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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, July 13, 1964, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger.

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INVOCATION.

The invocation was given by the Reverend Thom W. Blair, Rector of Christ Episcopal Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last regular meeting on June 29th and the special meeting on July 2nd were approved as submitted.

SUGGESTIONS REGARDING THE EXPENDITURE OF \$3,500,000 FOR DOWNTOWN STREETS AND \$35,000 TO MATCH SIMILAR FUNDS FROM THE DOWNTOWN CHARLOTTE ASSOCIATION FOR A SURVEY OF THE CENTRAL DOWNTOWN AREA.

Mr. Albert Pearson appeared before Council and made two suggestions; first, regarding the \$3,500,000 which he understands from The Charlotte News the Council is going to float bonds for downtown streets, he suggested that this be postponed until a Plan for the improvement to the streets can be gotten from the survey to be made. He stated that the Council will be doing a dis-service both to themselves and to the City to ask the people to vote this money, when by waiting for the survey it is possible a better job could be done. Secondly, with regard to the \$35,000 the Council has appropriated to match funds of the same amount by the Downtown Charlotte Association for the survey of the central downtown area, he thinks the Council is off base in so doing as it will not benefit Charlotte as a whole and the survey report will be biased. He suggested if the Council feels the program is really worth while, that they pay the entire \$70,000 for the survey, and not go into it with the Downtown Charlotte Association or any other special interest group, and in that way the Council will get an unbiased report of the survey, which they cannot hope for otherwise.

Councilman Albea stated it is his belief that what helps downtown Charlotte will help all of Charlotte in the final analysis, for if decay is realized in the downtown area, it will sooner or later mean decay in other places.

Mr. Pearson stated he is not positive that what helps downtown Charlotte from a taxpaying point of view would help everybody equally; that he thinks we need a strong downtown Charlotte and so far we have been penny wise and pound foolish and the situation has not been gone into from an intelligent point of view at all.

ORDINANCE NO. 258-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING THE ZONING OF LOTS 608, 614 AND 618 EAST 36TH STREET, ADOPTED.

Councilman Whittington moved the adoption of Ordinance No. 258-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of Lots 608, 614

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and 518 East 36th Street from O-6 to B-1 on petition of Mrs Ada Lowder and Mr. C. H. and W. J. Lowder. The motion was seconded by Councilman Jordan.

Councilman Albea offered a substitute motion that action be postponed because of the absence of two Councilmen. The motion did not receive a second.

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

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

Councilman Albea called attention that the Petitions signed by 500 residents of the North Charlotte Community urging that the change in zoning be approved, came in too late and he thinks they should have been sent back to the Planning Commission for their consideration, and he would like for it to be stressed hereafter that petitions be gotten in for the public hearing.

The ordinance is recorded in full in Ordinance Book 14, at Page 23.

PETITION NO. 64-41 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTHEAST SIDE OF INTERSTATE-85 POSTPONED FOR THE CITY ATTORNEY TO ASCERTAIN IF THE PLANNING COMMISSION WISHES TO INITIATE PROCEDURE FOR REZONING THE PROPERTY IN ACCORDANCE WITH THE RECOMMENDATION OF THE PLANNING COMMISSION.

Petition No. 64-41 by Mrs Odessa S. Hartsell for a change in zoning from R-6 to B-1 of a tract of land on the southeast side of I-85 was presented for consideration, action having been postponed in view of the Planning Commission having recommended a change in zoning other than that requested.

Mayor Brookshire asked the City Attorney to discuss the matter.

Mr. Morrissey replied that what he has said before would apply to this with equal force - to act on a change in zoning to a classification that is different than that petitioned for would be acting on something other than that which is contained in the petition. That he has talked with the Planning Director with respect to this form of procedure followed by the Planning Commission, and will do so again.

Councilman Smith commented that this has been discussed and the thinking of Council is that this has been customary and although as Mr. Morrissey points out they do not have the authority to proceed on this basis, Council would like the authority to be discretionary in such cases. That he believes Mr. Morrissey told Council before it would take an Act of Legislature to change it, and he believes it was Council's thinking to request Mr. Morrissey to draw up such Bill for Council to present to the next session of the Legislature. Mayor Brookshire asked Mr. Morrissey to please prepare such Bill before the next session of the Legislature.

Mr. Morrissey commented that he recalls that previous matters of this nature were referred back to the Planning Commission by the Council, asking the Commission if they will initiate the procedure for reaching this result.

Councilman Thrower moved that action be postponed and the City Attorney find out if the Planning Commission wishes to initiate procedure for reaching this result. The motion was seconded by Councilman Whittington, who stated that Mrs Hartsell probably does not know what the Planning Commission has recommended for her property, and he would like Mr. Morrissey to find out if she does know.

Councilman Thrower remarked that in view of the fact of Mr. Morrissey's more recent ruling that Council cannot do this, he thinks the Planning Commission operates under the impression they can make these recommendations legally, and that is why he wishes Mr. Morrissey to resubmit it to the Commission.

The vote was taken on the motion and unanimously carried.

ACTION ON PETITION NO. 64-42 FOR CHANGE IN ZONING OF PROPERTY LOCATED AT 1300, 1304, 1306-08 AND 1244 NORTH PEGRAM STREET POSTPONED.

Petition No. 64-42 by Mr. G. L. Russell for change in zoning from R-6MF to I-1 of lots at 1300, 1304, and 1306-08 North Pegram Street and lot at 1244 North Pegram Street was presented for consideration.

Councilman Smith moved that the lots at 1300, 1304 and 1306-08 North Pegram Street be changed to I-1 and leave the lot at 1244 North Pegram Street zoned R-6MF as it is presently zoned. The motion was seconded by Councilman Whittington, who stated he has looked at this property, and it has been used for this purpose for over 20 years and it is simply a matter of improving the property.

Councilman Albaea asked if this is not the same as the previous zoning matter in that Mr. Smith is changing the zoning other than recommended by the Planning Commission? Mr. Morrissey stated it is his opinion that the same rule applies here with respect to the amount of area petitioned to be changed as applies to a change to a different use than that which is petitioned for. Councilman Smith remarked that the difference is that the lot at 1244 North Pegram Street is not contiguous to the other three lots, which are in a different block, so they are really separate parcels. The City Attorney pointed out that both properties are contained in the same petition.

Councilman Smith asked the City Attorney if this invalidates all such decisions Council has made up to now? Mr. Morrissey replied they are valid until they are challenged and found otherwise by a court of competent jurisdiction.

Councilman Thrower offered a substitute motion that the Petition be referred back to the Planning Commission and that no further fee be charged to the Petitioner in connection with another hearing on these lots. The motion was seconded by Councilman Smith.

Councilman Smith asked the City Attorney if the Petitioner could not withdraw one of the lots from his petition? Mr. Morrissey replied if the matter were postponed, the Petitioner might have a right to withdraw before Council action.

Councilman Thrower withdrew his substitute motion.

A substitute motion was offered by Councilman Smith that action be postponed. The motion was seconded by Councilman Jordan, and unanimously carried.

ORDINANCE NO. 259-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY EXTENDING FROM SHAMROCK DRIVE TO EASTWAY DRIVE BEGINNING 250 FEET NORTHWEST OF SHAMROCK-EASTWAY DRIVE INTERSECTION.

Councilman Albaea moved that Petition No. 64-34 for change in zoning from O-6 and B-1 to B-2 of property extending from Shamrock Drive to Eastway Drive, beginning 250 feet northwest of Shamrock-Eastway Drive intersection be disapproved as recommended by the Planning Commission. The motion did not receive a second.

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Councilman Thrower moved that Ordinance No. 259-Z Amending Chapter 23, Section 23-8 of the City Code be amended, changing the zoning of the property from O-6 and B-1 to B-2 as petitioned for. The motion was seconded by Councilman Smith.

Councilman Whittington commented that he voted against the change in zoning previously, but he has been out to see the property and the area is so remote he feels it would be putting a handicap on the person who owns the property to leave it zoned as at present, and for that reason he is going to vote in favor of the change.

The vote was taken on the motion to adopt the Ordinance, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 4, at Page 24.

ACTION POSTPONED ON PETITION NO. 64-22 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF FAIRVIEW ROAD AT PARK ROAD INTERSECTION, AND ON PETITION NO. 64-35 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF PARK ROAD, WEST OF FAIRVIEW ROAD.

Councilman Thrower moved that action be postponed on Petition No. 64-22 for change in zoning of tract of land on the North Side of Fairview Road, at Park Road intersection from R-12 to Q-15, and on Petition No. 64-35 for change in zoning of tract of land on the north side of Park Road, west of Fairview Road from R-12 to Q-15, until six members of the Council are present. The motion was seconded by Councilman Jordan, and unanimously carried.

PETITION NO. 64-32 FOR CHANGE IN ZONING OF PROPERTY AT 3401-09 SPENCER STREET POSTPONED AND REFERRED BACK TO THE PLANNING COMMISSION AND THE CITY ATTORNEY TO ASCERTAIN IF THE PLANNING COMMISSION WISHES TO INITIATE PROCEDURE FOR REZONING THE PROPERTY IN ACCORDANCE WITH THEIR RECOMMENDATION.

Councilman Whittington moved that action be postponed on Petition No. 64-32 for change in zoning from R-6MF to I-2 of property at 3401-09 Spencer Street, and the petition be referred back to the Planning Commission, and the City Attorney ascertain if the Commission wishes to initiate procedure for rezoning the property in accordance with their recommendation that it be rezoned I-1 instead of I-2. The motion was seconded by Councilman Jordan.

Councilman Albea stated he does not understand when the Planning Commission sends in their recommendation that it is supposed they do not know what they are doing. And that he requests the City Attorney from now on to tell the Planning Commission they cannot make such recommendations.

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION FOR LOCAL IMPROVEMENTS ON CHATHAM AVENUE, FROM BELVEDERE AVENUE TO THE END.

Councilman Albea moved approval of a Resolution Fixing the date of public hearing on July 27th on Petition for local improvements on Chatham Avenue, from Belvedere Avenue to the end, by installing storm drainage facilities and

constructing roll type curb and gutter, on petition of 68.2% of the abutting property owners, representing 55.2% of the lineal feet of frontage. The motion was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 396.

✓ 1964-65 BUDGET ORDINANCE NO. 257-X ADOPTED.

An ordinance entitled: "1964-65 Budget Ordinance No. 257-X" was introduced and Councilman Albea moved its adoption.

Councilman Smith requested that the record include the following: "That the Contingency Fund on Charlotte Community Hospital is not voted as being passed to the hospital at this time, or at the discretion of the City Manager, but shall be brought back to Council for approval at such time the money is to be dispersed, and that the \$10,000 in the Traffic Engineer's lighting program is segregated and kept for the discretion of the Council; the purpose of this money being to light up areas that have a high incident of crime rate, hoping that the lighting will help the Police Department in their efforts to curb crime."

Councilman Albea accepted the provision by Councilman Smith as part of his motion. The motion was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 4, beginning at Page 25.

LEASE AUTHORIZED WITH THE HERTZ CORPORATION FOR ROOM IN AIRPORT TERMINAL.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the lease of Room 145-A in the Airport Terminal was authorized with The Hertz Corporation, for a period of one year, at a rental of \$88.00 per month.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Councilman Albea moved the adoption of a resolution entitled: "Resolution Amending the Pay Plan of the City of Charlotte", which was seconded by Councilman Whittington.

Councilman Smith commented that the raises the Council gave to city employees, including the Executives all the way to the employees in the lower echelons, if his figures serve him right, amount to more than the interest the City paid on the General Fund Bonds this year; so they have put things in perspective, and the general interest bonds is not really knocking our heads off, it amounts to about 8¢ on the tax rate.

Councilman Albea stated he thinks the money given to the employees in the lower echelons was due them.

Councilman Smith stated he agrees with this too, but he was trying to give it an analysis of how much interest you pay, and sometimes you think when other people are talking, that we are about to go bankrupt over interest, and this is not the case at all.

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

The resolution is recorded in full in Resolutions Book 4, at Page 397.

CONTRACTS AUTHORIZED FOR APPRAISAL OF LAND FOR RIGHT-OF-WAY FOR THE NORTH-SOUTH RUNWAY EXTENSION AT THE AIRPORT AND FOR THE NORTHWEST EXPRESSWAY.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing contracts for the appraisal of land for right-of-way for the North-South Runway Extension at the Airport, and for the Northwest Expressway, as follows:

- (a) Contract with Alfred E. Smith for the appraisal of two tracts of land in connection with the North-South Runway Extension Project at the Airport.
- (b) Contract with Leo H. Phelan, Jr. for the appraisal of one tract of land in connection with the Northwest Expressway.

CONTRACTS AUTHORIZED FOR INSTALLATION OF WATER MAINS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following contracts were authorized for the installation of water mains:

- (a) Contract with Marsh-Broadway Construction Company for the construction of 380 feet of mains in Bridle Path Lane, inside the city, at an estimated cost of \$600.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Ervin Construction Company, Inc. for the construction of 13,100 feet of main and 11 fire hydrants, in Springfield Subdivision, outside the city, at an estimated cost of \$49,500.00. The applicant to finance all construction costs and will dedicate same to the City without further cost or agreement upon acceptance of the work by the City who will operate and maintain mains under the rules and regulations governing such matters and will retain all revenue derived therefrom.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing the construction of sanitary sewers at the following locations:

- (a) Construction of 230-ft. of 8-inch main in Shade Valley Road, inside the city, at the request of Richard Realty Company, at an estimated cost of \$865.00, with all cost to be borne by the applicant whose deposit of the entire amount will be refunded as per terms of the agreement.
- (b) Construction of 1,027-ft. of 8-inch main to serve Glenwood Apartments, at the request of Ed Griffin Development Corp., at an estimated cost of \$3,740.00, with all cost to be borne by the applicant whose deposit of the entire amount will be refunded as per terms of the agreement.
- (c) Construction of 240-ft. of 8-inch main in Bingham Drive, inside the city, at the request of Mr. R. H. Cadieu, at an estimated cost of \$780.00, with all cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the agreement.

STREETS TAKEN OVER FOR MAINTENANCE.

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

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Bonwood Drive	Wendover Road	End at cul-de-sac
Covecreek Drive	Plaza Road	Toano Road
Ruppert Lane	West 140'	East 200' of Covecreek Dr.
Toano Road	Covecreek Drive	End at west property line
Montclair Drive	Westbury Road	Existing paving near Chandler Place
Robin Road	Montclair Drive	North 270'

ISSUANCE OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, authorizing the issuance of Special Officer Permits as follows:

- (a) Renewal of Permit to R. A. Smith, 2217 Charlotte Drive, Cyrus Clayton Austin, 3321 Ritch Avenue, Claudis Mills, 906 Marble Street, all to serve on the premises of Highland Park Mfg. Company, at 300 East 16th Street.
- (b) Issuance of Permit to Richard Bert Austell, 3915 Tillman Road, to serve on the premises of Southern Railway Company, Liddell Street.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with John M. Dunn and Ella P. Dunn, for Lot No. 430, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with James A. Pappas, for Lot No. 262, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with C. H. Sanger or Pearl D. Sanger, for Lot No. 258, Section 3, Evergreen Cemetery, at \$283.50.

REAPPOINTMENT OF C. P. STREET TO AIRPORT ADVISORY COMMITTEE.

Councilman Albea nominated Mr. C. P. Street to succeed himself on the Airport Advisory Committee, and with the concurrence of the Council, moved that he be reappointed for a term of five years. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED NOLL CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF 24-INCH DISTRIBUTION SYSTEM WATER MAINS FROM CALDWELL STREET TO CRAIG AVENUE.

Councilman Thrower moved the award of contract to the low bidder, Noll Construction Company for the construction of 24" Distribution System Water Mains from Caldwell Street to Craig Avenue, in the amount of \$627,724.00, on a unit price basis. The motion was seconded by Councilman Jordan.

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Councilman Smith asked as information questions regarding the rock clause in the contract, and Mr. Franklin, Superintendent of the Water Department, advised all of the work, including the rock is on a unit price basis; that the amount of rock is estimated by the City, and may be checked by the companies if they wish before bidding, and if more rock is encountered than estimated then the City pays for it. Councilman Smith also asked regarding the timing for the completion of the work, that the low bid recommended is only \$300 less than the second bid yet there is two months difference in the timing. Mr. Franklin stated where timing is essential, the completion date is definitely stated in the specifications; that in this case it is not absolutely essential nor will it interfere with other city work on the street. Councilman Smith asked if Mr. Franklin feels that all of the bidders are competent and if any of them have interlocking interests? Mr. Franklin replied he does think they are all competent and too we have their performance bond, and if they have any such interest he knows nothing of it.

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

The following bids were received:

Noll Construction Company	\$ 627,724.00
Boyd & Goforth, Inc.	628,025.55
Blythe Brothers Company	664,407.00
C. M. Allen and Company	671,482.50

CONTRACT AWARDED C. M. ALLEN COMPANY FOR THE CONSTRUCTION OF 20-INCH DISTRIBUTION SYSTEM WATER MAINS FROM MATHESON AVENUE TO NORTH TRYON STREET.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, a contract was awarded the low bidder, C. M. Allen Company for the construction of 20-inch distribution system water mains from Matheson Avenue to North Tryon Street, as specified, at a price of \$206,830.00, on a unit price basis.

The following bids were received:

C. M. Allen and Company	\$ 206,830.00
A. P White & Associates	233,230.00
Noll Construction Co.	268,780.00
Blythe Brothers Company	269,920.00
Boyd and Goforth, Inc.	295,210.00

CONTRACT AWARDED C. W. GALLANT, INC. FOR THE CONSTRUCTION OF CONTROL SYSTEMS FOR ELEVATED WATER TANKS AT PECAN AVENUE, THE PLAZA AND DILWORTH.

Councilman Jordan moved the award of contract to the low bidder, C. W. Gallant, Inc., for the construction of Control Systems for Elevated Water Tanks located at Pecan Avenue, The Plaza and Dilworth, as specified, at a price of \$63,253.00, on a unit price basis. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

C. W. Gallant, Inc.	\$ 63,253.00
L. O. Chapman, Co., Inc.	66,122.00
Boyd & Goforth, Inc.	69,700.00
Potts-Brown Company	70,563.00
Crowder Construction Co.	73,200.00
Noll Construction Co.	87,889.00

CONTRACT AWARDED C. M. ALLEN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF SANITARY SEWERS IN WANDAWOOD SUBDIVISION.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, contract was awarded the low bidder, C. M. Allen Construction Company, for the construction of sanitary sewers in Wandawood Subdivision, as specified, at a price of \$18,768.40, on a unit price basis.

The following bids were received:

C. M. Allen Construction Co.	\$ 18,768.40
C. D. Spangler Construction Co.	18,781.00
Howie Crane Service	21,958.00

CONTRACT AUTHORIZED WITH WALTER HOOK ASSOCIATES FOR THE DESIGN OF THE NEW WEST CONCOURSE AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Albea moved that a contract be authorized with Walter Hook Associates for the design of the newest concourse at Douglas Municipal Airport, at a fee of 6.7% of the project construction cost. The motion was seconded by Councilman Whittington, and unanimously carried.

COUNCILMAN BRYANT ARRIVES AT COUNCIL MEETING AND IS PRESENT FOR REMAINDER OF THE SESSION.

Councilman Bryant arrived at the meeting at this time and was present for the remainder of the session.

AMENDMENT TO LEASE WITH CHARLOTTE AIRPORT HOTEL COMPANY REFLECTING THE CHANGE IN THE LAND AREA LEASED.

Councilman Albea moved approval of an amendment to the lease with Charlotte Airport Hotel Company reflecting the change in the area of land covered in the lease. The motion was seconded by Councilman Thrower, and unanimously carried.

ASSIGNMENT OF AMENDED LEASE FROM CHARLOTTE AIRPORT HOTEL COMPANY TO NORMAN L. RUFF AND WIFE, PHYLLIS.

Councilman Thrower moved that the Mayor and City Clerk be authorized to execute an Agreement to the assignment of the Lease, as amended, from Charlotte Airport Hotel Company to Norman L. Ruff and wife, Phyllis Ruff. The motion was seconded by Councilman Whittington.

Councilman Smith directed a series of inquiries to the City Attorney concerning the proposed assignment of the lease regarding any possible liability on the part of the City in the event of default on the part of the new Lessee in the payment of its obligation to Connecticut General Life Insurance Company, Mortgagor. The City Attorney advised that the City incurs no liability in this respect.

The vote was taken on the motion and unanimously carried.

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ACQUISITION OF PROPERTY FOR NORTHWEST EXPRESSWAY RIGHT-OF-WAY, WATER LINE EASEMENTS AND SANITARY SEWER EASEMENTS,

Upon motion of Councilman Smith, seconded by Councilman Albea, and un-animously carried, the following transactions relative to the acquisition of property were authorized:

- (a) Acquisition of 5,313 sq. ft. of property at 312-14 N. Long Street, from L. J. and L. M. Thompson, at \$4,250.00 as right-of-way for the Northwest Expressway.
- (b) Acquisition of 5,800 sq. ft. of property at 501-05 Seigle Avenue, from Almetta L. Miller, Administrator for the Leak Estate, at a price of \$6,000.00, as right of way for the Northwest Expressway.
- (c) Acquisition of 4,560 sq. ft. of property at 727-29 N. Graham Street, from J. S. and Janie B. Hart, at a price of \$19,500.00, as right of way for the Northwest Expressway.
- (d) Acquisition of 6,000 sq. ft. of property at 212 N. Long Street, from Melvin Adams and wife, Ruth Y. Adams, at a price of \$7,400.00 as right of way for the Northwest Expressway.
- (e) Acquisition of 6,000 sq. ft. of property at 210 N. Long Street, from John W. Washington and Julia M. Washington, at a price of \$7,895.00, as right of way for the Northwest Expressway.
- (f) Acquisition of 3,230 sq. ft. of property at 1012-14 East 5th Street, from Matthew Carter and Margaret J. Carter, at a price of \$5,750.00, as right of way for the Northwest Expressway.
- (g) Acquisition of tract of land 25' wide x 106.20' long in Eastway Drive, from James T. and Mary P. Jordan, at a price of \$53.10 as easement for water line in Matheson Avenue to N. Tryon Street.
- (h) Acquisition of tract of land 10' wide x 17' long in Eastway Drive, from Billy Robert and Lillie V. Walkup, at a price of \$42.00 as easement for water line in Matheson Avenue to N. Tryon Street.
- (i) Acquisition of tract of land 10' wide x 92' long in Greenwood Drive off Nations Ford Road, from Nora G. Greenwood, at a price of \$92.00, as right of way to relocate 12" water line for Highway 21 south of city limits.
- (j) Acquisition of tract of land 10' wide x 103.71' long in Greenwood Drive off Nations Ford Road, from Nora G. Greenwood, at a price of \$103.71, as right of way to relocate a 12" water line for Highway 21 south of the city limits.
- (k) Acquisition of tract of land 10' wide x 384.18' long in Milton Road, from Ross Hill Covington (widow) at a price of \$192.09, as right of way for Milton Road School sanitary sewer line.
- (l) Acquisition of tract of land 10' wide x 327.68' long in Milton Road, from James L. Hill and Eloise Hill, at a price of \$163.84, as right of way for Milton Road School sanitary sewer line.
- (m) Acquisition of tract of land 10' wide x 268.94' long in Milton Road, from Willie A. Stitt Helton, Charles L. Helton, Elnora Stitt Dean and Roger Dean, at a price of \$134.47, as right of way for Milton Road School sanitary sewer line.
- (n) Acquisition of tract of land 10' wide x 235.30' long in Milton Road, from Baxter Hill, Jr. and Marie A. Hill, at a price of \$117.65, as right of way for the Milton Road School sanitary sewer line.

- (o) Acquisition of tract of land 10' wide x 300.42' long near Brooktree Drive in Westchester Subdivision from Thomasboro Presbyterian Church, at a price of \$300.43, as right of way for sanitary sewer line to serve Westchester No. 6.
- (p) Acquisition of tract of land 10' wide x 159.22' long in Brooktree Drive, from Bobby G. and Grace D. Ribby, at a price of \$159.22, as right of way for sanitary sewer line to serve Westchester No. 6.
- (q) Acquisition of tract of land 25' wide x 243.86' long in Seneca Place, from James H. and Belle K. Rosier, at a price of \$243.86, as right of way for sanitary sewer line to serve Melbourne Court.

ORDINANCE NO. 260 AMENDING CHAPTER 20, ARTICLE IV, OF THE CODE OF THE CITY OF CHARLOTTE TO ADD A NEW SECTION 20-74 ESTABLISHING A PUBLIC OFF-STREET PARKING LOT.

An ordinance entitled: "Ordinance No. 260 Amending Chapter 20, Article IV of the Code of the City of Charlotte to add a new Section 20-74 Establishing a Public Off-Street Parking Lot" was introduced and Councilman Jordan moved its adoption, which was seconded by Councilman Smith, and unanimously carried. The Ordinance is recorded in full in Ordinance Book 14, at Page 31.30

ORDINANCE NO. 261 AMENDING SECTION 20-120 ARTICLE IV, CHAPTER 20 OF THE CODE OF THE CITY OF CHARLOTTE TO ESTABLISH A PENALTY FOR UNAUTHORIZED PARKING ON CITY PROPERTY.

An ordinance entitled: "Ordinance No. 261 Amending Section 20-120, Article IV, Chapter 20, of the Code of the City of Charlotte to Establish a Penalty for Unauthorized Parking on City Property" was introduced and upon motion of Councilman Jordan, seconded by Councilman Smith, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 32.31

RESOLUTION ESTABLISHING AND REGULATING USE OF THE CITY EMPLOYEES' PARKING LOT.

A resolution entitled: "Resolution Establishing and Regulating Use of the City Employees' Parking Lot" was introduced, and Councilman Jordan moved its adoption, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 398.

CITY MANAGER REQUESTED TO REVISE NOTICE TO PROPERTY OWNERS AND TENANTS OF THEIR PROPERTY RELATIVE TO PROCEDURE FOR VACATING PROPERTY TO BE ACQUIRED FOR EXPRESSWAYS.

Councilman Smith commented that a lady called him and she was very upset, she owns property on North Church Street and Eleventh Street, and she has not reached an agreement with the Real Estate Division of the City on the acquisition of her property for the Northwest Expressway; however, the City had sent a letter to her tenants saying they would have to vacate immediately. He asked if the City has the right to take action against tenants before a settlement is realized with the landlord? Mr. Veeder advised this is not an uncomplicated matter, we have been informed of procedures we must follow to satisfy the Bureau of Public Roads criteria, and these procedures get more complicated - for example, he has learned the Bureau of Public Roads is now

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requiring that any resident or owner of one of these properties must be given a minimum of 6 months notice. Councilman Smith asked if the wording of the Notice to the tenants cannot be changed to read - "we are now negotiating with the owner of the property you occupy for the purchase of the property and if successful in reaching a conclusion etc then you will have to vacate by such date". Mr. Veeder stated he will certainly look at the letter that is now being sent.

Councilman Smith asked the City Attorney if the City has the legal right to tell a person he has to move before we even get condemnation proceedings? Mr. Morrissey advised that we not only have the legal right, we have a legal duty if we comply with the requirements of the Bureau of Public Roads for the appropriation of federal money in the construction of the Expressways. He stated this is tied in with the requirements for relocation services in order to give the residents the maximum opportunity to avail themselves of that service and be relocated prior to the taking of the property; also, it does not necessarily depend upon negotiated acquisitions, since under the Highway procedure we can initiate condemnation and acquire it as soon as the papers are filed, which is necessary to meet a construction contract. Mr. Veeder remarked he certainly hopes the problem can be minimized for the owner and we will direct our efforts in that direction. Councilman Smith suggested it might be helpful to send an explanation to the property owner also regarding the 6 months notice requirement so we will not have this reaction.

Councilman Smith stated further he also understands we have had to take the position that we do not prorate any taxes. If we take a person's property in July 1964 he has to pay taxes for the entire year. Mr. Veeder stated that is correct.

#### FIELDVIEW ROAD ACCEPTED FOR CITY MAINTENANCE.

Councilman Smith asked the City Manager concerning the status of Fieldview Road. He advised a man on the street has completed his house but cannot get water up the street until it is taken over by the City.

Mr. Veeder stated the Engineering Department has reviewed the construction of the street, and has given him a report indicating it does not meet the standards the City would normally require for this type of work, the primary deficiency being in the area of storm drainage. That last Friday while it was raining he went out and looked at the street to see from a layman's point of view if the storm drainage was adequate, and he thinks from what he saw the street looked satisfactory to him. That in order to complete this particular project, he would ask Council not to consider any action on this as representing or to be construed by Council or anybody else as a precedent in the future. And in order to write finis to the matter he would suggest that Council accept the street for maintenance.

Councilman Smith moved that the street be accepted for maintenance, which was seconded by Councilman Albea, and unanimously carried.

#### CITY MANAGER REQUESTED TO EXPEDITE THE COMPLETION OF THE IMPROVEMENTS IN MYERS PARK MANOR.

Councilman Whittington asked the City Manager for a progress report on when the City will finish the improvements in the Myers Park Manor area - that the curb and gutter has been in for several months. The City Manager advised that a number of the streets has had surface treatment and there are one or

two streets that have additional work to be done on them. Councilman Whittington stated the residents of the street joined us in the project after several months of deliberations on which was the best way to do the work, and Westfield Road is the street he is primarily referring to, and he would urge that the work be completed.

Councilman Thrower commented that Mr. Albert Pearson called up and suggested that where the road was cut up so bad, that the City resurface it and do the job properly, and the Engineering Department agreed and that has slowed them up some.

CITY MANAGER REQUESTED TO ASK COOPERATION OF OIL COMPANIES IN PREVENTING THE PARKING OF REFRIGERATED CARS WITH MOTORS RUNNING ON THEIR SERVICE STATION LOTS.

Councilman Whittington called attention to the number of service stations that because of zoning changes or their location are in a business zone and backed up to them or across the street from them is a residential area, and in these service stations they allow refrigerated trucks to come and bring the refrigerated car and leave it and let the refrigerator continue to run until it is unloaded or picked up by the tractor. He stated this is not a new complaint, but has been going on for quite a while, and the noise and fumes from these cars are a nuisance both from a noise and health standpoint in the summer time when the houses are open. He stated further he has discussed it with the Building Inspection Department and the Health Department and they say there is nothing we can do about it. But it seems to him that we as a City could contact these Oil Companies and tell them the problem we are being plagued with and ask for their cooperation in trying to prevent this sort of thing on their lots from a noise and health standpoint. The City Manager asked if there is any possibility that it could be worked on an individual basis, and Councilman Whittington stated he could give him individual cases, but it is all over town and his thinking was if it could be approached through working with the Oil Companies there might be some area of cooperation. Mr. Veeder asked Councilman Whittington to give him some individual cases and he would see what can be done.

CITY MANAGER REQUESTED TO ASK COUNTY HEALTH DEPARTMENT TO USE THE FOGGING MACHINES IN CHARLOTTE.

Councilman Thrower advised he has had several complaints from people who live around creeks, saying the Health Department is not using the fogging machines, and he saw one little child who had in excess of 30 mosquito bites, coming from the Rolling Woods section Briar Creek, and he would like to see the machine used. The City Manager stated he will be glad to call it to the attention of the County Health Department.

SETTLEMENT OF CLAIM OF MISS DELLA MAYHEW AUTHORIZED.

Councilman Thrower moved approval of the payment of claim in the amount of \$22.50 to Miss Della Mayhew, 3018 Tuckaseegee Road, for expenses incurred in remedying the results of a sewer stop-up for which the City Attorney believes the City to be liable. The motion was seconded by Councilman Albea, and unanimously carried.

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RESOLUTION ORDERING IMPROVEMENTS TO MICHIGAN AVENUE, REPEALED ON REQUEST OF PETITIONER, TROTTER & ALLAN CONSTRUCTION COMPANY.

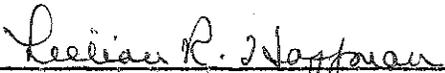
Councilman Whittington moved that the resolution which ordered the improvements to Michigan Avenue be repealed on the request of Mr. William P. Allan of Trotter & Allan Construction Company, who are the sole petitioners for the improvements, and who now plan to construct the street themselves under City standards and inspection, the City Manager and City Attorney having stated they see no objections to granting their request. The motion was seconded by Councilman Jordan, and unanimously carried.

N. C. LEAGUE OF MUNICIPALITIES MEETING SCHEDULED IN RALEIGH OCTOBER 18, 19, AND 20TH.

The City Manager announced that the North Carolina League of Municipalities Meeting is scheduled in Raleigh for October 18, 19 and 20, and headquarters hotel will be the Sir Walter, where an adequate number of rooms have been reserved for our use.

ADJOURNMENT.

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

  
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Lillian R. Hoffman, City Clerk