Minute Book 42 - Page 466

Councilman Jordan stated that Mr. Shaw identified two Drive-in Restaurants already in the area. Mr. Brown replied the Restaurants are called Drive-Ins but they do not have any curb service whatsoever.

Mr. Brown stated further that Mr. Spangler has done quite a great deal in developing the area and he indicated that the entire area from LaSalle Street out to the By-pass, beyond Mecklenburg College, would contain only the type of business they would like to see out there, and he believes a Medical Clinic was planned by him, and that is the type of building they want out there.

Mr. Spangler stated he would like to say that Mr. Brown could not be one hundredths as interested as he in the high standards they are trying to establish and maintain in University Park Shopping Center; that they knew of no one who could object to the Drive-in Restaurant except the people who are in competition with it. It is true they are planning a Clinic for physicians and they know about the plan for the Drive-in Restaurant and do not object. We have invested \$300,000 and are not 50% through so you know we would not put anything out there that would down-grade the standards of our Shopping Center.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-11 FOR CHANGE IN ZONING OF LOT ON THE SOUTH SIDE OF EDDLEMAN ROAD EAST OF MARVIN STREET.

The public hearing was held on Petition No. 63-11 by M. E. Beatty Estate for change in zoning from R-6MF to I-2 of lot 60' x 175' on the south side of Eddleman Road 180 feet east of Marvin Street.

Mr. McIntyre, Planning Director, advised the property consists of only one lot and is vacant and in the vicinity of Interstate 85 where it intersects Bradford Drive, and the property is located down Eddleman Road about 1 -1/2 blocks from Bradford Drive. That the lot fronts on Eddleman Road 60 feet and is 175 feet deep and is adjoined by a vacant lot and residential developments down towards Bradford Drive; that across Eddleman Road the land is vacant and diagonally across from the property there are single family residences and a duplex located at the corner of Marvin Street, which is an unopened street. That a short distance behind the property is the right of way of Interstate 85.

Mr. Beverly Webb, Attorney for the petitioner and also for the option purchaser, who is interested in the property stated that the Planning Director advised it is a 60 x 175 ft. lot. He explained the location of the lot on the map he displayed and the surrounding area. He advised the property is surrounded by undeveloped land except for the home of Mr. S.A. Ollis, who lives on the adjacent land and who is agreeable to the change in zoning. He stated the Beatty Estate wishes to have the property rezoned I-2 as a National concern wishes to erect on the property and on the adjacent property a 100 x 200 building for a Branch Sales and Service Company to service South Carolina, North Carolina and Virginia and this is the only site in the Charlotte area that will meet all of their requirements. The problem is there is a 20 ft. setback requirement from Interstate 85 and likewise a 20 foot setback on the lot, and the building, which is their standard building they erect all over the Country will not sit on the area which is very narrow, for that reason the option is not only on the primary lot but also on the Beatty lot adjoining. Mr. Webb pointed out the locations and size of the building on the map he displayed. He advised that Mr. Ollie's residence is 75 feet from the rear line of the building to be erected. They

February 18, 1963
Minute Book 42 - Page 467

will erect some type of screening or hedge between their building and Mr. Ollis' residence. He stated further the primary reason for the location of the building on this lot is its proximity to Interstate 85. It boils down that the area is just too small on which to erect the type of building required. Therefore, they earnestly request that Council consider the rezoning to allow the Tillitson Lot, which is the smaller, round shaped lot, developed to its full potentials by taking in a portion of the Beatty Estate. He stated they do not believe that this type of building will be in any way detrimental to the area.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF RED TOP CAB COMPANY, INC. FOR THE TRANSFER OF CERTIFICATES HELD BY BEATTY SERVICE COMPANY UPON CHANGE OF OWNERSHIP OF THE RED TOP CAB COMPANY.

The public hearing was held on the request for the transfer of the Certificates of Necessity from Beatty Service Company to Red Top Cab Company, Inc.

Mr. Allen Bailey, a partner in the Red Top Cab Company, stated he has conferred with the City Attorney on the matter, and will be glad to answer any questions the Council desires.

No objections to the proposed transfer were expressed by the public in response to the question by Mayor Brookshire.

Councilman Dellinger moved the adoption of a Resolution Declaring that the Public Convenience and Necessity Require the Taxicab Service Proposed by the Application of Red Top Cab Company, Inc., for the Transfer of Certificates held by Beatty Service Company Upon Change of Ownership of The Red Top Cab Company. The motion was seconded by Councilman Jordan.

Councilman Smith asked if the 33 certificates that have been lying idle are to be activated by the new owners? Mr. Bailey stated they are as soon as it can be done in a business like manner. Councilman Smith stated further he does not think it is good policy for the city to allow certificates to be idle, that they should be used or turned in and the city should be custodian of them rather than the cab companies, and if they are not used, then they should be taken up by the city.

Councilman Dellinger asked if the City Code would not have to be changed to do this? Mr. Morrissey, City Attorney, stated it would not require any amendment, that it is his understanding if this situation were to arise anew, such certificates would be called in and held by the city.

Councilman Dellinger stated he thinks the situation is that the certificates were issued during the war and all the cabs that are now idle were then running, but since that time there have been other modes of transportation and these gentlemen have not been able to operate all of the cabs all of the time, and sometimes have more cabs out and sometimes less. Too, the city has not asked for the certificates on those cabs not running.

Mr. Bailey stated they have plans to utilize every one of the cabs. Mayor Brookshire asked for what period of time? Mr. Bailey replied he would not want to stake himself out but he would say as quickly as good business

February 18, 1963
Minute Book 42 - Page 468

practice can warrant to put them on they intend to do so, that means safety trained drivers and things of that nature, and getting cabs in here, that they have ordered 22 new cabs. What they want to do is to order new cabs and put them in operation and keep some old equipment; that their plan is to probably replace a good number of those now in use and as soon thereafter as possible to add others, and they have plans for using 55 certificates.

Mayor Brookshire asked Mr. Bailey to keep the Council advised.

Councilman Smith suggested that every 6 months, Council should have a report from the City Manager on these certificates from all Cab Companies.

Councilman Jordan stated it is not always possible to get good drivers for the cabs and that is the reason a good number of them are idle, and that is probably the reason there are as many as 33 now; and Council would certainly not want them to turn an improperly trained driver loose to handle a cab.

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

The resolution is recorded in full in Resolutions Book 4 at Page 261.

MEETING RECESSED FOR 10 MINUTE PERIOD.

Mayor Brookshire recessed the meeting at 3:35 p.m., for a ten minute period.

MEETING RECONVENED.

The recessed meeting reconvened at 3:45 p.m., and was called to order by Mayor Brookshire.

ACT TO EFFECT THE EXEMPTION OF THE CHARLOTTE LITTLE THEATRE FROM PAYING CITY AND COUNTY PROPERTY TAX APPROVED.

Mr. Milton Short, Jr., was spokesman for a delegation of officers of The Little Theatre, who appeared before Council and he advised that the Constitution of North Carolina allowed the exemption from City and County taxes on property owned by educational, literary and cultural organizations and the Little Theatre has had such an exemption for many years applicable to their property at 501 Queens Road. However, the Constitutional Amendment adopted last fall made the Act no longer effective and when the Legislature uses its power to classify property as educational, literary, cultural etc and exempts it from taxation, it must be done on a statewide basis. Mr. Short stated they have, therefore, drafted an Act and presented it to Senator Belk, which would exempt the property of amateur theatrical organizations and Little Theatres all over the State of North Carolina. He stated they feel sure that Senator Belk supports their request for this continued exemption but he says he cannot take this \$1,350.00 away from the County and City without getting the permission of the City Council and County Commissioners. The purpose of the Amendment to the Constitution last fall was to remedy inequities in the tax structure, and there was nothing in the amendment to change the basic physiology of the Constitution that property of cultural and literary organizations should be exempt from taxation. In the case of the Little Theatres, however, there is just no inequity possible because the only Little Theatre in North Carolina that owns its own building ^{and land} is the one in Charlotte.

February 18, 1963
Minute Book 42 - Page 469

Mr. Short stated further that The Little Theatre simply cannot pay this tax, and it is only factual to say that it would in all likelihood have to close if it were forced to pay the \$1,350.00 tax; that the Little Theatre Treasurer tells him they operated at a deficit of \$67.26 last season and of \$202.00 the season before, and that is usually the way it is. He advised further that in Raleigh and Gastonia and many other cities, the city built the Little Theatre and turned it over to the Board of Directors at \$1.00 a year. The Little Theatre in New Orleans is the only one they have found in a similar situation as Charlotte and they have been granted tax exemption.

Councilman Smith stated in view of the great cultural benefits that are derived from the Little Theatre in the cultural progress of our city, he moved that Council go on record as approving the Act. The motion was seconded by Councilman Whittington, and unanimously carried.

USE OF DIRECT WRITING INSURANCE COMPANIES IN CITY'S PROPOSED INSURANCE PLAN DISCUSSED.

Mr. John Christie representing Hardware Mutual Fire Insurance Company, whose home office is located here, stated they are the only company ever chartered in North Carolina as a mutual company. He advised he is speaking in behalf of a group of men whom he is associated with about the Richmond Insurance Plan that was before Council last meeting; that they think the Plan is very good but think the way it is being handled, is very bad, as it eliminates the competition of his group, who are direct writers of mutual companies outside of the group who has been writing the City's insurance. He stated it is necessary to make a study before they could tell the City exactly what it has and what it needs; that three years ago he tried to get the policies of the School System to make a study but was never able to do so after working on it for three months. He advised what he is speaking about is to put some men and himself on one of these Boards or Advisory Committees, and he would like to name three - Mr. W. L. McNary, Mr. Murrill Randall and Mr. Glenn Pehl and himself - two of whom own their own business as Insurance Advisors for large corporations and they know insurance, for example - Lance, Inc., and they know what they are doing. Although the agencies are good and do an excellent job, the present boss will not let other companies be represented as it is taking money out of their pockets. He stated they cannot make a study of an insurance program unless all competition is brought in. He stated it is like Mr. Harry Wolf of Factory Mutual says - they write big companies and some they do not write but this is where it is needed to bring in other men in order to write the City's insurance. Mr. Christie stated his company has never written a dime of this business, they have been in business 52 years and pay a 30% dividend and have never paid less than a 30% dividend, and have paid more but no dividend is guaranteed. He stated they feel that a lot of money could be saved. Mr. Christie advised there is a man now deceased who told one of these gentlemen he has recommended to the City that he received \$1,800.00 a couple of years ago, and he did not write a policy nor anything but he belonged to this group, which is alright, but it is not the way to get the best coverage from professional insurance men. The City has a group of men here who are controlling the City's insurance, and he is asking the Council to put other men on the Board or Committee.

Councilman Smith asked if Mr. Christie's company has agencies? Mr. Christie stated they do not, they have men like himself as salesmen. Councilman Smith then stated that in other words, the group the Council set up is going to be mutual companies and they will get the commission and divide it up among all the mutual agencies.

February 18, 1963
Minute Book 42 - Page 470

20000

Councilman Jordan asked if Mr. Christie has discussed this with the Advisory Committee? Mr. Christie replied he does not think they would be willing to assign him to the Committee because he is a direct writing company and they have shunned him for the last few years in writing business or even making a study of it, so they would not let him become a member of the group.

Mr. Christie stated what he is asking the Council to do is to assign the men he has named and not let the Committee assign the men. He is saying that everyone should participate and everyone should be allowed to bid.

Councilman Bryant asked if it is a fact that sometimes price is the only consideration? Mr. Christie replied "no" the North Carolina Rating Bureau fights all of their policies, if they do business in the State of North Carolina they have the same policy that anyone else issues in the State. Councilman Bryant asked if he has had a bad experience with certain portions of the insurance, would they be most likely to continue it or drop it? Mr. Christie stated "no sir" and they can give him quite a few names that have had large losses, they do not do that way.

Councilman Dellinger asked if Mr. Christie's company is in position to write all of the City's business? Mr. Christie stated they are not and no company can write it all, that his company can write parts of all of it.

Mayor Brookshire asked if Mr. Christie were appointed to serve on the Insurance Advisory Committee, would his Company participate in the maintenance of an insurance advisor or executive? Mr. Christie stated not through him. They would not be represented through him, he would rather not have his company even represented. That he is speaking as a citizen and not necessarily what this is going to gain for him, he would rather go out and make a study with the other companies, but be sure that others participate besides this small group of agencies who are now looking after this coverage and have had it for many years. He stated further he called some of the agencies this week or they called him and they said "John you are beating your head against a stone wall, the City Council will not do anything for us", but he does not believe that is true, he believes the Council will do something when a true picture of the situation is presented them and understood by them.

In reply to Councilman Dellinger's question as to how long since the City has had a general survey of its insurance, Mr. Veeder replied the Advisory Committee made a review within the last 18 or 24 months. Councilman Dellinger then asked if we had any disinterested people to make these surveys and Mr. Veeder replied The Advisory Committee itself made the review. Mr. Christie asked on what insurance the review was made and Mr. Veeder stated it was on casualty, including fire, with emphasis on fire, he believes.

Councilman Thrower asked if Mr. Christie is recommending that Council increase the Advisory Committee to seven men? Mr. Christie stated he is not, that instead of having all local agents who have been writing this business on the Committee, that Council put their own men on the Committee - that is select a group of men. Councilman Dellinger stated that is what the Council did - they selected the men who compose the Advisory Committee. Mr. Christie stated that Council selected the men who have been writing the business for years, and why should they bring in someone who would compete with them, they are all local agents but the direct writing companies who do business in Charlotte are not represented on the Committee, and they have to pit their wits against other companies and if they do not do this the City and others do not get the best buy in insurance.

February 18, 1963
Minute Book 42 - Page 471

Mr. Glenn Pehl, Branch Sales Manager of American Mutual Liability Insurance Company, stated they did the survey last year for the City on Workmen's Compensation and Council will recall they had direct savings of \$4,300.00 a year on it. That this is not fantasy but true figures, and certainly it appears to him if on one type of policy they could offer this type of savings, why could the City's entire insurance program not save countless thousands of dollars - that it appears to him that a savings of \$50,000 a year might be a reasonable figure, but certainly if \$4,300.00 saving was realized on one policy, there would necessarily be a large savings on the total program, and as Mr. Christie said, get other people from these other companies and all sit down together and see what the best is that could be obtained for the city, not just through agencies, and whoever has the best cost for the overall program, then write it through them. Let the City pay a Manager to take care of its insurance, and pay him \$15,000 a year and still have thousands of dollars left over from the insurance program.

Councilman Dellinger asked Mr. Pehl if he knows where to get disinterested people for the Committee? Mr. Pehl replied the City does not have disinterested people on the Committee now, that he does not know how to get disinterested people on the Committee, that perhaps have an Insurance Advisor or probably two, and they could go to any company and work with Factory Mutual, American Mutual, the Agency Mutuals or anyone and study the situation and then say to Council that they recommend XY or Z Company and just see what the City could save. He stated he is here today as a citizen and he doesn't care if his Company, American Mutual, does not get a cent of this insurance, but he is a tax payer and as such has the right to think the City should spend its tax money to the best advantage. He stated he believes the City can save a lot of money and have an insurance program done just as professionally as today.

NO ACTION TAKEN ON REQUEST OF ALBERT PEARSON THAT MUNICIPAL ELECTIONS BE CHANGED TO A PARTISAN BASIS.

Mr. Albert Pearson asked that the suggested Resolution he presented sometime ago, that was tabled, be acted on, or information be given as to why it cannot be acted on.

Mayor Brookshire asked him what Resolution he was referring to? Mr. Pearson stated he had two Resolutions, one on civil rights and another on partisan city elections.

Mr. Pearson stated that he would first like to ask a question - that he was at last week's meeting but found he could not speak, that the door had been closed for speaking - and he would like to know how long the meeting is open for a citizen to speak - in other words when does the door close on him? Mayor Brookshire stated that he always invites the members of the audience to speak, usually after opening of the meeting before the Agenda is presented, unless there are advertised hearings for that hour, in which case the invitation is issued at the end of the hearings.

Mr. Pearson stated you cannot always tell what is coming up in a Council Meeting from the newspapers, sometimes you find out that things did come up but in the Conference and not the formal meeting, and he does not blame the newspapers, they are stating the facts as they see them, it is the complicated system you have, but that is beside the point of why he is here.

Mayor Brookshire stated he does not think it is beside the point at all - that the Council is elected with the responsibility, as well as the

authority, to handle the city's business and as far as matters appearing on the Council agenda, whether they are made public before hand or not is a matter that the Council handles in the best interest of the City.

Mayor Brookshire stated further he recalls the resolution previously presented by Mr. Pearson, and it was received as information and as a suggestion, but until Council sees fit to consider it and puts it on the Agenda he does not think it would be considered by Council, so he does not believe there is any point in Mr. Pearson reintroducing it.

Mr. Pearson stated the reason he would appreciate the Council stating their opinion as to whether we should have partisan elections is because of the meeting the Representatives had some two weeks ago at which it was stated that the ground rules for a action of the Representatives would be that a local issue must be unanimous. That the reason he is for partisan elections is just because of what has happened in the past few weeks - for example not having partisan elections creates a vacuum as to how you hold your elections. When you do not have a party system of any type, something will come in to fill the gap, and most of what has come in in the City of Charlotte has been the Chamber of Commerce. That he recognizes that the Chamber has done good, but if they are going to get credit for a lot of the things that are good then they should get credit for a lot of things like slums etc which were not so good. That he would like to see a partisan election because of such things as the \$30,000 the Chamber of Commerce is asking from the City and \$30,000 from the County, to spend as they see fit. That if this money were spent where it would do the most good all of the time, you would have a city other people would be wanting to come to live in, and not the Chamber going out seeking them. In fact, the Chamber does not bring in these people, they come because they know it is a good city in which to live. Suppose we had a partisan Council and they voted 7 to 0 to give the \$30,000 being raided from the public treasurer and give it to some concern like C.I.O or A.F. of L., Chamber of Commerce, NAACP or Chest Club, then it would bring in the party itself and the party itself would stand a part of the responsibility and it would give you something firm. Or suppose the Council disagreed and the Chamber of Commerce finds out that through that action the Council has been weakened, all they would have to do is bring in a new man and sacrifice the old one, which was done in the Mayor's election two years ago with Mr. Smith. It would give a chance to build in Charlotte a government from whom the people could feel they are getting their just dues.

Councilman Smith stated the Council, as individuals, have more freedom to express an individual opinion on a non-partisan basis, because if they had to have a caucus with the party to decide how to vote on zoning or some other matter, they would be influenced by party bosses, which is one of the worse forms of government one could have. That as it is now the Council is not regimented, they are individuals trying to do the best they can for the city and that is the way he thinks it should be, and he would have to vote against Mr. Pearson's resolution.

Mr. Pearson stated all he is trying to do is what the representatives ask, to first get the local authorities to take a position on it, and he would appreciate it if it was brought out and voted on, regardless of how they voted, but he would rather they voted for it, but he does feel the Council has the responsibility of stating how you feel, so his group can take the next step, whether a petition or otherwise.

Councilman Smith stated he would like to think that the men on the City Council are dedicated to giving lots more time than they are compensated

February 18, 1963
Minute Book 42 - Page 473

for in many ways and they do it because they want a better city. That there is an affinity between the Chamber of Commerce and the Council in his opinion, both the Chamber and Council are working for the betterment of Charlotte. But he does not want any part of party politics on this particular job.

Councilman Bryant stated he believes by the absence of a resolution that it would be introduced by some member of the Council to vote it, you could assume that there would not be any disposition to have partisan politics in local elections, and you could proceed from there with your petition.

Mr. Pearson stated Councilman Smith was the only one who had the courage to make a statement, and Councilman Smith then stated he just wanted to do so because Mr. Pearson seemed disturbed about it, and the Council is not disturbed, if so they would have already acted on it and we do not think it should be changed.

Mr. Pearson stated he is not disturbed about one single thing.

Councilman Whittington stated he would not be for the partisan city elections, and Councilman Thrower and Councilman Albea stated they would not favor the change.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MARCH 11, 1963 ON PETITION FOR LOCAL IMPROVEMENTS ON WESTFIELD ROAD, MANOR ROAD, PLANTATION PLACE, ROCKLYN PLACE AND FIELDBROOK PLACE.

Councilman Dellinger moved the adoption of a Resolution Fixing the Date of Public Hearing on March 11, 1963 on Petition for Local Improvements on Westfield Road, Manor Road, Plantation Place, Rocklyn Place and Fieldbrook Place. The motion was seconded by Councilman Bryant, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 262.

RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW-RENT PUBLIC HOUSING.

A resolution entitled "Resolution Approving Application for Preliminary Loan for Low-Rent Public Housing" was introduced by Councilman Dellinger, and following the reading thereof, moved its adoption. The motion was seconded by Councilman Whittington, and carried upon the following recorded vote:

YEAS: Councilmen Dellinger, Whittington, Albea, Jordan, Smith and Thrower.
NAYS: Councilman Bryant.

The resolution is recorded in full in Resolutions Book 4, at Page 263.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MARCH 18, 1963 ON PETITIONS FOR ZONING CHANGES AND THE PUBLICATION OF NOTICE THEREOF, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, a Resolution Providing for Public Hearings on March 18th on Petitions Number 63-13 through 63-17 and the Publication of Notice Thereof, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 264.

February 18, 1963
Minute Book 42 - Page 474

SUBJECT

PURCHASE FROM WENDOVER DEVELOPMENT CORPORATION OF EASEMENT AT CORNER OF WOODLARK LANE AND RANDOLPH ROAD, FOR WOODLARK LANE STORM DRAIN, AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Thrower, and unanimously carried, authorizing the purchase from Wendover Development Corporation of an easement 20' wide x 92.71' long, at the corner of Woodlark Lane and Randolph Road, for the Woodlark Lane storm drain, at a price of \$175.00.

SETTLEMENT AUTHORIZED FOR RIGHTS OF WAY FOR WILKINSON BOULEVARD TRUNK LINE.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, settlement was authorized for the following rights of way for the Wilkinson Boulevard Trunk Line:

- (a) Payment of \$95.50 to Johnson Investment Company for property on Seymore Drive 25' wide x 191.02' long.
- (b) Payment of \$34.45 to William Hill and wife, Helen Hill for property 25' wide x 68.95' long.
- (c) Payment of \$24.00 to Robert Lee Farmer and wife, Geneva G. Farmer for property on Humphery Street 25' wide x 48.0' long.
- (d) Payment of \$45.59 to S. E. Messner and wife, Mary B. Messner for property on Plato Circle 5' wide x 96.18' long.
- (e) Payment of \$72.94 to Thomas Samuel Herron and wife, Mary L. Herron, for property on Plato Circle 5' wide x 145.88' long.
- (f) Payment of \$125.04 to United Junk Company for property 10' wide x 250.07' long.
- (g) Payment of \$25.99 to Paul L. Miller and wife, Katie Lee Miller for property on Simmons Street 15' wide x 51.98' long.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUISITION OF PROPERTY AT 1030 KENILWORTH AVENUE FOR RIGHT OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Thrower moved that condemnation proceedings be started for the condemnation of 880 square feet of property of D. F. Cameron and wife, Ellen, at 1030 Kenilworth Avenue as right of way for the Kenilworth Avenue Extension Project. The motion was seconded by Councilman Jordan.

Councilman Smith stated the Council has given Mr. Cameron every consideration, he was very much upset about it and thought we were taking more of his property than should have been taken, and we have gone to the City Engineer and found the right of way could not be changed without an excessive amount of expense, and have gone to the State Highway Department and they have stated they cannot change it because of the radii and the curve, and he thinks the Council should be commended for giving this citizen every opportunity to better this in his favor if he could do it with the same result, however, it could not be done, therefore he will vote for condemnation.

Councilman Jordan stated he thinks that most all of the Council has spent a lot of time on this.

Councilman Albea stated he was not in favor of condemning anyone's property, but when it is necessary for the community and the state there is nothing else to do.

Councilman Dellinger stated he does not like to condemn property and would prefer not doing so in this case but will have to go along with it.

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

February 18, 1963
Minute Book 42 - Page 475

CLAIM OF B. D. THOMPSON AND HUBERT FOSTER FOR DAMAGES TO PROPERTY AT 1124 NORTH BREVARD STREET DENIED.

Councilman Dellinger requested the City Attorney to state what has transpired this week in connection with the claim of Mr. B. D. Thompson and Mr. Hubert Foster for damages to their property at 1124 North Brevard Street, allegedly caused by flooding when a water main burst in the 900 block of North Brevard Street, which the City Attorney recommends be denied.

Mr. Morrissey advised he investigated the matter thoroughly upon receipt of a letter from Mr. Thompson, and there was nothing on his part to show negligence on the part of the city in not properly maintaining the side ditches in front of his property. That the Engineering Department investigated that matter and reported to him by memorandum today that Mr. Thompson had requested side ditch maintenance on two occasions, in May and July of 1962 and on each occasion the necessary work was carried out within approximately one week of each request. So, there is no evidence of negligence on the part of the City, so he cannot recommend payment of the claim.

Councilman Dellinger stated the street has no curb and gutter and it doesn't take a big storm to overflow the ditch into anyone's place, and he thinks that is one street that should have something done to it all the way through. He stated he expects he has had 25 calls about the situation on Brevard Street in the last two years.

Councilman Whittington moved that the claim be denied as recommended by the City Attorney. The motion was seconded by Councilman Albaea, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Albaea, Bryant, Jordan, Smith, and Thrower.
NAYS: Councilman Dellinger.

ORDINANCE REGULATING THE PENALTY FOR CITY PRIVILEGE LICENSES ORDERED ENFORCED.

Councilman Thrower moved that the maximum penalty on City Privilege Licenses be fixed at 25%. The motion was seconded by Councilman Whittington.

Councilman Smith stated it seems to him if a maximum penalty is going to be fixed, then the ordinance will have to be amended to that effect, as it does not have any provision for stopping the penalty at 25%. It seems to have been the practice in the past but an investigation was made and the Tax Collector said it has been done for a number of years but it is in violation of the ordinance. Councilman Smith stated he does not think these people should have any special privilege after the penalty reaches 25%, he thinks it should accumulate and be paid.

Councilman Smith offered a substitute motion that the Ordinance regulating the City Privilege Licenses be enforced as now written. The motion was seconded by Councilman Albaea.

Councilman Whittington asked if Council takes no action are we not invoking the 25% penalty? Mr. Veeder advised if Council takes no action the ordinance will stand as it now reads, and the penalty will continue to accrue.

Councilman Whittington then withdrew his second to the original motion.

Councilman Dellinger stated he thinks we have four or five men in the Tax Office to collect these taxes and they should collect them before they reach even 25%, and he cannot support a motion to let the tax accrue beyond 25%.

Mr. Veeder stated the practice of fixing a maximum penalty has, in fact, been in effect for many years, and in discussing it with Mr. Yarborough, Tax Collector, he says it has been the practice for as long as 15 years; he stated further he would like to make it clear that we are departing from a practice of long standing, but notwithstanding it would appear there is merit in departing from the practice, certainly we have to look at those persons who have not purchased their license but also our obligation to those persons who have purchased their license at the proper time and he thinks we would be doing them a disservice by letting those who have not purchased their license be relieved of the additional penalty. However, if Council so desires, it can be accomplished by a simple amendment to the ordinance.

The vote was taken on the substitute motion, and carried by the following recorded vote:

YEAS: Councilmen Smith, Albea, Bryant, Jordan and Whittington.
NAYS: Councilmen Dellinger and Thrower.

LEASE OF PROPERTIES AT AIRPORT APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, the following leases of property at Douglas Municipal Airport were approved:

- (a) Lease to W. E. Neill & Associates, Inc. for Room No. 15 in the F.A.A. Building, containing 284 square feet for a term of one year, beginning February 1, 1963, at a monthly rental of \$106.50.
- (b) Lease to Inland Air Lines, Inc. for Storage Room "D" in the F.A.A. Building, containing 192 square feet, for a term of 2 years, beginning February 1, 1963, at a monthly rental of \$60.00.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and un-animously carried, authorizing the construction of sanitary sewer mains, inside the city limits, as follows:

- (a) Construction of 405 feet of sanitary sewer trunk and 2,740 feet of sanitary sewer main, located in Hampshire Hills, at request of John Crosland Company, at an estimated cost of \$9,480.00 with applicant's deposit to be refunded as per terms of the agreement.
- (b) Construction of 150 feet of sanitary sewer main in Leafmore Drive, at request of Nance-Trotter Realty, Inc., at an estimated cost of \$470.00, with applicant's deposit to be refunded as per terms of the agreement.

CONTRACT AUTHORIZED WITH BUMGARDNER REALTY, INC. FOR INSTALLATION OF WATER MAIN IN BONWOOD DRIVE.

Councilman Dellinger moved approval of a contract with Bumgardner Realty, Inc., for the installation of 700 feet of water mains and one hydrant

February 18, 1963
Minute Book 42 - Page 477

in Bonwood Drive, inside the city limits, at an estimated cost of \$2,500.00. The City to finance all construction costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost. The motion was seconded by Councilman Whittington, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with Mrs Marie Kabas, for Lot 10-Fraction, Map 11, Elmwood Cemetery, at \$3.00 for a new deed. The motion was seconded by Councilman Thrower, and unanimously carried.

BIDS FOR ROOFS FOR DIGESTER FLOATING COVERS REJECTED.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, all bids received for the construction of two roofs for Digester Floating Covers be rejected, as recommended by the City Manager, Purchasing Agent and Supt. of the Water Department, and new bids authorized advertised.

CITY PARTICIPATION IN COST OF ECONOMIC STUDY OF THE CHARLOTTE AREA IN GENERAL.

Councilman Whittington moved that the City of Charlotte participate in the amount of \$11,000.00 in the Economic Study of the Charlotte Area, making specific that the study will be of the Charlotte area in general and not just of the downtown area. The motion was seconded by Councilman Thrower, and unanimously carried.

CITY ATTORNEY INSTRUCTED TO DRAFT PROPER LEGISLATION FOR CITY PARTICIPATION IN INDUSTRIAL ADVERTISING CAMPAIGN SPONSORED BY CHAMBER OF COMMERCE.

Councilman Dellinger requested that the City Manager and City Attorney confer with the County Manager and County Attorney to see if the County intends to comply with the request of the Chamber of Commerce that the County Governments provide \$30,000 for a period of three years to finance an industrial advertising campaign for Charlotte, before Council takes any action on the similar request of the City

Councilman Smith stated this has been discussed by the City Manager and the County Manager and he thinks it is well known that the City is going to have to take the lead in the matter, as we are primarily interested in the metropolitan area of Mecklenburg County and City of Charlotte, and he thinks we should take a firm stand and he must differ with Mr. Dellinger on delaying action, and he moved that Council go ahead with the commitment of \$30,000 subject to the City Attorney and County Attorney drawing up the proper joint legislation for presenting to the State Legislature. The motion was seconded by Councilman Bryant, and unanimously carried.

ORDINANCE NO. 160 REGULATING THE CONDUCT OF CERTAIN ACTIVITIES AT DOUGLAS MUNICIPAL AIRPORT, ADOPTED.

Councilman Jordan moved the adoption of Ordinance No. 160 Regulating the Conduct of Certain Activities at Douglas Municipal Airport. The motion was seconded by Councilman Thrower, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 396.

February 18, 1963
Minute Book 42 - Page 478

2065

SETTLEMENT AUTHORIZED FOR RIGHT OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Bryant moved approval of the payment of \$800.00 to Mr. D.E. and Olaf Noreen, for 252 square feet of property at 2029 and 2031 Fernwood Drive, as right of way for the Kenilworth Avenue Extension Project. The motion was seconded by Councilman Whittington, and unanimously carried.

SALE OF TAX FORECLOSED PROPERTY AT 516-18 EAST TREMONT AVENUE AUTHORIZED AT PUBLIC AUCTION.

Councilman Dellinger moved that the city owned lot at 516-18 East Tremont Avenue be advertised for sale at public auction, with the starting bid at \$1,500.00. The motion was seconded by Councilman Bryant, and unanimously carried.

CITY MANAGER REQUESTED TO ADVISE DEPARTMENTAL HEADS WHEN W-2 FORMS FOR EMPLOYEES WILL BE FORTHCOMING.

Councilman Whittington stated that none of the over 2,000 city employees as of last Friday had received their W-2 Forms, and they are all excited to say the least, and he would like the City Manager to get some information to the Departmental Heads as to why and when they will be forthcoming.

IMPROVEMENTS TO MCALWAY ROAD FROM WALKER ROAD TO RANDOLPH ROAD TO BE MADE THIS SPRING.

Councilman Jordan stated that for about two years he has been trying to get something done to improve McAlway Road, and would like to find out if something will be done on it this year, as a number of people on the street are planning to move if something is not done.

Mr. Veeder advised the street has again been checked and that portion from Walker Road to Randolph Road is under the City's system for maintenance, the portion from Monroe Road to Walker Road is under the State system; that the portion we are responsible for we plan now to widen; fixing up the base with the view of resurfacing it in our spring letting of plant mix resurfacing. The width of the section of McAlway Road varies from 16 to 18 feet, and we are planning to widen it to about 24 feet average width, as there is no question but that it needs improving.

CITY MANAGER ADVISED DRAFT OF ORDINANCE TO REGULATE SHRUBBERY ETC. OBSTRUCTING VIEW OF TRAFFIC TO BE PRESENTED SHORTLY.

Councilman Smith called attention that sometime ago the City Manager and City Attorney were asked to devise an ordinance regarding intersections where shrubbery, fences etc are obstructing the view of traffic coming out into a main thoroughfare; that this is badly needed as the situation is very dangerous and something should be done about it.

The City Manager advised that last week Mr. Hoose and he went over a draft of such an ordinance and then went over it with the Chairman of the Chamber of Commerce Safety Committee and they found several flaws in it and this morning Mr. Hoose and he went over it again, and agreed on some changes. Something should have been before you by now, and he is hopeful now that he can bring a draft to Council that will represent their best thinking on the subject. That it is a difficult subject in many respects and he wants to make sure they are not suggesting that the City go further than we should, and he will have something before long.

February 18, 1963
Minute Book 42 - Page 479

ALFRED ALEXANDER TO BE PRESENTED MEDAL FOR HEROISM FOR SAVING LIFE OF THOMAS RATCLIFFE.

Councilman Jordan advised that at last week's meeting the Mayor asked him to secure information relative to Alfred Alexander who save the life of Mr. Ratcliffe and turn it over to the City Manager and City Attorney, and he would like Mr. Veeder to make a report on it.

Mr. Veeder replied that Chief Hord was requested to have someone check the situation to make sure there was no misunderstanding as to the way the incident happened, and Chief reports that the facts as the Council understood them are absolutely correct and there is no question but what Alfred Alexander did save Mr. Ratcliffe's life.

Councilman Jordan moved that a Medal for Heroism be presented to Alfred Alexander at next week's meeting. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor Brookshire asked the City Manager to ask Mr. Alexander to be present at next week's meeting.

STATUS OF IDENTIFYING RESIDENCES WHERE INVALIDS RESIDE IN CASE OF FIRE OR OTHER EMERGENCY.

Councilman Whittington stated that two weeks ago he brought up the idea of putting some identification on houses where invalids reside, in case of fires or emergencies, and he noticed we had another fatal fire last week with an invalid in the home, and would like to know what has been done about marking these residences.

The City Manager advised he took it up with Chief Charles and had a memorandum from him indicating it has been discussed with the Chief of the Raleigh Fire Department, who was sending material to him explaining their program of so identifying homes, and after the material is reviewed he will give his recommendation to the City Manager.

COUNCIL REQUESTED TO GIVE THOUGHT TO MOVING UP STREET IMPROVEMENT ON LASALLE STREET IN CAPITAL IMPROVEMENT BUDGET.

Councilman Dellinger advised he has been asked to bring to Council's attention the program in our Capital Improvement Budget on LaSalle Street, for which about \$44,000 was budgeted for a bridge and about \$16,500 for work on the street. That a good deal of building is being done in that area and the contractors and others are interested in seeing if the street work and bridge construction cannot be moved up. He stated the program is now scheduled for 1965, 1966 and 1967 - that he was thinking probably this could be moved up and substituted for some other program scheduled for an earlier date.

The City Manager advised this is going to be one of the hard judgments Council will have to make; that he agrees with the need for this improvement; that some six months ago he went out and looked at the situation, and the improvement would certainly improve the circulation a great deal and it is a very necessary improvement; it is just a question of judgment. Councilman Dellinger stated this can be taken up at Budget time but he wanted the Council to be giving it some thought until that time.

2063

REQUEST FOR WARNING LIGHT AND TEMPORARY SIDEWALK AT MONROE ROAD AND RICHLAND AVENUE REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Councilman Dellinger reported that he has a request for a Warning Light and temporary sidewalk, or some kind of arrangement for the school children to walk along Monroe Road and Richland Avenue as the traffic is heavy on Monroe Road; that they have a School Guard at this location but the residents claim this is not sufficient.

The City Manager advised he will have the situation looked into and make a report.

REQUEST THAT TWO UNPAVED BLOCKS OF CARTER STREET, BETWEEN SHAMROCK DRIVE AND HILLIARD DRIVE, BE PAVED, REFERRED TO CITY MANAGER.

Councilman Dellinger advised that Carter Street, from Shamrock Drive to Hilliard Avenue, a distance of three blocks, has one block paved and two unpaved and the residents want to know why the other two blocks cannot be paved? The City Manager advised he would have an investigation made and give a report to Council.

SETTLEMENT AUTHORIZED TO E. C. GRIFFITH COMPANY FOR RIGHT OF WAY IN CHEROKEE ROAD FOR THE RELOCATION OF A SANITARY SEWER LINE.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, payment of \$500.00 was authorized to E. C. Griffith Company for right of way 10 ft. wide x 140.41 ft. long in Cherokee Road for the relocation of a sewer line.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk