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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 7, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Harold M. Robinson, Pastor, Dilworth Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on April 30, 1962 were approved as submitted.

ORDINANCE NO. 93-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON BOTH SIDES OF SOUTHERN RAILWAY CROSSLINE, FROM NATIONS FORD ROAD TO THE BUSINESS ZONE NEAR YORK ROAD, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, adopting Ordinance No. 93-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning of property on both sides of the Southern Railway Crossline, from Nations Ford Road to the Business Zone near York Road, from R-6MF to I-1, as recommended by the Planning Board on petition of Mr. Edward Daly, Mr. Craig Lawing et al. The ordinance is recorded in full in Ordinance Book 13, at Page 259.

ORDINANCE NO. 94-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT NW CORNER OF HONEYWOOD AVENUE AND BELLHAVEN BOULEVARD, ADOPTED.

Councilman Albea moved that Petition No. 62-12 by Mr. James A. Thomas for change in zoning of property at the NW corner of Honeywood Avenue and Bellhaven Boulevard, from R-6MF to B-1, be denied and readvertised for B-2 Highway Business (Conditional) without additional cost to the petitioner, as recommended by the Planning Board. The motion did not receive a second.

Councilman Dellinger moved the adoption of Ordinance No. 94-Z Amending Chapter 23, Section 23-8 of the City Code changing the property from R-6MF to B-1 as requested. The motion was seconded by Councilman Whittington.

Mayor Brookshire invited Mr. Ben Horack, Attorney for the petitioner, to remark on the subject if he wished in view of the Council having asked him to go back to the Planning Board relative to their proposal. Mr. Horack explained the situation in detail stating that Mr. Thomas has an arrangement with Gulf Oil Company for a long lease of the property for the erection of a Service Station, and the problem arises from the canopy to the building; that in a B-2 Conditional Zone there is a 50-ft. setback requirement and the canopy is held by the Building Department as being part of the building; that at this particular location to setback 50 feet there is 47 feet from the front

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property line and the curb line, so in complying with the setback requirement the front of the Service Station would be back 97 feet from where its customers are and the net result is that makes an impossible situation as far as the Service Station is concerned, and they do not feel it is feasible to set the building back 97 feet. Therefore, the B-2 Conditional zoning will not serve the purpose and the B-1 zoning will, and he sincerely hopes the Council will approve the change to B-1 zoning as it is most important to his client.

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

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

The ordinance is recorded in full in Ordinance Book 13, at Page 260.

ORDINANCE NO. 95-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY BOUNDED BY WEST MOREHEAD STREET, WINNIFRED STREET, INDEPENDENCE BOULEVARD AND SOUTH TRYON STREET, ADOPTED.

Motion was made by Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, adopting Ordinance No. 95-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from I-2 to B-3 on property bounded by West Morehead Street, Winnifred Street, Independence Boulevard and South Tryon Street, as recommended by the Planning Board.

Councilman Smith abstained from voting for personal reasons.

The ordinance is recorded in full in Ordinance Book 13, at Page 261.

ORDINANCE NO. 96 AMENDING CHAPTER 23, ARTICLE III, DIVISION 2 OF THE CITY CODE ADDING A NEW SECTION 23-34a ENTITLED "SANITARY LANDFILLS IN RESIDENTIAL DISTRICTS", ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 96 Amending Chapter 23, Article III, Division 2 of the City Code adding a new section numbered 23-34a entitled, Sanitary Landfills in Residential Districts, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 262.

CHANGE ORDER NO. 1 AUTHORIZED IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR CONSTRUCTION OF HOSKINS FILTER PLANT.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, Change Order No 1 in contract of Lee Construction Company for the construction of Hoskins Filter Plant additions to 36-inch Yard Piping, to add \$1,784.80 to the original contract price of \$96,564.00, was authorized.

AGREEMENT AUTHORIZED WITH SOUTHERN RAILWAY COMPANY FOR CONSTRUCTION OF SPUR TRACK TO SERVE IRWIN CREEK DISPOSAL PLANT AUXILIARY STORAGE YARD.

Councilman Whittington moved approval of an Agreement with the Southern Railway Company for the construction of a spur track off the crossline railroad to serve the Irwin Creek Disposal Plant Auxiliary Storage Yard. The motion was seconded by Councilman Jordan, and unanimously carried.

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CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and un-
animously carried, the construction of sanitary sewer mains, inside the
city limits, was authorized as follows:

- (a) Construction of 125-ft. of sewer main in Hawkins Street, at the request
of Package Products Company, at an estimated cost of \$695.00. 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 500-ft. of sewer main in Interstate 85 Access Road,
from existing manhole east of Stewart Creek Outfall, at request of
Mecklenburg Realty Company, at an estimated cost of \$1,600.00. All
cost to be borne by the applicant, whose deposit of the entire cost
will be refunded as per terms of the contract.

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS
TO EAST 35TH STREET.

Councilman Dellinger moved the award of contract to T. A. Sherrill Construct-
ion Company, the low bidder, for Street Improvements to East 35th Street, at
their bid price of \$44,965.18. The motion was seconded by Councilman
Thrower, and unanimously carried.

The following bids were received:

T. A. Sherrill Construction Company	\$ 44,965.18
Dillard Construction Company	45,966.68
Crowder Construction Company	47,687.00
Blythe Brothers Construction Company	48,016.20
Rea Construction Company	50,905.68

APPOINTMENT TO FILL VACANCY ON AUDITORIUM-COLISEUM AUTHORITY DEFERRED UNTIL
NEXT MEETING.

Councilman Bryant moved that appointment to fill the vacancy on the
Auditorium-Coliseum Authority be deferred until the next meeting. The motion
was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR RESURFACING VARIOUS CITY STREETS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and
unanimously carried, contract was awarded Blythe Brothers Company, the low
bidder, for Resurfacing various city streets, as specified, on a unit price
basis, at their bid price of \$136,283.00.

The following bids were received:

Blythe Brothers Company	\$136,283.00
Rea Construction Company	139,795.00
Dickerson, Inc.	144,030.00

REAPPOINTMENT OF CRAIG T. BROWN TO CIVIL SERVICE BOARD.

Councilman Albea moved the reappointment of Mr. Craig T. Brown to the Civil
Service Board for a term of three years from the expiration of his present
term on May 15th. The motion was seconded by Councilman Dellinger, and
unanimously carried.

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ADDITIONAL FUNDS ALLOCATED FOR THE RESURFACING OF PERMANENT PAVED STREETS.

Councilman Bryant moved that the \$35,000.00 in unexpended Capital Improvement Funds budgeted for Kings Drive-Brunswick Avenue improvements be allocated for the resurfacing of permanent paved streets. The motion was seconded by Councilman Whittington, and unanimously carried.

FUNDS ALLOCATED FOR OPERATION OF EXPANDED RECORDER'S COURT FOR REMAINDER OF FISCAL YEAR.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, \$5,768.00 was authorized transferred from the Contingency Fund to the Recorder's Court budget to cover the cost of operating the expanded Recorder's Court for the balance of the fiscal year.

RECOMMENDATIONS OF THE CITY-COUNTY LAND USE STUDY COMMITTEE ADOPTED.

Councilman Jordan moved the adoption of the Report and Recommendations of the City-County Land Use Study, previously reviewed today by the City Council and Board of County Commissioners, and jointly approved, and that the Personnel Director secure a clerk to proceed with the work. The motion was seconded by Councilman Whittington, and unanimously carried.

REPORT OF CITY-COUNTY LAND USE STUDY COMMITTEE

Several months ago Chairman McAden and Mayor Brookshire appointed this committee to investigate the status of all public lands and properties owned by Mecklenburg County and the City of Charlotte. The committee was instructed to recommend procedures whereby all public property could be inventoried. The inventory was to include information on the exact location and use of all property as well as data on the value and condition of the title of each parcel. It was felt that if this and other pertinent data could be cataloged and kept up to date as permanent records all units of government would have a valuable source of information that would facilitate the most effective use of all property.

The committee has devoted considerable time to this effort. We have met with City and County department heads who would be involved in the inventory. From information supplied, we were surprised to learn that there are better than 550 parcels of publicly owned property. It is possible that others will be identified after the inventory process is started. In addition, some are listed with incorrect addresses, and still others have incorrect or incomplete data included in the current listing.

A conservative estimate of the value of this public property is \$100,000,000. The magnitude of the public ownership involved makes it imperative that positive steps be taken to inventory these properties and bring them under active control. Many parcels could be utilized more advantageously, and some parcels have appreciated in value to the extent that they might be profitably disposed of or traded for more strategically located property. It is also possible that there is idle land which could be converted to effective use as parks, as right of way, or as space for other public activities.

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In order to achieve the desired level of information and control for public properties, the committee wishes to propose the following course of action:

1. Employ one capable, full time clerk, preferably a woman, to begin cataloging public property immediately. This employee, who would work under the supervision of the City Right of Way Agent, would start compiling data on an inventory record sheet which has been designed for this purpose. If it becomes necessary during the course of the work to employ more than one clerk, this should be done.
2. The work of cataloging will begin in the Tax Office where work space will be made available by Mr. Alexander.
3. When all information available in the Tax Office has been listed, the clerk will move to the Engineering Department in the City Hall to secure data which is available at this location. Work space will be made available.
4. This progression will continue through the Planning Commission, the Building Inspection Department, the City Treasurer's office, and other agencies until all required data has been listed.
5. At the proper time, it will be necessary to obtain legal assistance to validate and correct deeds, titles and other related documents.
6. The completed property inventory record and maps should be placed in the Right of way Office of the City for permanent filing. Consideration should be given to employing someone on a permanent basis, possibly the clerk who compiled the inventory, to keep the records up to date.
7. The cost of all clerical and legal assistance utilized on this project should be shared by the City and County on a 60-40 basis, the current pattern of financing the operation of the Tax Office.

The committee wishes to express its thanks to all those who have helped with this study by contributing their time and ideas, with special recognition to Mr. Alexander, Mr. Cheek and Mr. McIntyre.

There are many other things which could be said about this project, however, we consider it most important that the actual work begin as quickly as possible, and that every effort be made to keep the inventory up to date and active in the future.

APPROVED ITEMS RELATIVE TO OFF-DUTY COURT APPEARANCE OF POLICE OFFICERS, CLOTHES ALLOWANCE FOR DETECTIVES AND EMPLOYEE HOSPITAL-SURGICAL INSURANCE, TO BE ADOPTED WITH NEW BUDGET.

Councilman Whittington asked the City Manager if he understood him to say that the recommendations relative to Off-Duty Court Appearances of Police Officers, Clothing Allowance for Police Detectives and Employees' Hospital-Surgical Insurance, which were previously reviewed and approved today, need not be voted on at this time? Mr. Veeder advised that as they were approved as presented, he will know how to proceed with the budget and they will come up for formal approval with the budget.

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RECOMMENDATIONS OF PLANNING BOARD AS TO PROCEDURE FOR STUDY TO DETERMINE THE ATTITUDES OF PROPERTY OWNERS ALONG SUGAW CREEK TOWARD A FLOOD CONTROL PROJECT, ADOPTED.

Councilman Whittington moved that the recommendation of the Planning Board as to the procedure to follow to determine the attitudes of the property owners along Sugaw Creek toward a Flood Control Project be formally approved, as presented to the City Council and Board of County Commissioners today. The motion was seconded by Councilman Thrower.

Councilman Smith stated it would seem to him that what should be done is to have Mr. Veeder prepare some Minutes of the joint meeting with the County Commissioners and submit them to both bodies as being an official meeting.

Mayor Brookshire stated that it was not a formal session, and the recommendations would need to be acted on at this meeting.

Mr. Morrissey, City Attorney, stated if Council would like, the Report of the Planning Board can be incorporated in the Minutes of this meeting and indicate by motion that Council adopts the Report in order that it be implemented.

Councilman Smith stated when the meeting was held over with the County Commissioners they had the Secretary record the Minutes and copies were sent to the Council, and he thought this joint meeting had the same status as that one. That the Commissioners agreed on the cost of this report.

Mr. Morrissey stated he thinks that the County Commissioners too, should adopt the report and recommendations at their next formal session, and if we adopt them here, that will be official action of each body.

Councilman Smith suggested that Mr. Veeder advise the Commissioners of this, and also in connection with the Land-Use Study.

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

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

Councilman Smith stated he is voting against the motion as he feels it will delay the work of the Corps of Engineers and he does not think it will be very effective because it was just a straw vote.

Councilman Dellinger stated he is opposed to it because he does not believe the majority of this group is sincere in going ahead with doing anything with the creeks; that he believes that it is an unnecessary expenditure of funds unless we really intend to do something about eliminating the dangerous problem that we have.

The Recommendation by the Planning Board for the Study to determine the Attitudes of Property Owners toward a proposed Sugaw Creek Flood Control Project is as follows:

Gentlemen:

The following report has been prepared as requested at the joint meeting of the Charlotte City Council and the Mecklenburg County Commission on April 9, 1962.

1. Purpose of Report

The purpose of this report is to recommend procedures to determine attitudes of property owners toward the proposed flood control project on Sugar and Briar Creeks.

2. Properties to be Included in Survey.

There are approximately 1,400 individual properties along Sugar and Briar Creeks in Mecklenburg County that should be included in this survey. These properties should be grouped into one of three categories for purposes of this survey.

These categories of land will help to determine any differences in attitudes of property owners toward the proposed flood control project. The three categories are described below:

- (1) Property immediately adjoining a creek channel and located within a floodplain.
- (2) Property immediately adjoining a creek channel but not located within a flood plain.
- (3) Property not immediately adjoining a creek channel, but located within a floodplain.

The number of properties along Sugar and Briar Creeks according to these three classifications of property is shown in the table below.

ESTIMATED NUMBER OF PROPERTIES TO BE INCLUDED IN FLOOD CONTROL PROJECT SURVEY.

<u>Category of Property</u>	<u>Sugar Creek</u>		<u>Briar Creek</u>		<u>Both Creeks</u>	
	<u>Properties</u>	<u>%</u>	<u>Properties</u>	<u>%</u>	<u>Properties</u>	<u>%</u>
(1) Property immediately adjoining a creek channel and located within a floodplain	467	58	306	55	773	57
(2) Property immediately adjoining a creek channel but not located within a floodplain	41	5	31	6	72	5
(3) Property not immediately adjoining a creek channel but located within a floodplain	298	37	222	39	520	38
TOTAL PROPERTIES	806	100	559	100	1,365	100

NOTE: The table does not include an estimated 35 to 40 properties between Sharon Road West and the Mecklenburg County-South Carolina line. These additional properties bring the total to about 1,400 in the survey area.

3. Survey Questionnaire.

Owners of all properties in the three categories listed above should be contacted and given an opportunity to express their opinions on the proposed flood control project.

A series of questions, printed on a postal card, can be conveniently used to determine property owners' attitudes. The purpose of the survey and the postal card questionnaire can be explained in a cover letter from the City Council and the County Commission.

Councilman Bryant asked if a public hearing would be held on the Amendment, and the City Attorney stated it is not required but can be held if the Council so desires and Councilman Bryant stated he would like very much to have a public hearing as he thinks there are those who would like to be heard on the subject.

CITY MANAGER AUTHORIZED TO SELECT APPRAISERS FOR PROPERTY TO BE UTILIZED AS LANDFILL SITE, AND TO SELECT ALL APPRAISERS IN ORDER LISTED ON APPROVED LIST.

The City Manager advised that now the new regulations have been approved that permits the utilization of landfills in other than Industrial Areas, he has some property in mind that might be suitable and he would like Council to select two appraisers who are accustomed to appraising acreage and get some values and see if we can bring something concrete to Council.

The names of Mr. Ernest DeLaney, Sr. and Mr. W. W. Finley were suggested, but it was finally decided that if the List of Appraisers recently established is to be of value, then the City Manager should appoint from the top of the list in the order listed regardless of the type project to be appraised, so that each realtor may be given an equal opportunity to participate in the City's appraisal work and the City Manager was authorized to select appraisers for the work in question in this manner.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk