

May 1, 1961
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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, May 1, 1961, at 3 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on April 24th were approved as submitted.

ORDINANCE NO. 736-Z-12 TO AMEND THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY AT 909 KENILWORTH AVENUE, WAS DEFERRED FOR ONE WEEK.

Mr. Jack Hamilton, attorney for the petitioner, was present and stated they have furnished the Planning Commission information on proposed drafts for their parking ramp and have heard nothing more about the rezoning. That they stand ready to park on Kenilworth any way that will please the opposition. That they would appreciate a ruling as soon as possible. They understand the drafts which they have submitted were not approved by the Building Inspector. That they are willing to have ground level parking.

Mayor Smith stated that the Planning Board is not going to tell the owner how to build. That he understands some information was received just last Friday and the Planning Board has not had a meeting and it will now be two week before any decision is made; probably Monday week.

Councilman Dellinger asked Mr. Hamilton if they are ready to start work today; to which Mr. Hamilton replied that they are.

Councilman Whittington stated the Council cannot do anything without a recommendation from the Planning Board.

Councilman Dellinger moved that the Planning Commission be contacted for their recommendation and a decision be made at the Council meeting on next Monday. The motion was seconded by Councilman Smith.

Mr. Albert Hoke, resident of the residential structure adjoining the property in question who had object to the overhead parking ramp, stated if the petitioner will agree to ground level parking and build a brick wall along the parking area, they will go along with the petition for the zoning change.

Mr. Hoke was asked if there will be a contract between the Company and himself and he replied there will be.

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

ORDINANCE NO. 737-Z-13 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON THE EAST SIDE OF DAWN CIRCLE FROM RURAL TO INDUSTRIAL, DEFERRED.

Councilman Whittington moved that Ordinance No. 737-Z-13 Amending Chapter 23, Article II, Section 23-43 of the City Code by changing zoning on property on the east side of Dawn Circle, from Rural to Industrial, on petition of Blumenthal Properties, Inc. be deferred. The motion was seconded by Councilman Smith, and unanimously carried.

ORDINANCE NO. 25 AMENDING CHAPTER 5 TO ADOPT THE NORTH CAROLINA STATE CODE FOR HEATING, VENTILATING, AIR CONDITIONING BLOWER AND EXHAUST SYSTEMS, AND TO ESTABLISH ADMINISTRATION PROCEDURE FOR THIS CODE, ADOPTED.

The Mechanical Code was presented for Council consideration by the City Manager.

Councilman Dellinger asked if this is the final draft, and the City Manager replied that it is and has been approved by the Building Standards Board as recommended.

In the discussion it was asked if the difficulties with the electrical contractors have been worked out. Mr. McMillan, Supt. of Inspection Department, stated the controversy has been compromised by taking the electrical provisions out of the mechanical code. That the Boards have gotten together to work out their differences, and the proposals for the electrical will be covered in the Electrical Code.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and unanimously carried, Ordinance No. 25 Amending Chapter 5 to Adopt the North Carolina State Code for Heating, Ventilating, Air Conditioning Blower and Exhaust Systems, and to Establish Administration Procedure for this Code, was adopted.

The ordinance is recorded in full in Ordinance Book 13, beginning at Page 56.

ORDINANCE NO. 26 AMENDING CHAPTER 5 MAKING CHANGES AND ADDITIONS TO THE ADMINISTRATION SECTION OF THE BUILDING CODE, ADOPTED.

Ordinance No. 26 Amending Chapter 5 Making Changes and Additions to the Administration Section of the Building Code was presented by the City Manager, who explained the recommendations.

Councilman Myers asked if the Building Code has a provision to issue a permit within two weeks, or to make some decision on an application within the two weeks time; to which Mr. McMillan replied there is such a provision.

Councilman Dellinger asked if the City would be within its legal rights to require persons who begin their work without a permit to pay double the inspection fees. Mr. Veeder, City Manager, replied that the ordinance has been approved as to form by the City Attorney.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 26 Amending Chapter 5 Making Changes and Additions to the Administration Section of the Building Code, was adopted.

The ordinance is recorded in full in Ordinance Book 13, at Page 64.

PAYMENT AUTHORIZED TO DAVIS & DAVIS REALTY COMPANY, INC FOR RIGHT OF WAY SERVICES IN CONNECTION WITH SEVERAL PROJECTS.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and un-animously carried, payment of \$982.00 was authorized to Davis & Davis Realty Company, Inc. for right of way services in connection with the following projects:

Appraisal - 5th and 6th Street Extension	\$ 900.00
Negotiation for purchase of Taggart Creek	
Sewage Lift Station Site	50.00
Sewer right of way NC #16 Trunk	15.00
Sewer right of way Taggart Creek Outfall	15.00
Notary Fees - Trunk to Progress Lane	2.00

PAYMENT AUTHORIZED TO E.M. O'HERRON & WIFE, FOR SANITARY SEWER RIGHT OF WAY IN CONNECTION WITH THE EXTENSION OF SEWER SERVICE TO BROOKWOOD ROAD AND SHARON ROAD.

Motion was made by Councilman Hitch, seconded by Councilman Albea, and un-animously carried, authorizing payment of \$200.00 to Mr E. M. O'Herron and wife, Margaret B. O'Herron for sanitary sewer right of way in connection with the extension of sewer service to Brookwood Road and Sharon Road.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUISITION OF PROPERTY ACROSS PROPERTY OF PIEDMONT KENNEL CLUB AND NEAR NATIONS FORD ROAD TO BE USED AS ACCESS TO THE NEW LANDFILL AREA.

Councilman Whittington moved that condemnation proceedings be authorized started for acquisition of property for street right of way 340 ft. x 60 ft. across property of Piedmont Kennel Club, and near Nations Ford Road to be used for access to the new City of Charlotte Landfill Area between Nations Ford Road and Old Pineville Road. The motion was seconded by Councilman Dellinger, and un-animously carried.

AGREEMENTS AUTHORIZED WITH STATE HIGHWAY DEPARTMENT FOR RIGHT OF WAY IN CONNECTION WITH TAGGART CREEK OUTFALL.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and un-animously carried authorizing the execution of Agreement with the N. C. State Highway Department in connection with the installation of the proposed Taggart Creek Outfall crossing Wilkinson Boulevard (US #29), Morris Field Drive (NC #160) and West Boulevard.

REQUEST OF JACKSON ENGINEERING CORPORATION TO CONNECT 39 ACRES OF RESIDENTIAL PROPERTY ON BERESFORD ROAD TO CITY'S SANITARY SEWERAGE SYSTEM, DEFERRED.

The request of Jackson Engineering Corporation to connect 39 acres of residential property to City's sanitary sewerage system was presented. Councilman Dellinger asked if there has been any further consideration given to such cases as the Hechenbleikner case who in 1959 was allowed to connect to the city's system but at not more than ten lots per year.

Mr. Cheek, City Engineer, was present and stated they would be in favor of reconsidering the case as Sugaw Creek Outfall will be in operation very shortly. Councilman Dellinger stated he though there should be a Resolution on the Hechenbleikner case.

Councilman Myers asked that the City Engineer contact each of these property owners and tell them their property will be reconsidered.

Councilman Whittington asked about the people inside the city who do not have sewer. Mr. Cheek stated this is a question of finances.

Councilman Whittington stated the people on these streets where there are no sewer facilities do not understand how 25 houses on one street cannot have sewer and people outside can. He asked the City Manager if this was being considered in the new budget. Mr. Veeder stated this is a matter of policy and everyone has not been guaranteed sewer; that he knows it is not easy to explain but is something that has to be done.

Councilman Smith asked if the Jackson property is contiguous to the City; and if so, why they do not ask for annexation; that he sees no reason to give them city services without their paying taxes.

Mr Veeder stated it is not necessary for someone to request annexation, that Council can take the first step.

Councilman Whittington requested that Jackson Engineering Company be notified as they are contiguous to the city, they can request annexation and that Council decision be deferred until the company is heard from as to their wishes, to which the Council agreed.

CONSTRUCTION OF SANITARY SEWER MAINS IN VARIOUS LOCATIONS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) 2,450 ft. of 8-inch main in Westchester #3, inside the city limits, at request of Ervin Construction Company, Inc., at estimated cost of \$8,300.00. All cost of construction to be borne by the Applicant, whose deposit will be refunded as per terms of the agreement.
- (b) 890 ft. of 8-inch main in Billingsley Park, inside the city limits, at request of John Crosland Company, at estimated cost of \$3,700.00. All cost of construction to be borne by the applicant, whose deposit will be refunded as per terms of the agreement.
- (c) 1,523 ft. of 8-inch trunk line to serve Reid Place, Crestmere Avenue and Beatty Avenue, inside the city limits, at request of City Engineer, at estimated cost of \$4,615.00. All cost of construction to be borne by the City and to be charged to the Old Sewer Bond Fund.
- (d) 1,770 ft. of 8-inch trunk line to serve Sharon Avenue and Brookwood Road, inside the city limits, at request of City Engineer, at estimated cost of \$6,710.00. All cost of construction to be borne by the City, and to be charged to the new Sewer Bond Fund.
- (e) 1,114 ft. of 8-inch main in Brookwood Road and Sharon Avenue, inside the city limits, at request of City Engineer, at estimated cost of \$4,740.00. All cost of construction to be borne by the City and to be charged to the new Sewer Bond Fund.
- (f) 194 ft. of 8-inch main in Sharon-Amity Road, inside the city limits, at request of Friendly Oil & Burner Service, Inc., at estimated cost of \$975.00. All cost of construction to be borne by the Applicant, whose deposit will be refunded as per terms of the agreement.
- (g) 437 ft. of 8-inch main in Irma Street and Haines Street, inside the city limits, at request of T. R. Helms Construction Company, at estimated cost of \$1,245.00. All cost to be borne by the Applicant, whose deposit will be refunded as per terms of the agreement.

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CONTRACT AWARDED RAY D LOWDER, INC FOR CONSTRUCTION OF SANITARY SEWERS IN SUGAR CREEK OUTFALL AND VARIOUS TRUNKS & MAINS.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, awarding contract to the low bidder, Ray D. Lowder, Inc. Albemarle, N. C. in the amount of \$225,865.55 for the construction of sanitary sewers in Sugar Creek Outfall and various trunks and mains in Sugar Creek Road Area and under and along Interstate Route 85, NC 16 and in Hoskins Sections.

The following bids were received:

Ray D. Lowder, Inc.	\$225,865.55
A. H. Guion & Company	\$235,675.19
A. P. White & Associates	\$235,603.18
C. M. Allen & Company	\$238,000.15
C. W. Gallant, Inc.	\$240,630.60
Boyd & Goforth, Inc.	\$256,072.40
Blythe Brothers Company	\$267,276.00

STREETS TAKEN OVER FOR CITY MAINTENANCE.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for city maintenance as recommended by the Engineering Department:

- (a) Hamilton Avenue from Arnold Drive 500 ft. west.
- (b) Lawton Road from NC Highway #16 to City limits.
- (c) Blazer Drive from Oaklawn Avenue 400 ft. north.
- (d) Mellow Drive from Holloway Street 200 ft. north.
- (e) Eastview Drive from Craig Avenue 650 ft. north.
- (f) Larchmont Avenue from Shannonhouse Drive 850 ft. to end.
- (g) Vickery Drive from The Plaza to Larchmont Avenue.
- (h) Sargeant Drive from Comstock Drive to 200 ft. east of Barfield Drive.
- (i) Comstock Drive from Sargeant Drive 150 ft. south.
- (j) Dare Drive from Sargeant Drive 180 ft. north.
- (k) Ruth Drive from 140 ft. south of Kildare Drive to 260 ft. north of Dolphin Lane.
- (l) Shannonhouse Drive from 130 ft. south of Coburg Avenue to 200 ft. north of Dolphin Lane.
- (m) Kildare Drive from Joyce Drive to 120 ft. west of Shannonhouse Drive.
- (n) Dolphin Lane from Ruth Drive to 110 ft. west of Shannonhouse Drive.
- (o) Coburg Avenue from Shannonhouse Drive to Ruth Drive.
- (p) Ruth Drive from 90 ft. south of Coburg Avenue to 150 ft. north of Coburg Avenue.

DRIVEWAY ENTRANCES CONSTRUCTION AUTHORIZED.

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

- (a) One 24 ft. and One 12 ft. entrance on East Boulevard, One 30 ft. and One 24 ft. entrance on Cumberland Avenue, all for 1600 East Boulevard.
- (b) Four 35 ft. entrances and Two 25 ft. entrances at 3041 Freedom Drive.
- (c) One 35 ft. entrance at 421 North Church Street.
- (d) One 25 ft. entrance on Independence Boulevard, One 25 ft. entrance on Sharon-Amity Road, all for 4611 Independence Boulevard.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Rev Edgar Harrison Nease, Jr. and wife, Mrs Marianna Caldwell Nease, for Graves 4,5 and 6, Lot 349, Section 2, Evergreen Cemetery, at \$180.00.
- (b) Deed with Dr Edgar Harrison Nease and wife, Mrs Mabel Winkler Nease, for Graves 1,2 and 3, Lot #49, Section 2, Evergreen Cemetery, at \$180.00.
- (c) Deed with Ivy Arthur Williford, for Lot 294, Section 4-A, Evergreen Cemetery, at \$126.00.
- (d) Deed with Mrs Frances D. Walker for Perpetual Care on Lot 242, Section "Y", Elmwood Cemetery, at \$35.00.
- (e) Deed with Estate of Mrs Bertha Presnell for Perpetual Care on Lot 156, Section "U", Elmwood Cemetery, at \$126.00.

INSPECTION DEPARTMENT INSTRUCTED TO ISSUE NO BUILDING PERMIT ON CAMP GREEN STREET, NEAR FREEDOM DRIVE UNTIL COUNCIL ACTS ON THE ZONING OF THE PROPERTY ON NEXT MONDAY.

In connection with the zoning of property on Camp Green and Royston Road, near Freedom Drive, the City Manager read from the Minutes of the Council Meeting on March 21, 1961 in which it was stated Mr Marsh would give the Library Board a tract of land, 130' x 250' directly south of Royston Road on which to build a branch library, and the Library would build only in a shopping area provided the shopping center is 50,000 sq. ft. or more.

It was pointed out that Mr Hoyt Galvin, Director of the Library, agreed to accept the land provided the 50,000 sq. ft. shopping center was built, but time has passed and the shopping center has not been built, and the Library Board has now accepted property farther out Freedom Drive on which to build the branch library. It was also pointed out that the library was to serve as a buffer zone between the shopping center and the residential area, and now this area is left a business zone as the Library Board does not want the property.

Councilman Smith stated he does not think this should be left to lie on the table for the next six years and the people in the area come back and say this is not right; he thinks the Council should straighten it out now.

Councilman Dellinger stated he would like to know what the zoning will be under the proposed new zoning ordinance.

Councilman Babcock moved that the Building Inspection Department be instructed not to issue a permit at this location before 10 o'clock next Monday and the Council be notified what the proposed zoning will be. The motion was seconded by Councilman Hitch, and unanimously carried.

NEW DESIGN FOR CITY AUTOMOBILE TAG SELECTED.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, a new design was selected for the City's auto license tag on which will be the name Charlotte, a Hornet's Next, and the words, "Birthplace of Independence"; this design, suggested by Mrs Lillian R Hoffman, City Clerk, having been selected from the several submitted.

COUNCILMAN BABCOCK EXPRESSES PLEASURE AT HAVING SERVED AS MEMBER OF COUNCIL.

Councilman Babcock stated he will be out of the City next Monday, and will therefore not be present for the inaugural meeting of the new City Council.

He expressed his appreciation for the privilege of having served the City of Charlotte, that it has been a very interesting and gratifying experience because of the opportunity to get to know the people at City Hall; that he feels much better about the City because of the close association he has had at City Hall. He stated he has learned a number of things, one which he hopes he will never forget and that is to keep his mouth shut about things he knows nothing about, that from now on he will be more tolerant about government officials. He ended by stating he has enjoyed working with everyone.

Mayor Smith replied by stating that he has enjoyed knowing and working with Councilman Babcock and even though they have differed on some things, he feels he has gained by working with him and feels he can count him as a friend, and he concurs in Councilman Babcock's sentiments. That he would also say it has been a real pleasure.

ADJOURNMENT.

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



L. L. Ledbetter, Deputy City Clerk