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September 23, 1963
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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, September 23, 1963, 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 the Reverend John McWhorter, Pastor of St. Luke Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on September 16th were approved as submitted.

HEARING ON PETITION OF S & T DEVELOPMENT AND OTHERS FOR THE ANNEXATION OF PROPERTY IN SHARON TOWNSHIP.

The public hearing was held on petition of S & T Development and six others for the annexation of 44.019 acres of property known as Robinson Woods. The City Engineer having advised the estimated cost of sewer lines to be \$21,075, excluding the cost of the pumping station which is estimated will eventually be paid by the city in a form of a refund to the developer under the sewer extension policy; he therefore recommended that the property not be annexed, but if it is the owner be required to provide the pumping station and force main at no cost to the city and with no provisions for refund of the cost. The Supt. of Water Department estimates it will require 6,140 feet of pipe and 4 hydrants to supply the area at an estimated cost of \$21,178.00 under the regular policies of the city.

Mr. Ray Bradley, Attorney for the petitioners, advised the property is contiguous to the present city limits; that it is in the fastest growing part of the Metropolitan area of Charlotte, very near the communities which the Planning Commission has recently presented for annexation. It's on Sardis Road, just off Providence. He stated they feel it is necessary to annex this property for the city to continue its growth and furnish the services that these communities are going to need; that it is 44 acres of land which will be subdivided into 74 building lots; the subdivision plan has already been approved by the Planning Board. In order to comply with the restrictions which will be imposed on the property and to meet the standards of the neighborhood, the minimum investment for each house will be about \$35,000 or in excess of that; that it will be a \$2,500,000 project with an assessed value for tax purposes of over \$1,500,000. That in taxes this will produce over \$22,500 a year to the city. That the prices paid for specific city services will be in an amount to return in a very short time any investment required by the city to furnish these services. Mr. Bradley stated that according to the Planners it will be some years before the McMullen Creek Disposal Plant will be in operation. In order to handle the disposal in this area, the City Engineering Department requested, and the developers are willing to do so, to put in the pump system at a cost of

\$15,000, and they have already agreed the cost will not be reimbursed whether or not the property is annexed. He advised further that this station will serve not only this area but it will serve an area including 75 acres of land; that the pump station is a sealed unit, so maintenance is not considered a major operation. Mr. Bradley advised that in addition to this, the Developers have cooperated in complying with all the requests of the Planning Commission and the Engineering Department in the planning of this subdivision, even to the extent of buying an additional small tract of land together with several rights of way, to tie in the street system with the city's system; all of this at a large additional cost. Mr. Bradley stated the complete building program should take a maximum of 4 years; that two of Charlotte's finest builders are ready to move in and start building in the area now. That this will be one of the finest subdivisions in the county with all the trimmings. That economically it's to the city's best interest to have this property within its limits; income from taxes and services will pay for any investment made by the city in a very short time; the subdivision has been designed at a very large cost so that it is ready for annexation now; that it is an area bound to be annexed and its only fair to the developers and those who will be home owners. He stated that both the developers - Mr. Touchberry and Mr. Starnes - are present to answer any questions.

The Mayor advised Council will take the petition under consideration and render a decision at a later date.

HEARING ON PETITION OF JAMES C. EVANS AND WIFE FOR ANNEXATION OF PROPERTY IN CRAB ORCHARD TOWNSHIP.

The public hearing was held on petition of James C. Evans and Alice B. Evans for annexation of 14.4 acres of property in Crab Orchard Township, known as Greenbriar Subdivision. The City Engineer having advised the estimated cost to supply sewer service to the area is \$5,155.00 and the Supt. of Water Department advised an estimated 1,870 feet of pipe and two fire hydrants at an estimated cost of \$6,810.00 would be required.

Mr. James C. Evans, petitioner, advised that nearly half of the property is in the city now, and the lots will be approximately 70 to 75 feet in width. That it is basically one shot straight thru and he feels it would go a long ways in tying into other pieces of property which come into it from the other side. That the property is about 3,000 ft. long and he believes it would be good for the city to get it tied in back there because it would allow other property coming into the city to be able to tie into this street which would come into The Plaza, the first portion of which has been passed by the City Engineering Department, and he could go on with that portion of it under the original contract and he could, and probably will, put in the rest of the sewer on his own. That it seems to him this would be a very good way for the City to cooperate with a builder on a piece of property that is adjacent to, and part of it in the city; that it would raise the tax basis and it doesn't seem fair for him to put it in and then as soon as it is in, the City annex the area. That if the area is not going to be taken in in the next six to ten years, then it would be an advantage for him to go ahead and put in it. He stated he feels it would be to the city's advantage to take it in because they are going to build immediately and would have houses up and down both sides of the street for 3,000 feet and would allow other pieces of property in there to have the availability of the street that would come into The Plaza.

Mayor Brookshire advised the Council will take the petition under consideration and will render a decision at a later date.

COMPLAINT OF RESIDENT OF 200 BLOCK OF N. MCDOWELL STREET BECAUSE OF PARKING SIGNS PLACED ON STREET.

Dr. Nathaniel Tross, resident of 200 block of N. McDowell Street, stated he would like to draw Council's attention to a parking hardship. He stated he found parking signs and directive signs posted in the block this morning - which state "No Parking" - on either side of the street. He advised there are 3 churches on the street, a nursery and a few good homes, and they have no parking lot within half a mile; there are 3 or 4 good operating businesses and some good prospects and these signs work a terrific hardship on them. He stated further that people coming home in the evening have to go 3 or 4 blocks to park and anyone coming to see them would have the same difficulty. He stated he did not know the reasons for it but thought there might be some litigation.

The City Manager advised he would have the Traffic Engineering Department get in touch with Dr. Tross to review the parking.

PETITION NO. 63-51 FOR CHANGE IN ZONING OF PROPERTY ON SOUTH SIDE OF PURSER DRIVE, FROM MIRAMAR DRIVE TO LECLINE DRIVE, DEFERRED FOR 3 WEEKS.

Mr. Bill Allan, Trotter & Allan Construction Company, advised they are agents for the Petitioners, L. S. Hill and C. A. Butler, for Petition No. 63-51 for change in zoning from R-9 to R-9MF of 6 lots on the south side of Purser Drive from Miramar Drive to Lecline Drive, and they would like to have the decision in the matter delayed, or have the petition withdrawn. He stated they would like to see if they cannot reach a compromise with the neighbors out there and see if they cannot satisfy everyone. Mr. Allan advised they would prefer a postponement rather than withdrawing the petition.

Councilman Thrower moved that decision on the zoning petition be postponed for three weeks. The motion was seconded by Councilman Dellinger.

Mr. Allan stated the petition filed in opposition to the zoning change took them by surprise and they would like to amend their petition and satisfy the neighbors rather than having to bring it to Council. He stated they would like to alter their petition but they cannot do so, then they would like to withdraw their petition and start over.

The vote was taken on the motion and carried unanimously.

PETITION NO. 63-53 FOR CHANGE IN ZONING OF A LOT AT THE NW CORNER OF EAST 37TH STREET AND SPENCER STREET, DENIED.

Councilman Thrower moved that Petition No. 63-53 by E. J. Ligon for change in zoning from R-6MF to B-1 of a lot at the northwest corner of E. 37th Street and Spencer Street be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 197-2 AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE FOR CONDITIONAL USE AS AUTOMOBILE PARKING OF PROPERTY AT 1210 HARDING PLACE, ADOPTED.

Petition No. 63-54 by Berkely Properties, Inc. for conditional use as Automobile Parking of property at 1210 Harding Place, zoned R-6MF, for an office building fronting on Morehead Street was presented for Council action. The Clerk advised the protest petition filed previously by residents of Harding Place had been withdrawn and the 3/4th vote of Council to change the zoning would not apply.

Councilman Dellinger moved that the petition be granted with no egress or ingress on Harding Place, and the usual screening or hedging be placed at the back of the lot. The motion was seconded by Councilman Whittington.

The City Attorney stated it would be proper for the persons making the request to state for the Council record what the amendment to the original petition is.

Mr. H. A. Berry, Attorney for the petitioner, stated an amendment to the original petition with a revised plat plan has been filed which shows an entrance and exit on Morehead Street instead of on Harding Place, and also shows the screening, and the representatives of the purchaser have agreed with the adjacent neighbors that they will plant shrubbery and so forth around to beautify it and it is on this basis the neighbors withdrew their objections.

Councilman Smith asked the City Attorney what recourse the City has if a future owner should violate this and use a driveway from the lot onto Harding Place, and Mr. Morrissey advised we have by statute the civil remedy of injunction to close the driveway.

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

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

The ordinance is recorded in full in Ordinance Book 13, at Page 447.

PETITION NO. 63-55 FOR CHANGE IN ZONING OF A 25 ACRE TRACT OF LAND ON THE NORTH SIDE OF THE PLAZA AND ON THE EAST SIDE OF EASTWAY DRIVE, APPROVED PENDING THE FILING AND APPROVAL OF A DEVELOPMENT PLAN FOR THE PROPERTY.

Councilman Thrower moved that Petition No. 63-55 by L. L. Herrin for change in zoning from R-9MF to B-1 Shopping Center District of a 25 acre tract of land fronting on the north side of The Plaza and on the east side of Eastway Drive be approved as recommended by the Planning Commission, pending the filing and approval of a Development Plan for the property. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

YEAS: Councilmen Thrower, Bryant, Albea, Dellinger and Whittington.
NAYS: None.

Councilman Smith abstaining from voting.

ORDINANCE NO. 198-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 211-223 NORTH SYCAMORE STREET, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and un-animously carried, Ordinance No. 198-Z Amending Chapter 23, Section 23-8 of the City Code, was adopted changing the zoning from R-6MFH to O-6 of 3 lots at 211-223 North Sycamore Street, on petition of Belle R. Booker and Jessie C. Godfrey, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 13, at Page 448.

DECISION ON PETITION NO. 63-57 FOR CHANGE IN ZONING FROM B-1 TO I-1 OF TRACT OF LAND ON THE SE SIDE OF THE PLAZA, BETWEEN E. 36TH STREET AND HERRIN AVENUE, DEFERRED FOR 2 WEEKS FOR FURTHER STUDY BY PLANNING COMMISSION.

Councilman Smith moved that action on Petition No. 63-57 by Pet Milk Company for change in zoning from B-1 to I-1 of a tract of land on the southeast side of The Plaza, between E. 36th Street and Herrin Avenue, be deferred for 2 weeks, as requested by the Planning Commission for their further study and recommendation. The motion was seconded by Councilman Bryant, and unanimously carried.

DECISION ON PETITION NO. 63-58 FOR CHANGE IN ZONING OF TRACT OF LAND AT NE CORNER OF INDEPENDENCE BOULEVARD AND LAMAR AVENUE, DEFERRED TWO WEEKS.

Petition No. 63-58 by Royal Investment Company for change in zoning from B-1 and R-6MF to B-2 of a tract of land at the northeast corner of Independence Boulevard and Lamar Avenue was presented for Council action, the Planning Commission having recommended the Petition be denied.

Councilman Smith stated he understood the property would be used for a wholesale florist and the Planning Commission may take them out of the classification as Industrial or Commercial and put them in B-1 or B-2 districts. That it has been pointed out that this is not as obnoxious sometimes as a filling station. That it seems to him to be somewhat in line with Pet Milk's request and he does not know whether or not the Planning Commission would consider the classification of this type operation. That they say milk is not an industrial activity and he certainly thinks flowers would not be. Councilman Smith stated further he had a call from a man who lives out there and who says he represented a number of people and they would prefer the wholesale florist; that there are a lot of things that could go in there under the present zoning and when they found out the type of thing that was going in there they want it as a buffer zone against a drive-in or something with a lot of traffic.

Councilman Dellinger advised that the petitioner operates the Hanford Florist now located on Elizabeth Avenue and there is very little traffic in there with the exception of his own trucks. That he is strictly wholesale and you cannot go in there and buy anything, that he sells only to the dealers and he delivers. That from the looks of the drawing, it will add to the neighborhood and he is sure no one is going to build a home on the property. Councilman Dellinger stated further it is a square piece of property with the front zoned Business and the back is way back from anyone's house.

Councilman Whittington moved that Council decision be postponed for two weeks and Planning Commission be asked to look at this zoning classification. The motion was seconded by Councilman Dellinger.

Councilman Smith stated he did not like to spot zone when it can be prevented. He asked if the classification would not have to be changed for the milk distributor to come under this zoning? That is what Mr. Whittington wants to delay, the Pet Milk petition; they say you have to have industrial zoning to process milk, but by changing the classification - you wouldn't have to have industrial to process milk but go back to "B" zoning. He asked if you would have to advertise to change the ordinance?

The City Attorney advised the ordinance requires wholesale milk processing, or whatever it might be, as a permitted use in Industrial-1 but not in Business-1, then you would have to amend the ordinance to make it a permitted use in Business-1; you would have to go through the normal amendment procedure with a public hearing.

Councilman Smith then stated Council would have to wait until the Planning Commission makes a recommendation and then put into process amending the ordinance, so Mr. Whittington is not talking about delaying Pet Milk two or three weeks, he's talking about six weeks.

Mr. Morrissey stated that is possible; however long it will take the Planning Commission to make its recommendation and then observe the requirements for advertising prior to the hearing.

Councilman Whittington stated Council is asking the Planning Commission to give a decision in two weeks and if it is going to take longer then he is going to make a motion to change both Pet Milk and the Florist, because he thinks it should be done. He stated further that he did not want to get the two petitions mixed up; that they are similar to each other but are two separate zoning items. Councilman Whittington stated he had been told the Planning Commission would have a recommendation in two weeks.

Councilman Smith stated they would have their recommendation in two weeks but the City Attorney has advised there will be a three week advertising period after they make their recommendation which gives you over a month.

Councilman Whittington asked Mr. Morrissey to repeat again if the Planning Commission gives an answer in two weeks to change Pet Dairy from I-1 to B-1, do you have to advertise and have a hearing, and Council cannot change the ordinance without that? Mr. Morrissey stated that is correct.

At Councilman Dellinger's question to the City Attorney if a wholesale business can be conducted in a B-1 zone, Mr. Morrissey stated the ordinance says that wholesale sales which relate to storage and warehousing entirely within closed buildings, excluding truck terminals, is a permitted use in B-2 districts and higher - B-2, B-3 and the 3 industrial districts, but is not in B-1.

Councilman Whittington stated he would amend his motion to include a public hearing in two weeks. Councilman Dellinger stated he believes Councilman Whittington is out of order, that it is necessary to defer decision first and then set the hearing.

The vote was taken on the motion to postpone decision on the petition for two weeks and unanimously carried.

PUBLIC HEARING ON OCTOBER 14TH TO AMEND THE ZONING ORDINANCE TO ALLOW MILK PROCESSING AND WHOLESALE FLORIST AS PERMITTED USES IN BUSINESS-1 DISTRICTS.

Councilman Smith moved that the proper advertisement be drawn for a public hearing on October 14th to amend the Zoning Ordinance to permit milk processing on a wholesale basis and wholesale florists to operate in Business-1 districts, using the proper phraseology to cover these two business operations.

Councilman Albea asked if the Planning Commission will sit in on the hearings? He was advised they would, and in the meantime they will have an opportunity to concur in the above or oppose it.

The motion was seconded by Councilman Thrower and unanimously carried.

PETITION NO. 63-59 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF HICKORY GROVE-NEWELL ROAD, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, Petition No. 63-59 by Joseph Machado for change in zoning from R-15 to B-2 of a tract of land on the east side of Hickory Grove - Newell Road, was denied as recommended by the Planning Commission.

DECISION ON PETITION NO. 63-60 FOR CHANGE IN ZONING OF 4 LOTS ON NE SIDE OF EAST FIFTH STREET, BEGINNING AT CLEMENT AVENUE AND EXTENDING TOWARD CASWELL ROAD, DEFERRED FOR FURTHER STUDY BY PLANNING COMMISSION.

Councilman Thrower moved that decision on Petition No. 63-60 by Dr. Laura R. Venning and others for change in zoning from O-6 to B-1 of four lots on the northeast side of East Fifth Street, beginning at Clement Avenue and extending toward Caswell Road, be deferred as recommended by the Planning Commission pending their further study of the petition. The motion was seconded by Councilman Bryant.

Councilman Whittington made a substitute motion that this consideration, which is a beauty parlor, as he understands it, be allowed to be put in O-6 and that the Council ask for a public hearing on this at the same date of October 14th as milk processing and wholesale florist allowed in B-1. The motion did not receive a second.

Councilman Dellinger asked if Council is going to change their zoning procedure they should consult the Planning Board. They can't have a resolution to suit their own wishes everytime.

Councilman Whittington stated he thinks this is a situation where they are asking Council to give them time to study it and he doesn't believe it's any different than the other two request. That it's something that has been before Council many times before and he is just asking for a hearing on it and it would be a way to clarify it.

Councilman Thrower asked if Beauty Parlors are allowed in other zones than B-1, and if not then there are a lot in town nonconforming.

Councilman Smith stated this would be a radical change from Office-Institution to include a beauty shop or a barber shop which is strictly a business serving customers in an Office district. That he believes it would be clouding the issue. That this is not urgent and the Planning Commission might recommend B-1 for this petition, and if the Planning Board wants to recommend such a hearing, he would rather let them initiate this particular one. The reason for the other was that Pet Milk has to get a decision for health reasons and he doesn't want to tie in something that is not connected with that to the other hearing.

The vote was taken on the original motion to postpone decision, and carried unanimously.

CONTRACT WITH JACKSON ENGINEERING COMPANY FOR PRIVATE SANITARY SEWER LINES CONNECTION TO CITY'S SYSTEM IN FAIRVIEW ROAD, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, contract was authorized with Jackson Engineering Company for the connection of private sanitary sewer lines to the City's Sanitary Sewerage System in Fairview Road, outside the city limits, to serve office building to be occupied by the J. P. Stevens Company; said lines to become the property of the city when the property is annexed to the city.

AGREEMENT WITH NORFOLK-SOUTHERN RAILWAY COMPANY FOR ENCROACHMENT UNDER TRACKS WHERE ANDERSON STREET CROSSES FOR CONSTRUCTION OF SANITARY SEWER LINE, AUTHORIZED.

Councilman Dellinger moved approval of an agreement with the Norfolk-Southern Railway Company for the encroachment under their tracks where Anderson Street crosses their tracks for the construction of a sanitary sewer line. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACTS AUTHORIZED FOR APPRAISAL OF 34 TRACTS OF LAND FOR RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

Motion was made by Councilman Bryant, seconded by Councilman Albea, and un-animously carried, authorizing contracts with the following persons for appraisal of 34 tracts of land for right of way for the Northwest Expressway:

B. Brevard Brookshire	9 tracts on E. 4th St, S. Morrow St and E. Trade St.
G. A. Hutchinson	6 tracts on N. Morrow St, Elizabeth Ave and Haley Place.
Henry E. Bryant	4 tracts on N. Long St, E. 6th St and Barbours Ct.
Alan J. Davis	11 tracts on E. 8th St, N. Long St, N. Morrow St and Seigle Avenue.
Jack Starnes	4 tracts on N. Long St, E. 6th St and Barbours Ct.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of sanitary sewer lines all inside the city limits, with all costs to be borne by the applicants, whose deposits of the amounts of the costs will be refunded as per terms of the contracts, at the following locations:

- (a) Construction of 190-ft. of sewer line in Steele Creek Road, at the request of Mr. Allen Rose, at an estimated cost of \$815.00.
- (b) Construction of 2,343-ft. of sewer line in Ponderosa Subdivision, at the request of Ervin Construction Co., at an estimated cost of \$6,635.00.
- (c) Construction of 2,430-ft. of sewer line in Barclay Downs #7, at the request of Jackson Engineering Co., at an estimated cost of \$7,935.00.
- (d) Construction of 2,474-ft. of sewer line in Barclay Downs #8, at the request of Jackson Engineering Co., at an estimated cost of \$9,420.00.
- (e) Construction of 667-ft. of sewer line in Barclay Downs #7, at the request of Jackson Engineering Co., at an estimated cost of \$3,935.00.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with James M and Betty C. Northington, for lot 231, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with Mrs Christina Wilkie Benoy, for Graves 3 and 4, in Lot 280, Section 4-A, Evergreen Cemetery, at \$94.50.

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- (c) Deed with William H. Starnes and wife Elsie B. Starnes, for Graves 1 and 2, in Lot 280, Section 4-A, Evergreen Cemetery, at \$94.50.
- (d) Deed with Mr and Mrs N. C. Henderson, for Graves 1 and 2, in Lot 12, Section 3, Evergreen Cemetery, at \$120.00.
- (e) Deed with Mr and Mrs Joseph W. Whitlock, for Graves 3 and 4, in Lot 236, Section 4-A, Evergreen Cemetery, at \$94.50.
- (f) Deed with Mrs R. W. Richardson, for Graves 1 and 2, in Lot 21, Section 3, Evergreen Cemetery, at \$120.00.
- (g) Deed with Mrs Ruth G. Lawing, for Graves 1 and 2, in Lot 236, Section 4-A, Evergreen Cemetery, at \$94.50.
- (h) Deed with Mrs Sarah P. Munroe Covington, for Graves 3 and 4, in Lot 14, Section 3, Evergreen Cemetery, at \$120.00
- (i) Deed with Estate of Cora McLaughlin Harper, for Perpetual Care on Lot 48-F, in Section I, Elmwood Cemetery, at \$133.00.

CONTRACT AWARDED MILLER'S OFFICE EQUIPMENT COMPANY FOR OFFICE EQUIPMENT FOR GOOD SAMARITAN HOSPITAL.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, Miller's Office Equipment Company, for office equipment as specified, for Good Samaritan Hospital, in the amount of \$5,140.96.

The following bids were received:

Miller's Office Equipment Company	\$5,140.96
Fowler's	5,406.00
American Hospital Supply Corp.	5,561.30
Funderburk Office Supply Co.	5,636.29
Modern Office Supply Co., Inc.	5,755.40
Dorsey's, Inc.	6,260.02
Kale-Lawing Company	6,314.08
Alternate Bid	5,452.57
Bill Shaw Company, Inc.	6,611.91

COUNCILMAN ALBEA LEAVES MEETING.

Councilman Albea left the meeting at this time and returned later in the meeting.

PLANS FOR REMODELING POLICE AND COURT FACILITIES APPROVED.

Councilman Whittington moved that Plan II for remodeling certain police and court facilities, as recommended by the City Manager and Department Heads, be approved, which consists of constructing offices for judges and solicitors, public restrooms, bullpen for prisoners, and a court room in the open space under the Fire Department offices, including central air conditioning, lighting, plumbing, heating, paneled walls and tile floors; and constructing offices, soundproof interrogation rooms, polygraph room and locker and assembly room in the existing court room and clerk's office. The motion was seconded by Councilman Bryant, and unanimously carried.

FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR REPLACING 15TH STREET FOOTBRIDGE.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, \$1,400.00 was authorized transferred from the Contingency Fund to shorten and replace wooden footbridge across Sugar Creek, which connects the two ends of 15th Street, with a precast concrete T-beam bridge.

ACQUISITION OF RIGHTS OF WAY FOR NORTH-SOUTH RUNWAY EXTENSION CLEAR ZONE AND FOR SANITARY SEWER TO SERVE EAST MECKLENBURG SCHOOL.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, acquisition of the following rights of way was authorized:

- (a) 15,328 sq. ft. (house and lot) in Berryhill Township, from G. S. Lawson and wife, Evelyn R. Lawson, at a price of \$18,500.00 for clear zone for the north-south runway extension project at Douglas Municipal Airport.
- (b) strip of land 10' wide by 502.20' long, east of Rama Road and south of the railroad, from I. G. Wallace Estate, at a price of \$251.10, for right of way for sanitary sewer line to serve East Mecklenburg School.

COUNCILMAN ALBEA RETURNS TO MEETING.

Councilman Albea returned to the Council meeting at this time and was present for the remainder of the session.

TRAFFIC ENGINEERING AND POLICE DEPARTMENTS REQUESTED TO CHECK NEED FOR CROSSING GUARD OR POLICEMAN AT ST. GABRIEL CHURCH AND SCHOOL.

Councilman Whittington requested the City Manager to have the Traffic Engineering and Police Departments check the need for a crossing guard or policeman at St. Gabriel Catholic Church and School on Providence Road, just east of Sharon Lane. He stated the request has been made two or three times before. That there are 300 students now going to and from the school, and the need is primarily in the morning.

ADMINISTRATION'S ATTENTION CALLED TO PETITION FROM RESIDENTS OF ALTONDALE AVENUE CONCERNING DRAINAGE.

Councilman Smith called attention to the petition Council has received from residents of Altondale Avenue concerning their drainage problem and stated the people will be present at the next Council meeting and the Administration should have some answers ready - on what can be done, how much it will cost etc; and if Council can help them it will be in order to do so by taking a positive approach on it and then working something out.

RESOLUTION OF COMMENDATION AND GRATITUDE TO STAN MUSIAL OF THE ST. LOUIS CARDINALS FOR HIS CONTRIBUTION TO BASEBALL AND HIS EXEMPLIFICATION OF SPORTSMANSHIP TO THE YOUTH OF AMERICA, ADOPTED.

Councilman Bryant presented the following resolution, and moved its adoption:

WHEREAS, Stan Musial of the St. Louis Cardinals has announced that he will retire from the active participation in baseball at the end of the 1963 season, and

WHEREAS, Stan Musial has for many years served as an inspiration and guide for the youth of this nation, and

WHEREAS, Stan Musial has exemplified the qualities of sportsmanship and leadership, and

WHEREAS, he will be greatly missed from the sports scene,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, North Carolina, in formal session this 23rd day of September 1963, hereby commends and expresses its gratitude to Stan Musial, and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Stan Musial, to the newspapers of Charlotte and St. Louis, and that this resolution be spread upon the minutes of this meeting.

The motion was seconded by Councilman Whittington, and unanimously carried.

BIDS AUTHORIZED FOR CHAIRS WITH ARMS FOR COUNCIL CHAMBER.

The City Manager called attention to the different chairs in front of Council and stated the arm chairs are more comfortable, but the disadvantages would be - fewer chairs in the room, they cost more and they can't be stacked. The upholstered armless chair next to it is the one they favor - it's about half the price, even less than half the price of the chair with the arms, they can be stacked and the room can accommodate about 78 of these chairs and they would certainly be more comfortable than the chairs presently used, they would run around \$15, plus or minus, buying in quantity and the chair with arms would cost about \$35.

Councilman Smith moved that the chair with arms or one similar be bought on bids. The motion was seconded by Councilman Dellinger,

Councilman Albea made a substitute motion to take bids on both the chair with arms and the chair without arms. The motion was seconded by Councilman Whittington.

After a general discussion, the vote was taken on the substitute motion and failed to carry on the following recorded vote:

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

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

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

Mayor Brookshire cast the deciding vote in favor of the original motion and broke the tie vote.

CITY MANAGER AUTHORIZED TO MAKE INTERCITY VISIT TO PHOENIX TO OBSERVE THE COMPOST OPERATION OF THE CITY.

Mr. Veeder stated that the Chamber of Commerce Intercity Visit this year is scheduled to make a trip to Phoenix. That he has tentatively planned to make the trip, the principal reason being to see the compost operation of the City of Phoenix which has been in operation for about 10 months. That it would certainly be of interest to Council to see this operation if any are planning to make the trip; that he is anxious to see it, and if Council concurs he plans to make the trip.

Councilman Smith moved that the City Manager be allowed to make the trip at the city's expense to Phoenix. The motion was seconded by Councilman Bryant, and unanimously carried.

OFFER OF WSOC-TV TO CONTRIBUTE USE OF THEIR FACILITIES TO CITY OFFICIALS FOR BROADCASTING LIVE PROGRAM IN THE INTEREST OF COMBATING CRIME IN CHARLOTTE, ACCEPTED.

The Mayor recognized Mr. George Henderson, General Manager of WSOC-TV, and invited him to comment on his invitation to the City Officials to appear on his station in the interest of improving the crime situation in our city. He also advised Mr. Henderson that the matter has been discussed and referred to the City Manager as to whether such program should be given and the type program.

Mr. Henderson stated the invitation was a friendly one to appear on their station and they felt in this way they could contribute their facilities to anything Council wished to use them for in the interest of improving the crime situation in Charlotte. That they very sincerely hope Council will accept the invitation, but they will not be disappointed if they do not; that it was offered live because they feel there is great advantage in live television as opposed to it being recorded, filmed or taped; that they would like very much to meet with any of the City officials an hour or so before program time so they might better question Council about things that would benefit the situation. Mr. Henderson stated they have no intention of washing any dirty clothes; they are not interested in the black weekend of a couple of weeks ago; their only concern is offering their facilities to help correct the situation if they can. That whether Council appears with them or not they are going to do some sort of programming and are going to lend their efforts to contribute to correcting the situation here in Charlotte; that with Council's help they can make a better contribution and hope that some or all of them will appear.

Councilman Smith stated they have accepted the invitation subject to Mr. Veeder working out the type of program. He asked that Mr. Henderson confer with Mr. Veeder and outline the subjects to be covered so they will not be caught off guard on what they will be talking about.

Mr. Henderson stated they would be delighted to meet with Mr. Veeder, and in addition that it would be well worth their while to be there before the program so that they will not err in questioning and Council will perhaps not err in answering. After a general discussion, Mr. Henderson stated this could well end up in an equal time situation because of the fairness code which they operate under now. Should they get into something controversial and some citizens object to what the Station does in this situation, they could request equal time; but he does not believe anything but good can come out of it.

Mayor Brookshire asked Mr. Henderson to give some thought to a number of questions and place them in Council's hands before the broadcast. Mr. Henderson stated he thought that would be possible and they do not feel they should ask questions the answers to which benefit nobody.

ADJOURNMENT.

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


Ruth Armstrong, Deputy City Clerk