

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, November 14, 1960, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albee, Babcock, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Councilman Hitch.

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INVOCATION.

The invocation was given by Councilman Claude L. Albee.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Babcock, and un-animously carried, the Minutes of the last meeting on November 7th, were approved as submitted.

CITIZEN IN DESTITUTE CIRCUMSTANCES REQUESTING WATER TURNED ON WITHOUT CHARGE REFERRED TO CHAIRMAN OF COUNTY COMMISSIONERS.

Mrs. Geneva Ware, 1010 Holland Avenue, stated her husband, James Ware, is in County Jail, and she has three small children and expecting another this week, and is in destitute circumstances; that she was put out of the house at 2206 Airline Avenue because she could not pay the rent and the County Welfare Department secured the house at the present address and paid a month's rent and gave her a food order; however, she has no heat nor water, as the Water Department will not turn the water on because she is unable to pay the bill due at the former address. She stated the Welfare Department advised her they cannot furnish electricity, heat nor water and referred her to the City Council to request that the water be turned on without charge.

Mayor Smith advised Mrs. Ware that the Council has no authority to furnish free water service, and referred her to the Chairman of Mecklenburg County Commissioners.

REPRESENTATIVES OF SUB-COMMITTEE OF CHAMBER OF COMMERCE COMMITTEE ON CITY APPEARANCES ADVISED DELAY IN THE EAST 4TH STREET OVERPASS AND STREET WIDENING PROJECT IS DUE TO WAITING ON STATE AND FEDERAL FUNDS FOR OVER-ALL GRADE CROSSING ELIMINATION PROGRAM.

Mr. H. H. Baxter, Chairman of the Sub-Committee of the Chamber of Commerce City Appearance Committee, together with Committee Members Mr. H.A. Yancey and Mr. Leroy Stanton, appeared before Council and renewed their request made on June 13th that construction of the East 4th Street Overpass be started without delay. Mr. Baxter called attention that when they appeared on June 13th a motion was unanimously adopted by Council that the Highway Department and Railroad Companies be contacted as to whether funds were available for the grade crossing program on the west side and East 4th Street Overpass and whether they were ready to begin the west side project, and if not that the widening of the East 4th Street Overpass be started

at once. He stated they realize that at that time the Council was waiting for the Origin and Destination Survey Report; however, that was received and the Council has since negotiated with an Engineer to complete the plans, but none of the work has started. He stated they are appearing to ask if the East 4th Street Overpass and street widening project cannot be started without delay; that with the completion of the North Carolina National Bank's new building, the Cutter Building and First Citizens Bank, traffic will increase and the additional traffic lane will be badly needed. He urged that since the 4th Street work has been approved and funds are available, that it be begun at once,

Councilman Dellinger stated he made the motion in June that the 4th Street work be done but with the understanding that it be first determined if the west side grade crossing work could be done; that to date neither Federal nor State funds have been secured and it is not certain now if State funds can be secured; however, he thinks it will crystallize shortly, and he feels the Council should wait a little longer and decide the matter on the basis of the overall program. Mr. Veeder stated funds have been specifically appropriated for the East 4th Street work; that there are funds available but they have not been pinpointed, and the City is hoping that the west side work can be the No. 1 project. Councilman Smith stated he is beginning to agree with the Chamber of Commerce Committee; that he thinks the 4th Street work is very necessary and wishes it could be started now. Councilman Dellinger stated one cannot count on funds until they are in hand; that the grade crossing program was started 12 years ago and so far the City has not been able to get any funds from the Federal Government and very little from the State.

Mayor Smith stated the Council is just as interested in getting something started as the Chamber of Commerce; however, when Governor Hodges was here he notified the Mayor with deep regret they would not be able to furnish the funds as he had hoped; Councilman Dellinger stated he will be willing to go ahead with the 4th Street project if the City does not receive the necessary funds for the west side work within three or four months.

RESOLUTION TO AMEND RESOLUTION APPROVING UNDERTAKING OF SURVEYS AND PLANS FOR AN URBAN RENEWAL PROJECT AND APPROVING FILING APPLICATION FOR FEDERAL ADVANCE OF FUNDS.

A resolution entitled: "Resolution to Amend Resolution Approving Undertaking of Surveys and Plans for an Urban Renewal Project and Approving Filing Applications for Federal Advance of Funds" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Whittington, was adopted on the following recorded vote: YEAS: Councilmen Albee, Dellinger, Smith and Whittington; NAYS: Councilmen Babcock and Myers. The resolution is recorded in full in Resolutions Book 4, at Page 64.

RESOLUTION GRANTING PIEDMONT NATURAL GAS COMPANY PERMISSION TO CONSTRUCT REGULATOR STATION ON CITY PROPERTY.

A resolution entitled: "Resolution Granting Piedmont Natural Gas Company permission to construct a Regulator Station on City Property between the Fire Station at 1908 East Boulevard and Sugaw Creek," was introduced and read, and upon motion of Councilman Albee, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 65.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 19TH ON ORDINANCE NO. 709 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on December 19th on Petition of James D. McDuffie and wife and Hubert S. Whitlock and wife, for a change in zoning of property at the corner of Westfield Road and Brandywine Road, from R-1 to O-1, as set forth in Ordinance No. 709, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Babcock, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 66.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 19TH ON ORDINANCE NO. 710 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on December 19th on Petition of M. K. Lee and wife, for change in zoning of property on the Northeast side of Shamrock Drive, east of Eastway Drive, from R-2 to B-1, as set forth in Ordinance No. 710, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Babcock, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 67.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 19TH ON ORDINANCE NO. 711 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on December 19th on Petition of Pinewood Development & Investment Company et al, for a change in zoning of property on both sides of Independence Boulevard at Sharon-Amity Road, from B 1-A to B-1, as set forth in Ordinance No. 711, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Babcock, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 68.

CHANGE ORDER NO. 1 IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR CONSTRUCTION OF ADDITIONS TO SUGAW CREEK SEWAGE TREATMENT PLANT, TO ADD \$955.50 TO CONTRACT PRICE, APPROVED.

Councilman Alba moved approval of Change Order No. 1 in the contract with Lee Construction Company for the construction of Additions to the Sugaw Creek Sewage Treatment Plant, to add \$955.50 to the contract price covering extra excavation and concrete, due to the poor foundation and ground work discovered during the last few days when excavation was completed. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN NORTH TRYON STREET AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, authorizing the construction of 245-feet of sanitary sewer main in North Tryon Street, at the request of Beta Foods, Inc., at an estimated cost of \$1,195.00. All costs to be borne by the applicant, whose required deposit of the entire amount will be refunded as per terms of the contract.

execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. F. Earle Heath, for Grave #4, in Lot #126, Section 3, Evergreen Cemetery, at \$40.00.
- (b) Deed with Mrs. Iris T. Martin, for Lot #148, Section 2, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mr. Harvey E. Sharpe, for Graves #1 and #2, in Lot #102, Section 3, Evergreen Cemetery, at \$80.00.

AMENDMENT TO LEASE WITH NORTH CAROLINA NATIONAL GUARD, TO ENCOMPASS ADDITIONAL AREA.

Councilman Whittington moved approval of an Amendment to the existing Lease with the North Carolina National Guard, dated October 16, 1957, covering 2.5 acres of land fronting on New Dixie Road, whereby additional land will be leased to them. The motion was seconded by Councilman Smith, and unanimously carried.

APPRAISERS DIRECTED APPOINTED TO APPRAISE PROPERTY IN FRONT OF ELLIOTT REALTY COMPANY BUILDING AT CORNER OF EAST 8TH AND NORTH COLLEGE STREETS ON WHICH SETBACK LINE WAS ESTABLISHED.

Councilman Dellinger moved that Appraisers be appointed to appraise the property in front of Elliott Realty Company Office at the corner of East 8th and North College Streets, on which setback line was established. The motion was seconded by Councilman Albea, and carried, with Councilman Myers abstaining from voting because of business connections.

SURVEY OF SENECA PLACE AND REPORT AS TO WIDTH OF ROADWAY, RIGHT-OF-WAY AND SAFETY ASPECT OF BRIDGE REQUESTED.

Councilman Dellinger requested the City Manager to have a survey made of Seneca Place and a full report be made to Council as to the width of the roadway, the right-of-way and safety aspect of the bridge.

STREET IMPROVEMENT PROJECTS WORK URGED STARTED BY COUNCILMAN DELLINGER.

Councilman Dellinger urged that action be taken on street improvement work and that one street be selected and work started immediately and Bond money approved by the voters for this purpose be used. Councilman Babcock ask why funds budgeted this year for street improvements should not be used also and the entire street improvement program be started.

Mr. Veeder stated the East 5th Street extension, from McDowell to Independence Boulevard, has been tied up because of the problem of Duke Power Installation in the right-of-way, and the Engineering Department is working on this so as not to have to relocate the Installation, which would involve a tremendous amount of money. That plans have been in the hands of the State Highway Department for the past 18 months on the East 3rd Street widening and extension project; that they differ with us on the cost of the right-of-way but he is hopeful of having a report by next Monday, as they have had right-of-way estimates made. Councilman Dellinger asked if work cannot be started on either of these streets, then why not consider the West 6th Street widening; he asked the City Manager to report on cost estimates for this work; he called attention that a major street improvement project has not gotten under way during this administration. Mr. Veeder stated he will give the Council the cost estimates made to date on both East 5th and West 6th Streets next week.

CITY MANAGER REQUESTED TO HAVE CHECK MADE AS TO NEED FOR SCHOOL GUARD OR TRAFFIC LIGHT AT GLENWOOD DRIVE AND ROZZELLS FERRY ROAD.

Councilman Whittington requested the City Manager to have a Police and Traffic Engineering check made as to the need for either a School Guard or Traffic Light at Glenwood Drive and Rozzells Ferry Road.

LEGISLATIVE MATTERS APPROVED FOR SUBMISSION TO MECKLENBURG REPRESENTATIVES FOR ENACTMENT BY GENERAL ASSEMBLY.

As Chairman of the Council's Legislative Committee, Councilman Whittington requested consideration of the following proposals submitted the Committee for ratification by the General Assembly. He suggested that the Council and County Commissioners meet together and discuss both the City's and County's proposals affecting joint operations, and then meet jointly with Mecklenburg Representatives to the Legislature to explain the various Bills to be submitted them.

Mr. Shaw, City Attorney, stated he understands the Representatives want the unanimous endorsement of Council of any and all bills submitted to them.

- (1) A Bill to increase the jurisdiction of the City Recorder's Court to make it more flexible so as to provide for a separate traffic court and one or more Judges and Solicitors.

Following the discussion the Bill was unanimously approved.

- (2) A Bill to permit the creation of a revolving fund to finance sidewalk improvements.

It was decided to defer action on this until report of the study being made by the Institute of Government is received, which the City Manager advised will cover all types of local improvements on assessment basis.

- (3) A Bill to grant the City authority to establish a capital reserve fund from surplus funds at the end of each fiscal year, to be used for major capital improvements on a pay-as-you-go plan.

This Bill was unanimously approved.

- (4) A Bill to permit the City to pay damages and/or medical expenses not exceeding \$200.00 caused by reasons other than the negligence of vehicles operated by the City.

This Bill was unanimously approved.

- (5) A Bill to provide for the electing of City Councilmen for staggered terms of office.

Councilman Albea expressed objections to the Bill, and it was, therefore, not acted on.

- (6) A Bill to provide for the appropriation of \$68,525.94 in State funds to reimburse the City of Charlotte for a loan to construct the National Guard Armory on the property of the Charlotte Airport.

It was agreed to let the Mecklenburg Representatives handle the matter with the Legislature, instead of the City presenting the Bill.

- (7) A Bill to give the City or County Government ~~the~~ power to solely operate a consolidated City-County ~~function or agency~~, under a contract.

This Bill was unanimously approved.

- (8) The Legislative Program adopted by the N. C. League of Municipalities in Convention in Charlotte recently.

The City Manager stated he would think that everything in the League's Legislative program would be endorsed by the Council.

Councilman Albea stated he would not be agreeable to approving the program until he has read it.

- (9) Amendments to the City Charter. The following references regarding the City School Board which no longer apply under the consolidation of the City and County Schools into a County School System, should be deleted.

City Charter

Page 6, PRIMARY ELECTION, Sec. 13, delete in the 3rd line, "In the nomination of candidates for the city school board, the candidates receiving the highest number of votes cast, who shall not exceed in number twice that of the office to be filled, shall be nominated".

Page 7, GENERAL ELECTION, Sec. 15, delete in the 6th line, "Members of the School Board".

The following reference to the Civil Service Act should be deleted:

Page 30, CIVIL SERVICE ACT, Sec. 48, delete the entire subsection 14 relating to the appointment of auxiliary members of the fire and police departments.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the amendments to the City Charter were adopted.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk