

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, June 11, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Smith, Thrower and Whittington present.

ABSENT: Councilman Jordan.

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INVOCATION.

The invocation was given by Councilman Don G. Bryant.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on June 4th were approved as submitted.

HEARING HELD ON ORDINANCE AMENDING CHARLOTTE SUBDIVISION ORDINANCE TO RESTRICT THE SUBDIVISION FOR RESIDENTIAL PURPOSES OF LAND SUBJECT TO FLOODING AND AMENDMENT REFERRED BACK TO PLANNING DIRECTOR AND CITY ENGINEER FOR STUDY AND CONFERENCE WITH PERSONS APPEARING IN OPPOSITION TO CERTAIN PROVISIONS.

A general outline of the proposed Amendment to the Charlotte Subdivision Ordinance to restrict the Subdivision for Residential Purposes of Land Subject to Flooding was given by the Planning Director, who pointed out that the amendment deals only with land for residential purposes; that such land is determined to be that land that will flood according to a 50 year flood elevation; that the ordinance does not preclude the possibility of building on portions of lots subject to flooding provided there is sufficient dry land space for such building; that the amendment provides that the flood line be established on both the preliminary plans and final recorded plat of the land or lot, and the establishment of such flood line is the responsibility of the property owner.

In reply to Councilman Dellinger's question as to a report on individually owned lots subject to flooding, it was pointed out that this was requested from the Building Inspection Department. The City Attorney advised that he is responsible for the requested report but has no specific proposal at present and has not completed his study.

Councilman Smith asked what year since 1912 has the water level been established? Mr. McIntyre advised we have records of water levels on Sugaw Creek back in 1924 and the maximum in 1937, and Councilman Smith asked if for practical purposes the 50 year level should not be used but the criteria be fixed based on that of 1937? Mr. McIntyre advised the Engineering Department says the 50 year level can be used and he would prefer the City Engineer answering the question. Councilman Smith stated further, that as a matter of fact the burden is being put on the property owner to determine the 50 year level.

Mr. Tom Ruff, Attorney speaking in behalf of the Home Builders, stated that today a man may do as he pleases with his property within lawful regulations and he may, from choice, calculated risks, or economical reasons decide to build on a creek bank or low land rather than pay the price for land at a higher elevation, and then, as set forth in the Ordinance, the government comes along and says we are going to protect the individual from doing that

which is foolish in building on property that may be flooded - and so, the question arises, to what extent and how far government may go to take away the rights of a man to do what he desires and to what extent should his property rights be interfered with and how reasonable is the proposed ordinance in limiting the property owner, and in fact, how great is the flood threat in Charlotte, as it is not in the low area of the United States, such as Mississippi, New Orleans etc. Mr. Ruff stated further the Home Builders recognize there is a problem in Charlotte but they do not feel it is a critical one, therefore, the problem should be carefully weighed against the peoples' rights. That the ordinance as drawn could mean the absolute denial of approving any proposed subdivision where the land in whole or in part lies within a flood plain, and even if approval is denied on that portion within a flood plain, it means depriving a man from using his land that he might develop as a garden, play area, lawn etc.

He called attention that the flood plain as provided for in the ordinance is based on a 50 year experience as the high water mark occurring once every 50 years, but the question arises as to how can one know the standard for the water course, as it varies from Sugaw Creek to Briar to New Hope to No Name to Mullins, and the flood line would differ according to each step in the elevation of the body of water. He stated the burden of determining the elevation is placed on the property owner in the ordinance because government says it cannot do this, but how greater the burden will be on the property owner who has no access to any flood level records and statistics.

Mr. Ruff stated further they feel the ordinance can be made workable in a manner that is reasonably related to the size of the problem if it gives the city or county the means to acquire property which is subject to being removed from usefulness, otherwise it would deprive an owner of a property right without compensation. He asked that consideration be given if this ordinance had been in effect for the past 10 or 15 years and applied both to business and residential property - there would be no Charlottetown Mall, No Center Theatre, much of Kings Drive would not exist and Central High School would have been in the prohibited flood plain.

Mr. Ruff stated the Home Builders do not want to appear as opposing what the Council is trying to do because they feel the Council's efforts are in a spirit of ultimate good for Charlotte, but they are making these observations because they feel they have merit and hope the Council will decide the nature and extent of that merit. That if the Council in its judgment concludes that the ordinance is necessary and is justified under the circumstances, then they submit the 50 year standard should be changed to 10 or 15 years cycle, as the 50 year is too severe and too indefinite. That they submit a subdivision should be approved even though it may in whole or part be within the flood area on the condition that the owner who applies for a permit be required, as a condition for the granting of the permit, to construct the residential building so that the living area of the residence is 2 feet or more higher than the flood level on the 10 or 15 year flood basis. That they feel this would reasonably protect the property and the individuals and leave some of the land subject to temporary flooding, and at the same time not deprive the owner of the use of this land for a lawn, play area, garden etc under his ownership, which would leave with him the incentive to beautify and make the area attractive.

Mr. John Crosland, Jr., Chairman of the local Home Owners Association, asked if it would be possible to sit down with the Planning Board and Council and discuss the proposed ordinance with particular regard to certain parts which they feel should be more carefully considered? Mayor Brookshire advised him this is an advertised public hearing and the ordinance may be discussed as fully as Mr. Crosland and others wish. Mr. Crosland then stated one thing

they have heard that most of them feel would be helpful both to them and the city is having their land bought by the City for park purposes but they find nothing to this effect in the proposed ordinance; another point is the fact that the lot itself brings the land level up to 2 feet covering most of the lot - in other words it refers back to the zoning ordinance which was recently passed. Mayor Brookshire asked the City Attorney to clarify the point and Mr. Morrissey stated the ordinance provides that the useable lot area is determined by deducting from the total lot area that area of the setback rear and side yard requirements but only those that lie below the flood line. Mr. Crosland stated further they would like to know exactly where the flood line will be and he feels this should be determined by the City.

Mr. John Delaney, representing the Home Builders, stated he would like to emphasize that although the Association is not opposed to flood plain legislation, they do not feel that the ordinance as prepared is suitable vehicle to carry out the objectives the Council has indicated it wants. That they think the administrative responsibility put on the Engineering Department is improperly placed, and the burden put on the owner to get along with the City Engineer is unfortunate; that they think much of the trouble is in the creeks being dirty, blocked and backed up and it is the city's responsibility to clean the creeks and then find out where the flood plain is. Therefore, they would first suggest that the creeks be cleaned out and know where the water will go. Secondly, they would suggest that the City Engineer or someone outline for the City what these areas are that may be subject to a reasonable flood plain difficulty; that the use of the 50-year cycle is not accurate and it can be done in many ways and there are few engineers that would come to the same agreement, therefore, it should be established by the City's staff. Thirdly, if the City will establish the line and have it definite as it affects all property along all creeks, then the City will have a just and knowledgeable rule available to any property owner or any purchaser. That as it is proposed in the ordinance, they would anticipate that the difficulty of getting a subdivision plan approved would be increased because of the lack of agreement from the professional standpoint. That time means a great deal of money in planning a subdivision while time means not so much in the City Engineering Department, because of the nature of their work.

Mr. Delaney again emphasized that the Association is not opposed to proper regulations concerning the use of land subject to flooding but stated they feel it is unwise and improper at this time to go on without having established a proper base for measurement of the areas of lands to be affected. He stated those who deal in land and in improving the land are making greater values for Charlotte and all of them in that business are helping Charlotte broaden its tax base and bring in a greater tax collection to the city and county.

Councilman Dellinger asked if the Association or Mr. Delaney has an alternate ordinance to give Council for study?

Mr. Delaney stated he thinks perhaps the area that Mr Ruff has described would prove an area in which Mr Crosland and his Committee could get together with those whom the Council might designate; that they are not attorneys but will be glad to express their outlook on it and try to be of assistance in formulating a more workable ordinance.

Councilman Whittington asked the City Engineer how long it would take to determine such a flood line as Mr Delaney is speaking about? Mr. Cheek replied he presumes that Mr. Delaney means the line for the entire drainage area, and to do it completely would be about the most arbitrary thing one could do. It would require several months to make a comprehensive study, and it would have to be amended from time to time and it would be a continuing evaluation of each location. That an adequate judgment could be made on any location on the information we have.

Councilman Dellinger asked if cleaning the creeks within these areas would give us the information the City might need? Mr Cheek stated the cleaning of the creeks would naturally improve the runoff, and the survey would be made on existing conditions.

Mr. Veeder stated he recalls when Mr. Delaney, Mr. Ruff and others were here the last time the subdivision ordinance was amended with regard to provisions for sidewalks in subdivisions, Council deferred action for a while so that the City could get together with them and discuss the subject and try to come up with some satisfactory approaches. That it proved to be a fruitful approach and the end product has proved most satisfactory. With that in mind, it might lead us to defer action and meet with them and see what, if any, changes could be made in this ordinance that would make it more acceptable and at the same time cover the subject matter adequately.

Mr. Robert Bradshaw, attorney representing several property owners on Briar Creek, stated they believe that the present ordinance is unsound in principle for two reasons; one, it seems to be predicated on the assumption that our Creeks and streams are liabilities to our community, while actually they are assets and rather than condemning those whose property lies along these water courses, he thinks consideration should be given to further utilizing the streams by dredging or rechanneling or clearing them so as to make available their benefits for the entire city. That the present ordinance is unfortunate in that it turns to the property owners, who have had little or nothing to do with the problem and tells them the problem must be corrected through dealing with their property. That in their opinion the land should be treated as the Brooklyn area and reclaimed instead of abandoned, and the correction should be within the streams themselves, rather than by attacking the property rights of the owners along their banks. He stated further that his clients think the ordinance is wrong in principle and that serious administrative problems are presented by it - one being the definition of a 50 year flood line, which refers to what has occurred within the past 50 years, while under present day conditions it cannot be said with certainty that the flood line would be the same. Then, to them, the crowning blow is that the establishment of the flood line is imposed on the property owner himself.

Mayor Brookshire asked Mr. Bradshaw inasmuch as he and others today have suggested that the City reclaim the flood plain areas or parts of them, would his clients be willing to bear some of the cost in view that by reclaiming the land, it would be more desirable for residential purposes and enhance its value? Mr. Bradshaw stated he would not answer for his clients of course, but his opinion would be that the improvement of these water courses - the same as improvements to highway etc - would be the responsibility of the general community as they would serve the general community and not just property owners in the flood plains.

Councilman Thrower moved that Mr Veeder's suggestion be followed and the ordinance be referred back to Mr. McIntyre and Mr. Cheek for further study and conference with those persons appearing today to see if an ordinance more acceptable to everyone cannot be devised, and brought back to Council. The motion was seconded by Councilman Whittington, who stated he is for a subdivision Ordinance for residential neighborhoods but thinks Mr. Veeder's suggestion based on what was previously worked out with these gentlemen on the subdivision sidewalks is a good method to follow and may bring the solution closer to hand and perhaps result in something that will be acceptable to both sides.

Councilman Albea asked if this means there will be another public hearing, and Mayor Brookshire stated he does not think so, as the hearing held today fills the legal requirement and the ordinance or amendment to the ordinance is just

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deferred for further study. Councilman Albea stated he definitely feels there should be another hearing if the ordinance is revised and he is not willing to vote on it without hearing both sides express their opinions.

Mr. Morrisey, City Attorney, advised that the subdivision law does require this hearing, and if the result of the further study brings about an ordinance with different provisions than now proposed, another hearing would be required.

The vote was then taken on the motion by Councilman Thrower, and unanimously carried.

DISCUSSION OF DRAINAGE PROPERTY ON SHEFFIELD DRIVE.

Mrs. D. B. Yemm, 3845 Sheffield Drive, appeared before Council in regard to the appearance of Mr. Wayne H. Traywick, 3837 Sheffield Drive last week relative to the diversion of water onto his property located at the rear of Evergreen Cemetery and adjacent to the Yemm's property. Mrs. Yemm stated that for four years Mr Traywick has pursued this subject with City Officials with complaints against the Yemm family. That two years ago, Mr. Haas, Cemetery Superintendent, was obliged to post the property with a No Trespassing Sign and the Yemms were the only ones who obeyed the sign, and prior to that Mr. Haas was forced to tell the residents of Sheffield Drive not to use the undeveloped portion of the Cemetery property. She stated she is present today to say that Mr. Traywick's statements to the Council is full of lies and she and her husband think the Council should be told that Mr. Traywick is lying, and he lives by lies, and everything he has accused them of doing is a lie and in fact what he, himself, has been guilty of. That in reference to the brick wall Mr Traywick spoke of to Council, it is true the Yemms have two brick walls and a fence around the back yard, the wall runs from the back yard to their front property line, both the fence and walls being well within their property lines; that the brick wall was interlocked at one time and allowed the drainage onto their yard and ruined it several times and they had the wall torn down and stacked one brick on the other, as it is now. Mrs. Yemm stated further they had their property surveyed to convince Mr. Traywick they were not and could not possibly be diverting water onto his property, which he still does not believe. She stated they realize it is a personal problem but she and her husband would like to know how long the City is going to placate Mr Traywick and permit this controversy to continue; that she understands Mr. Traywick has now been bothering Councilman Smith.

Mayor Brookshire stated that last Monday when Mr. Traywick appeared before Council, it was made clear to him that the City cannot afford to become involved in any personal civil matter or argument between two neighbors and the same position must be made plain to Mrs Yemm.

Councilman Smith stated Mr Traywick called him stating there was humus on the city property and he did nothing but tell the City Manager about it and ask him to check into it, and he thinks the humus was removed, which was leaves. Then Mr. Traywick came back to him about the water situation and it was suggested at the last Council Meeting that the City Engineer go out and try to show both the Yemms and Mr. Traywick how the water could be taken down the property line, if that is what you want to do; the City was not to do this, but it was an endeavor to be of service to them. He stated the City can take no sides in the matter, but any citizen has the right to come to City Hall and discuss any problem.

Mrs Yemm stated their property is lower than both the city's cemetery property and Mr. Traywick's property and she would like to be told how they could possibly be contributing to diverting drainage water onto his property.

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Councilman Bryant asked what Mrs Yemm wishes the Council to do? Mrs. Yemm replied they are not asking the Council to do anything but since Mr. Traywick's remarks were broadcast over the Radio last week and are in the Minutes of the Council Meeting, she and her husband decided they want the Council to know the truth and ask that the next time Mr. Traywick comes down here, the Council does not listen to him and does not offer the city's time and money to go out there again and try to placate him, because if Mr. Traywick runs a strip between his drive and their wall it will undermine their wall, and they are not going to consent to it. If the City will run a drainage ditch from the back line down to the street they will still get as much water in their back yard as they did in April.

Councilman Thrower stated the City cannot run a drain over private property. Mrs Yemm stated they understood that the City could at the expense of the property owner.

Mr. Veeder advised the only comment on this last week was if there is a drainage problem involving two neighbors, the City would go as far as telling them how they might best solve the problem and then it would be up to the two neighbors to take whatever action they desired.

Mayor Brookshire stated the City does not propose to do anything further than make whatever suggestions the City Engineer was able to make to them and Mr. Traywick.

REQUEST FOR TEMPORARY SIDEWALKS ON NEWLAND ROAD, LASALLE STREET AND CUMMINS AVENUE REFERRED TO CITY MANAGER FOR RECONSIDERATION AND REPORT.

Dr. R. A. Hawkins was spokesman for a delegation of residents of West Charlotte asking that gravel sidewalks be provided on Newland Road, LaSalle Street and Cummins Avenue for the protection of the children of the area. Dr. Hawkins stated in February 1962 as Chairman of the Advisory Committee of West Charlotte High School PTA, he addressed a letter to the City Manager requesting sidewalks on these streets, as the children found it necessary to walk in the street because of the absence of sidewalks and one child had been killed. That on April 18, 1962 he received a reply from Mr. Veeder, apologizing for the delay in replying and stating he had asked the Traffic Engineer and Police Department to study the request; that he attached to his letter a copy of their reports and a physical layout of the West Charlotte High School and Lincoln Heights Elementary School area, showing the pedestrian movement, and calling attention that the two departments did not recommend the installation of sidewalks as requested.

Dr. Hawkins stated they do not question the Traffic Engineer's report but call attention to a further tragedy on Newland Road as reported in last Sunday's Observer which also referred to a previous death on this street in February 1961, and stated the Police said that Newland Road is about the worse street in the City for accidents in which pedestrians are hit because of its narrow 20 ft. width and lights only at intersections and no sidewalks.

Dr. Hawkins stated further they appeal to Council to provide these sidewalks as it is of great concern to them that their children are exposed to this great danger, as well as the older pedestrian, and even tho they do not question the correctness of the Traffic Engineer's report, they question its wisdom as the need for the sidewalks is self evident, and they are only asking for temporary or gravel sidewalks.

Mayor Brookshire asked how many lineal feet of sidewalk is involved? Dr. Hawkins stated they are asking for sidewalks from Double Oaks section to West Charlotte, Lincoln Heights and now Statesville Avenue. Mr. Veeder stated it would be approximately 2 miles of sidewalks.

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Councilman Dellinger asked if the School Board made any provision for sidewalks when the School was built? Dr. Hawkins stated they did not, and they have been to the School Board with this same request.

Mr. Veeder stated it is his opinion there is sufficient right-of-way for the sidewalks and the cost estimate has been made at \$10,300.00 for gravel walks.

Councilman Smith suggested that the survey of the situation be reconsidered to see what can be worked out and if sidewalks cannot be provided the entire way, then perhaps a portion can be installed.

Dr. Hawkins stated they would like the sidewalks in time for the opening of schools in the fall, however, the pedestrian problem is about as acute as that concerning the children.

Mr. E. H. Ross stated since opening of their municipal swimming pool they have had over 6,000 children participating and over one-third of these children have to travel over Newland Road, so they ask that the immediate need for the sidewalks be kept in mind.

Mayor Brookshire asked the City Manager to check further into the matter and give Council a report.

DISCUSSION REGARDING PAVING OF ONE BLOCK ON KILDAIRE DRIVE.

Mr. Robert Powell again appeared before Council with regard to the paving of Kildaire Drive, and asked if the City could not budget funds for the paving would the City scrape and gravel the street? If not, then they have no alternative but to cut off the street from travel because of the severe dust, and this has been agreed by everyone on the street. He stated they dislike doing this as it is the short cut to Shannon Park but it is their only recourse.

Mayor Brookshire asked if the property owners would be willing to reconsider paying for the paving? Mr. Powell stated there are four property owners in the one block involved and they are not willing to pay for it as they are not financially able. He stated it is not because of the traffic by the property owners but the heavy trucks going in and out of Shannon Park, and after a rain the street is cut up until it is impassable and they feel because of this it is a city problem. That he can again have it scraped at his expense and block the street off as it is not a dedicated street and it will stay in a pretty good condition for the four families residing in the block, but they dislike putting the residents of Shannon Park to the inconvenience of going the long way around.

Councilman Whittington asked how many lots Mr Powell owns in the block and Mr. Powell replied he has 6 lots, 5 of which are undeveloped, and there are 3 other residents. He stated this block is in the middle of a paved area, in other words Kildaire is paved at each end up to this particular block and was done at the expense of the property owners.

Mayor Brookshire asked if it would not enhance the value of his property sufficiently to pay for the paving, and Mr. Powell stated it would not at \$1,250.00; that it is his understanding this amount is correct at \$5.00 per lineal foot for paving on both sides of the street with substandard pavement. He stated a contractor has offered a bid of \$6.50 per lineal foot for top grade paving, this is 6" of gravel with asphalt top.

Mr. Veeder advised the City will do the work for \$2.50 per front foot for 4" paving with no curb or gutter, with minimum storm drainage, whatever that might

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be in the circumstances. He stated further he thinks if Mr. Powell is able to convince his neighbors, and himself on the desirability of paving the street and are able to provide a dedication, that this would be in Mr. Powell's self-interest as the value of the vacant lots would enhance at least the cost of the paving.

Mr. Powell said he cannot afford it because the City Engineer advised when the street was paved up to this block, that he would have to pay the entire paving assessment before he could release even one of his vacant lots to a purchaser. At the question of Mayor Brookshire, the City Attorney stated Mr. Powell can sell the lots subject to the street assessment on them.

Mayor Brookshire stated the City must stick by its policy and if Mr. Powell will discuss this with the other property owners and advise Mr. Veeder he will be glad to do all that he can.

PURCHASE OF RIGHT OF WAY ON 35TH STREET FOR STORM DRAINAGE.

Councilman Albea moved that right of way 10' by 60' on 35th Street be purchased from Austin D. Wilson and Jollie B. Wilson at \$150.00 for storm drainage. The motion was seconded by Councilman Whittington, and unanimously carried.

AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR RIGHT OF WAY FOR IRWIN CREEK OUTFALL SEWER LINE.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, an agreement was authorized with the Southern Railway Company for right of way under their main line tracks in connection with the construction of Irwin Creek Outfall sewer line.

AGREEMENT WITH STATE HIGHWAY DEPARTMENT FOR RIGHT OF WAY UNDER INDEPENDENCE BOULEVARD FOR IRWIN CREEK OUTFALL SEWER LINE.

Councilman Bryant moved approval of an agreement with the State Highway Department for right of way under Independence Boulevard in connection with the construction of Irwin Creek Outfall sewer line. The motion was seconded by Councilman Whittington, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

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

- Isenhour Street, from Rodey Avenue to Norris Avenue.
- Lewiston Avenue, from Willard Street 425 ft. west and 545 ft. east.
- Charles Avenue, from Clemson Avenue to Whiting Avenue.
- LaSalle Street, from Newcastle Street to Erie Street.
- Starhaven Drive, from Plaza Road Extension 330 ft. west.
- Thronwood Road, 135 ft. north of Snow White Lane to Squirrel Hill Road.
- Kingscross Drive, from Rutledge Avenue southeast 1,366 ft.
- Thornton Road, from 110 ft. south of Aberdeen St. to 170 feet north of Carrowmore Place.
- Carrowmore Place, from Thornton Road 160 ft. west.
- Aberdeen Street, from Thornton Road 165 ft. east.

SUBJECT

CONSTRUCTION OF DRIVEWAY ENTRANCES.

Motion was made by Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 30-ft. and One 35-ft. entrance at 400 Atando Avenue.
- (b) One 12-ft. and One 28-ft. entrance at 3123 May Street.
- (c) One 20-ft. entrance at 4134 Statesville Road.

CONSTRUCTION OF SANITARY SEWER MAINS.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 290-ft. of sewer main in Newland Road, inside the city limits, at request of James L. Smith et al, 1909 Newland Road, at an estimated cost of \$1,085.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (b) Construction of 2,300 ft. of sewer main and trunk in Hampshire Hills Subdivision, inside the city limits, at request of John Crosland Company, at an estimated cost of \$8,120.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (c) Construction of 1,562-ft. of sewer main in Hampshire Hills Subdivision inside the city limits, at request of John Crosland Company, at an estimated cost of \$8,260.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, authorizing the following contracts for the installation of water mains:

- (a) Contract with David H. Henderson, for the installation of 665-ft. of water main and one hydrant in Aycok Lane, inside the city limits, at an estimated cost of \$1,500.00. The City to finance all costs and applicant will guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Contract with Herald Realty Company for the installation of 250-ft. of water main in Hawkins Street, inside the city limits, at an estimated cost of \$1,200.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

TRANSFER OF CEMETERY LOTS.

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

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- (a) Deed with C. V. Oates or Mrs Lena Y. Oates for Lot 373, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with Mrs Margaret Evans Brooks for Perpetual Care on the north half of Lot 28, Section T, Elmwood Cemetery, at \$100.80.

CONTRACT AWARDED DEWEY BROS. INC. FOR VALVE BOXES.

Councilman Albea moved the award of contract to Dewey Bros. Inc., the low bidder, for 700 Cast Iron Valve Boxes, as specified, at their bid price of \$4,631.98. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Dewey Bros., Inc.	\$ 4,631.98
Knoxville Foundry Company	4,676.20

CONTRACT AWARDED AUTOMATIC SIGNAL DIVISION, LABORATORY FOR ELECTRONICS, INC. FOR TRAFFIC SIGNAL CONTROL EQUIPMENT.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and un-animously carried, contract was awarded the only bidder, Automatic Signal Division Laboratory for Electronics, Inc., for 6 RD2 Detectors and 1 Dual Recorder, as specified, at their bid price of \$4,620.89.

Councilman Dellinger stated it appears to him this equipment should be changed so that other companies could bid, as this price appears to be too high, and he was under the impression that the new signal control was set up in such manner that various equipment could be used. Mr. Veeder stated this equipment is only available from this one company and other equipment cannot be used as it is tied in with the downtown system and the same equipment must be used, and the unit prices for the equipment are the same as paid for the last equipment. Councilman Dellinger stated he feels that consideration should be given changing the equipment so that competitive bids can be received; that he certainly feels the City is paying dearly for using equipment that can be secured from only one company.

PURCHASE OF LAND ON BOTH SIDES OF ALANBROOK DRIVE OFF ROBINSON CHURCH ROAD FOR LAND-FILL SITE.

Councilman Smith moved approval of the purchase of 76.53 acres of land in Crab Orchard Township on both sides of Alanbrook Drive off Robinson Church Road for a land-fill site, at a price of \$55,000.00 as recommended. The motion was seconded by Councilman Bryant, and unanimously carried.

REQUEST FOR OPENING AND IMPROVEMENT OF BEAUX STREET, BETWEEN WILSON AND PRUITT STREETS, DISAPPROVED.

Referring to the request of Mr. Hobart Z. Miller last week for the opening and improving of Beaux Street, between Wilson and Pruitt Streets, the City Manager advised there is no existing or dedicated right of way for the first 200 feet of Beaux Street west of Pruitt Street, and the street has apparently been used by motorists for access into Pruitt Street merely because of the flat terrain; that any consideration of the opening of the street would have to be deferred until such right of way is made available, which he does

not recommend. Councilman Whittington asked if the street could be closed off to eliminate the dust problem? Mr. Veeder stated the City can close the street if the residents wish and put up signs indicating it is not a public street or as it is not a dedicated street, the residents may do so themselves. Councilman Albea stated the City has no legal right to close a street that has not been dedicated, that is the prerogative of the property owners if they so wish, and the City Attorney stated this is correct.

Councilman Bryant moved that the request for the opening and improvement of the street be denied. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

REQUEST THAT PLANTING STRIP ON KENILWORTH AVENUE BE ELIMINATED TO REDUCE YARD AREA NEEDED IN STREET WIDENING.

Councilman Smith advised that several property owners on Kenilworth Avenue have been to see him with regard to how much of the planting strip will be left and they suggest if the planting strip between the curb and sidewalk is eliminated in the street widening, less ground will be taken from their front yards. He stated he has talked with both Mr. Veeder and Mr. Cheek about this, and Mr. Veeder suggests that they look into this and he will take their report back to the property owners who contacted him.

DOWNTOWN SIDEWALK REPLACEMENT PROGRAM ADOPTED.

Councilman Bryant moved that the City Engineer be given authorization to proceed with the downtown sidewalk replacement program as discussed in the conference session today. The motion was seconded by Councilman Dellinger.

Councilman Smith stated it was suggested in the conference session that we go slow on this forcing deal, and he hopes that is understood for the record that before we go in with a mandatory or ultimatum that it will come back before Council. The City Manager advised this will definitely be done.

Councilman Dellinger stated he wants to see some sidewalks paved before we start any condemnation proceedings.

The vote was taken on the motion and unanimously carried.

PROCLAMATION DECLARING THE WEEK OF JUNE 11-16 AS LITTLE LEAGUE FOUNDATION WEEK.

Mayor Brookshire presented the following Proclamation, which he stated was requested by Councilman Whittington:

WHEREAS, Little League Baseball is symbolic of America and the highest concept of Democracy, citizenship and team work; and

WHEREAS, This great movement embraces more than one million boys under twelve years of age who are helped to become responsible young Americans of the future; and

WHEREAS, Thousands of adult volunteers whose only motive is to cultivate a wholesome, beneficial climate of formative training and who give unstintingly of their time and energies to this end; and

WHEREAS, The Little League Foundation has become the Keystone of the future and the Cornerstone of permanency for this great movement in the broad area of our country's youth; and

WHEREAS, By action of the National Congress of Little League Baseball, an appropriate day during the period of June 11-16 has been set aside for the observance of Little League Foundation Day.

Now, Therefore, I, Stanford R. Brookshire, Mayor of the City of Charlotte, North Carolina, do hereby proclaim the week of June 11-16 as the period set aside for the observance of Little League Foundation Week and urge all citizens to recognize and give support to the program of Little League Baseball.

Witness my hand and the seal of the City of Charlotte, North Carolina, this the 11th day of June, 1962

Stanford R. Brookshire
Mayor

Councilman Whittington moved the adoption of the Proclamation, which was seconded by Councilman Thrower, and unanimously carried.

BUILDING PERMIT AUTHORIZED ISSUED BUDGET RENT-A-CAR COMPANY FOR ERECTION OF OFFICE BUILDING AT NORTHWEST CORNER OF N. TRYON AND W. SIXTH STREETS.

The City Attorney advised a request has been received for a building permit within the setback line on West 6th Street, the property being located at the northwest corner of North Tryon and West 6th Streets, the proposed structure to be erected is a small office building 256 square feet by Budget Rent-A-Car Company; that the Corporation has authorized its local attorney to say to Council that the Corporation will give the City a written agreement that they will remove the structure at their own expense as a condition of getting the building permit, and the condition is recommended by the City. Councilman Dellinger moved that the request be granted, which was seconded by Councilman Bryant, and unanimously carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION TO CLOSE A PORTION OF CAMPUS STREET (FORMERLY CARMEL STREET).

The City Attorney advised a request from Johnson C. Smith University has been filed by their attorney, Mr. Francis Parker, for the closing of a portion of Campus Street, and the matter has been checked out by the various interested city departments.

A Resolution Fixing the Date of Public Hearing on the Petition on July 16th for the Closing of the Street was read, and upon motion of Councilman Bryant, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 198.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk