

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 22, 1964, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Smith, Thrower and Whittington present.

ABSENT: Councilmen Bryant, Dellinger and Jordan.

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INVOCATION.

The invocation was given by the Reverend J. LeGrand Mayer, Pastor of St. Luke Lutheran Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on June 15, 1964 were approved as submitted.

CHARLOTTE DOWNTOWN ASSOCIATION ENDORSES RECOMMENDATION OF CHAMBER OF COMMERCE THAT IMPROVEMENTS BE MADE TO ELEVEN STREETS AND THE PRIORITY SCHEDULE OF SAID STREETS.

Mr. Earl Crawford, Jr., Executive Vice-President of the Downtown Charlotte Association, read a letter from Mr. Vinson, President of the Association, who was unable to be present stating the Downtown Charlotte Association has studied the proposal of the Charlotte Chamber of Commerce to the City Council on June 15th recommending 11 streets to be improved and a priority schedule for the streets involved, and the Association is pleased to convey to the Mayor and Council their full endorsement of both the streets selected and the priority schedule. And that it is their fervent hope that the Council will proceed with all possible haste to implement this most vital program.

Mayor Brookshire advised Mr. Crawford that the Council has the matter on its mind and its conscience and he is sure they will go as far as they can with the funds they can find.

CONSTRUCTION OF WATER AND SEWER LINES IN REID PARK AND GENERAL IMPROVEMENTS TO AREA FROM A SANITARY AND PROPER HOUSING STANDPOINT URGED.

Mr. Warren Blair, Attorney representing Mr and Mrs Irvin F. Quist, Mr. Clarence Rhyne, Mr. D. C. Gibson and other property owners and residents of Reid Park, stated these people are in desperate need of city water and sewer on Amy James Street and Ridge Avenue in particular. That on Amy James Street there is city water but no sewer on either street and there are 60 to 70 houses that are served by the crudest sort of privies, some built up over the creeks, and in some instances the surrounding terrain is used for toilet facilities - unbelievable filth in the City of Charlotte. Because of this, the area is a slum and getting worse. That the irony of it is one man, Mack Wendell, has been paying the sewer charge along with his water bill every month but has no sewer. Mr. Blair passed around to the Council pictures of Reid Park that were made by Mrs Quist, showing the unsanitary conditions and unfit housing. Mr. Blair stated he understands there were funds appropriated sometime ago for the construction of water and sewer lines in the area but the work has not been

done, and he also understands there is money available now which could be used for the work. He urged very strongly on behalf of the property owners, the residents in the area and those who wish to sell their property that funds be appropriated for water and sewer lines and that they be constructed immediately.

Mr. Veeder, City Manager, advised when the need for the sewerage in the area was commented on in the Council Meeting about two weeks ago, he asked that a review be made of the situation; that money for the sewers requested on a portion of the streets is recommended in the 1964-65 Budget, in the amount of \$50,000.00, to provide sewers in some of the streets without sewers and in this area, specifically portions of Morning Drive, Ridge Avenue, Amy James Avenue, Shell Street, Furr Street and Walter Street. He stated these mains and connecting trunk lines must be connected to the new Irwin Creek Outfall which cannot be placed in service until the Irwin Creek Lift Station now under construction is completed, which is estimated to be in October. That if the money is made available in the Budget the construction of the lines can be scheduled so as to tie in with the completion of the Irwin Creek Lift Station.

Mr. Quist advised that he and his wife own most of the land in the area and topographically, as an Old Engineer, he can see some of the problems that will be encountered and they would like to go on record as saying the City will not need to buy the right-of-way, they will donate to the City of Charlotte on a natural drainage basis the land that is necessary to drain all of Reid Park.

Mrs Quist stated the thing she is concerned about is that a year ago they were definitely promised sewerage on Amy James Street and Ridge Avenue, but have not gotten it. That she has checked the area, house by house, and one man has had his bathroom fixtures in for two years waiting for water and sewer. That another man, who is here today, who works at Hudson Hosiery Mill, has the sewer charge on his water bill every month, but no sewer. She asked why he should pay for sewer that he does not have? That there are a number of people who are doing the same thing, that in fact she gets the same charge on her bill on a house she rents in the area. Mrs Quist stated before the area was annexed, she had nineteen 25 ft. lots and the taxes on them were \$16.10, they are now \$158.00. That she checked the tax bill of a resident last week on his little house and it was \$68.00 but he has no sewer, although he has the bathroom with all the fixtures installed standing there waiting. Mrs Quist said her plea is that Mr. Veeder or someone just go out there with her and let her show them the conditions, which could so easily be remedied by running lines down Amy James Street, Ridge Avenue and Ross Avenue - the main streets in the area.

Mrs Quist stated further that to get to one street, which is part of Ridge Avenue, one cannot drive down there, it is only a path. That the School Busses, which park in the area, have bursted practically all of the pipe lines she had had laid at her own expense of about \$250.00 by running over them. That she thinks the City should do something about the streets in the area, that she is willing to do her part but cannot build the streets. That the grass is badly in need of cutting. She urged that the general clean up and improvements to the area be started at least, and by doing something all along the area can be taken out of the slum class and made a fit place to live. That she went to the Health Department, and Mr. Kirkpatrick, Health Inspector, went out there with her and he took notes on the houses and said if she came before the City Council to be sure and say there is definitely a health hazard out there. Then she went to Mr. Lackey, Building Inspection Department, and he says there are not over three houses in the area that are up to the City Code, and she is of the opinion there are 200 or 300 houses in the area; however, she gets no place with Mr. Lackey and nothing has been done.

Mayor Brookshire advised that the City has a policy regarding street improvements and the detail information can be secured from the Engineering Department. That with regard to residents who have paid sewer charges when they had no sewer connections, he would certainly think they are entitled to a rebate. The City Manager stated they certainly are, and he will have it checked into.

CONSIDERATION OF PETITION NO. 64-40 FOR CHANGE IN ZONING OF THREE LOTS ON EAST 36TH STREET POSTPONED ONE WEEK.

Councilman Smith moved that Petition No. 64-40 by Mrs Ada Lowder and Mr. C. H. and W. J. Lowder, for change in zoning from O-6 to B-1 of three lots at 608, 614 and 619 East 36th Street be postponed until the next meeting as he has not had an opportunity to look at the lots and would like to do so. The motion was seconded by Councilman Whittington, who stated he, too, would like to see the lots before voting.

Councilman Thrower stated for the record that Mr. Lowder has filed a petition signed by 300 residents requesting the Council to approve their request.

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

CONSIDERATION OF PETITION NO. 64-41 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTHEAST SIDE OF INTERSTATE 85 POSTPONED UNTIL CITY ATTORNEY IS PRESENT AT MEETING.

Petition No. 64-41 by Mrs Odessa B. Hartsell for change in zoning from R-6 to B-1 of 2.628 acre tract of land on the southeast side of I-85 was presented for consideration, which the Planning Commission recommended approved with modification, that the zoning be changed to B-1 as requested except for the southerly portion of the property and that it be rezoned O-6.

Councilman Thrower asked if this recommendation for a change to a different classification than requested does not fall in the same category as a similar recommendation on another zoning petition which the City Attorney ruled could not be approved by Council?

Councilman Smith stated in his opinion it does, and he moved that consideration of the Petition be postponed until the City Attorney is present. The motion was seconded by Councilman Thrower, and unanimously carried.

PETITION NO. 64-42 FOR CHANGE IN ZONING OF FOUR LOTS ON NORTH PEGRAM STREET POSTPONED.

Councilman Thrower moved that Petition No. 64-42 by Mr. G. L. Russell and Mrs Evelyn R. White for change in zoning from R-6MF to I-1 of three lots at 1300, 1304 and 1306-08 North Pegram Street and one lot at 1244 North Pegram Street, recommended denied by the Planning Commission, be postponed one week. The motion was seconded by Councilman Whittington.

Councilman Smith stated he has looked at the three lots at 1300-1304 and 1306-08 North Pegram Street, and they have an existing business on the property that has been there over 40 years, Russell Transfer Company, and have a 4-family apartment and a duplex next to it on the lots they want to include in this zoning, and the apartment and duplex are, in his opinion, very much deteriorated and it would be an improvement to the neighborhood to allow their request. That it seems to be fast becoming an industrial area

and the rezoning would expedite the cleaning up and future rehabilitation of this segment of the neighborhood. He stated he has been told there is no opposition to the change and a number of people would like to see it done. That Council is on the razor-edge of spot zoning in this matter, which has been thrown at them so much, but this is a large enough piece bordering a school at the rear, that it would seem to him would warrant favorable consideration. That the other lot at 1244 North Pegrarn is in another block adjacent and probably, in his opinion, should be left R-6MF. That he urges Council to go out and look at it in the light of eventually improving the whole area.

The vote was taken on the motion and unanimously carried.

ORDINANCE NO. 256-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING THE ZONING OF PROPERTY 207 Ft. x 356' ON THE SOUTHEAST SIDE OF EAST END STREET EXTENDED, ADOPTED.

Councilman Smith moved the adoption of Ordinance No. 256-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-6MF to I-2 of property 207' x 356' on the southeast side of East End Street Extended as requested by White Motor Company, and recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 22.

PETITION NO. 64-44 FOR CHANGE IN ZONING OF PROPERTY 80' X 356' ON THE SOUTHEAST SIDE OF EAST END STREET EXTENDED AND CONDITIONAL PARKING OF VEHICLES IN AN AREA ON THE SOUTHEAST SIDE OF THE STREET, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, Petition No. 64-44 by White Motor Company for a change in zoning of property 80' x 356' on the Southeast side of East End Street Extended and Conditional Parking of motor vehicles in an area on the southeast side of the street, beginning approximately 448 ft. northwest of I-85 was denied as recommended by the Planning Commission in view of the request of the Company for the rezoning of a larger area, including said property, being approved.

PETITION NO. 64-34 FOR CHANGE IN ZONING OF PROPERTY EXTENDING FROM SHAMROCK DRIVE TO EASTWAY DRIVE TO BE PRESENTED AT NEXT COUNCIL MEETING FOR CONSIDERATION.

Councilman Albea moved that Petition No. 64-34 by Mr. H. H. Baucom for change in zoning from O-6 and B-1 to B-2 of property extending from Shamrock Drive to Eastway Drive, beginning 250 ft. northwest of Shamrock-Eastway Drive intersection, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and lost by the following recorded vote:

YEAS: Councilmen Albea and Whittington.
NAYS: Councilmen Smith and Thrower

Mayor Brookshire stated that the petition will be presented at the next Council meeting for consideration.

DECISION DEFERRED ON PETITION NO. 64-22 FOR CHANGE IN ZONING OF TRACT OF LAND ON 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 Whittington moved that action be deferred on Petition No. 64-22 by Mr. R. L. Barnett for change in zoning from R-12 to O-15 of tract of land on the north side of Fairview Road at Park Road intersection, and on Petition No. 64-35 by Mr. Charles K. Price for change in zoning from R-12 to O-15 of a tract of land on the north side of Park Road, west of Fairview Road, until there are six members of the City Council present. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACTS APPROVED FOR APPRAISAL OF RIGHT-OF-WAY FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, approving contracts for the appraisal of rights-of-way for the Northwest Expressway as follows:

- (a) Contract with D. A. Stout, for the appraisal of one tract of land on Louise Avenue.
- (b) Contract with Stuart Elliott, for the appraisal of two tracts of land on Fifth Street and Tryon Street.
- (c) Contract with O. D. Baxter, Jr. for the appraisal of one tract of land on Collette Street.
- (d) Contract with D. A. Stout, for the appraisal of one tract of land on West 11th Street.
- (e) Contract with T. R. Lawing, for the appraisal of one tract of land on Pharr Street.

CONTRACT AUTHORIZED WITH JOHN CROSLAND COMPANY FOR INSTALLATION OF WATER MAINS TO SERVE SHARONWOOD SUBDIVISION.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was authorized with John Crosland Company for the installation of 3,040 feet of water mains and one hydrant to serve Sharonwood Subdivision, outside the city limits, at an estimated cost of \$9,100.00. All cost to be borne by the applicant, who will dedicate the mains to the City without cost or further agreement upon acceptance of the work by the City.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the construction of the following sanitary sewer trunk and mains, inside the city limits, were authorized:

- (a) Construction of 1,529 feet of sanitary sewer trunk and main; the trunk from Shamrock Drive to Ibis Court and the main in Erskine Drive, at the request of C. D. Spangler Construction Company, at an estimated cost of \$4,815.00. All cost to be borne by the applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.
- (b) Construction of 3,111 feet of sanitary sewer in Shannon Park Subdivision No. 6, at the request of Tri-Development Corporation, at an estimated cost of \$9,580.00. All costs to be borne by the applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.

Councilman Smith asked the City Manager as these sewer contracts are made and 10% is realized and paid, is there not a terrible revolving fund? Mr. Veeder stated in a sense there is but nothing is paid out necessarily until the start of the next fiscal year. Councilman Smith asked if Council is ever given a report on this type transaction, that he thinks it would be interesting. Councilman Whittington asked if this amount of money is not included in the budget each year, and Mr. Veeder stated the amount to be paid out is budgeted. Councilman Smith asked the City Manager to give the Council an estimation of that fund, that it seems to him if Council has to allocate funds for this purpose, then how long is it kept in that fund? Mr. Veeder stated they estimate each year how much is going to fall within the 10%, based on experience and a detail review and that amount would appear as a suggested figure for budget purposes out of water and sewer money to be available to pay back - this money is used to build the line. Councilman Smith said then we have to be as a trust to pay the money back when it reaches the 10% - he asked what would be our total liability to date for such contracts and how much money we have on hand to meet that? And if we keep 50% or 25% on hand at all times or what amount, to meet these contracts? In other words, he would like to know what our accounting procedure is regarding these contracts. Mr. Veeder stated that most of the developers know about what the situation is going to be before they go ahead on this basis, most of them do it on the assumption that once everything they plan to build, is completed, 12 months after that time they will have sufficient building to hit the 10%, and if they do we will provide in the next fiscal year money to pay them. Councilman Whittington stated that he asked for some figures as of June 1962, and these are the figures he wanted, as the City had an accumulated obligation then and potential refunds of \$656,938.96. That the reason he had the information was when the developers were coming in asking that we take in large acreage of undeveloped land and he was trying to get from the Engineering and Water Department what we were obligating ourselves for in addition to their request. Mr. Veeder stated he would be glad to furnish the information.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with S. E. and Carolyn S. Jordan, for Lot 541, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mr and Mrs G. F. Daniel, for Lot 356, Section 6, Evergreen Cemetery, at \$240.00.
- (c) Deed with Mr. A. Lloyd Goode, for Lot 24, Section L-Annex, Elmwood Cemetery, transferred by Mrs Cora Scoggins, at \$3.00 for transfer deed.
- (d) Deed with Mrs Cora S. Scoggins, for Lot 23, Section L-Annex, Elmwood Cemetery, at \$3.00 for new deed.

ACQUISITION OF RIGHT-OF-WAY FOR SANITARY SEWER LINE TO SERVE SEYMOORE DRIVE EXTENSION AND FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, acquisition of the following property was authorized:

- (a) Acquisition of tract of land 10' wide and 15' long on East Plato Circle as right-of-way for a sanitary sewer line to serve Seymoore Drive Extension, from S. E. Messner and wife Mary B. Messner, at a price of \$7.50.

- (b) Acquisition of tract of 17,838 sq. feet of property on East 7th Street as right-of-way for the Northwest Expressway, from North Carolina National Bank Trustee for Sadie O. Anderson, at a price of \$15,150.00.

JOINT MEETING WITH COUNTY COMMISSIONERS TO BE HELD THURSDAY, JULY 2ND AT 4 P.M.

The City Manager stated that the County Commissioners advise of the dates suggested by Council for the joint meeting, they prefer meeting on Thursday of next week at 4 p.m. Mayor Brookshire stated the meeting will be held at that time.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk