

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, February 4, 1963, 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 Bishop Edward R. Reynolds of the Church of Jesus Christ of Latter Day Saints.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on January 29th were approved as submitted.

CHARLOTTE JUNIOR CHAMBER OF COMMERCE COMMENDS CHARLOTTE POLICE DEPARTMENT AND CITIZENS SAFETY ASSOCIATION FOR OUTSTANDING SERVICE IN FIELD OF TRAFFIC SAFETY.

Mr. William A. Shuford, President of the Charlotte Junior Chamber of Commerce, presented a resolution adopted by the Junior Chamber of Commerce expressing their interest in traffic safety in Charlotte and calling attention that the traffic death rate decreased from 36 in 1960 to 18 in 1962 and their belief that said decrease was due to a large degree to the untiring efforts of the Charlotte Police Department and Citizens Safety Association of Charlotte and that their service should be publicly recognized, they hereby commended both the Charlotte Police Department and Citizens Safety Association for their outstanding service in the field of traffic safety and urged that all citizens of Charlotte give them their utmost cooperation to the end that our City will become an even safer place in which to live.

Mr. Shuford personally and on behalf of the Junior Chamber of Commerce commended Chief John Hord and Captain B. A. Porter of the Charlotte Police Department and Mr. T. E. Pickard, Jr. and Mr. Rommie Terrell of the Citizens Safety Association for their splendid service to the citizens of Charlotte in traffic safety.

Mayor Brookshire stated this is a very appropriate resolution and he congratulated and thanked Chief Hord and Captain Porter for being very deserving of this distinction. He expressed his appreciation to Mr. Shuford and the Charlotte Junior Chamber of Commerce.

Chief Hord expressed his appreciation to Mr. Shuford and the Junior Chamber of Commerce and stated such recognition as this will make them attempt to cut down even further on traffic accidents.

Mr. Terrell stated that the Citizens Safety Association will continue to work with the Charlotte Police Department in all their efforts to bring about a greater decrease in traffic accidents.

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HEARING AUTHORIZED HELD ON FEBRUARY 18TH AT 3 O'CLOCK P.M., ON REQUEST FOR TRANSFER OF CERTIFICATES OF NECESSITY FOR THE OPERATION OF TAXICABS FROM BEATTY SERVICE COMPANY TO RED TOP CAB COMPANY, INC.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, a public hearing was authorized held on February 18th at 3 o'clock p.m., on the request for the transfer of Certificates of Necessity for the operation of Taxicabs from Beatty Service Company to Red Top Cab Company, Inc.

Councilman Smith asked the City Attorney if under the franchises to operate taxicabs, the City is fully protected as to the good appearance of the cabs, mechanical safety, or can they go around town looking bad generally? Mr. Morrissey stated it all depends on the level of enforcement, that the Ordinance permits very strict enforcement with regard to all these matters. Councilman Smith stated further he thinks this could be discussed.

PETITION NO. 63-2 BY NORFOLK-SOUTHERN RAILWAY COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND LOCATED BETWEEN THEIR TRACKS FROM EAST 7TH STREET TO EAST 8TH STREET, DENIED.

Councilman Albea moved that Petition No. 63-2 by Norfolk-Southern Railway Company for change in zoning from B-3 to I-3 of tract of land located between their tracks from East 7th Street to East 8th Street, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and unanimously carried.

ORDINANCE NO. 159-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 65.906 ACRES OF LAND IN MALLARD CREEK TOWNSHIP ON PETITION OF GEORGE GOODYEAR COMPANY, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 159-X Extending the Corporate Limits of the City of Charlotte by Annexing 65.906 Acres of Land in Mallard Creek Township on Petition of George Goodyear Company, was adopted. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 394.

SETTLEMENT OF CLAIM OF W. J. WELCH FOR DAMAGES TO CAR.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the claim of Mr. W. J. Welch for damages to car by being splattered with yellow traffic paint, was authorized settled in the amount of \$15.00, as recommended by the City Attorney.

CLAIM OF MRS MINNIE HUDSON FOR PERSONAL INJURY DENIED.

Councilman Whittington moved that the claim of Mrs Minnie Hudson for personal injury alleged to have been caused by an object falling on her while Traffic Engineers were working on a traffic signal at or near Graham and Trade Streets be denied as recommended by the City Attorney. The motion was seconded by Councilman Thrower, and unanimously carried.

CLAIMS OF B. D. THOMPSON AND HUBERT FOSTER FOR DAMAGES TO PROPERTY AT 1124 NORTH BREVARD STREET DEFERRED ONE WEEK IN ORDER THAT CLAIMANT MAY DISCUSS SAME WITH CITY ATTORNEY.

The claim of Mr B. D. Thompson and Mr. Hubert Foster for property damage at

1124 North Brevard Street, allegedly caused by flooding when a water main burst in the 900 block of North Brevard Street, were presented for discussion and consideration of the recommendation of the City Attorney that they be denied, as the break occurred without negligence by the City.

Councilman Dellinger stated he has been contacted twice about the case and he talked with the City Attorney about it last week. That this is a similar claim to that the city paid recently on a church; that Mr. Thompson contacted him yesterday and stated he has not had a chance to present his side of the matter and he asked that it be postponed until he can come down this week and talk with Mr. Morrisey. Councilman Dellinger stated further that in the first place a citizen hardly knows how to proceed in these matters, and they write a letter to City Hall, and in this case Mr. Morrisey advised he had not had time to do anything about the case.

Councilman Dellinger moved that it be deferred for one week so that Mr. Thompson may have an opportunity to come in and discuss it with Mr. Morrisey. The motion was seconded by Councilman Jordan, and unanimously carried. Councilman Thrower asked the amounts of the claim, and the City Manager advised that one is for \$30.00 and the other for \$98.80.

J. N. PEASE ASSOCIATES AUTHORIZED TO CONTINUE SUBSURFACE SOIL STUDIES IN CONNECTION WITH MCALPINE CREEK WASTE TREATMENT PLANT.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, J. N. Pease Associates was authorized to continue subsurface soil studies in connection with the final design of certain structures at the McAlpine Creek Waste Treatment Plant, at a cost not to exceed \$4,000.00.

Councilman Smith asked the City Manager to give Council a report on how the McAlpine Creek Treatment Plant is progressing. Mr. Veeder advised that he discussed this last week with Mr. Rawlins of J. N. Pease Associates and probably before the end of this fiscal year we will be in a position to proceed with bids on the project - that he would like to bring a detailed report, that would be accurate, to Council next week. Councilman Smith concurred in the suggestion and stated since he was asked quite a few questions about the Plant he would like to have it made clear.

PAYMENT AUTHORIZED TO J. N. PEASE ASSOCIATES FOR OVERRUN IN SOIL BORINGS AT HOSKINS ELEVATED TANK SITE.

Councilman Smith moved approval of payment to J. N. Pease Associates in the amount of \$264.00 representing an overrun in the soil borings at Hoskins Elevated Tank Site by reason of additional borings being made. The motion was seconded by Councilman Dellinger, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the following streets were taken over for continuous maintenance:

Silabert Avenue	From Richland Drive	To end
Green Oaks Lane	From Commonwealth Ave	To 30-ft. west of East Crest Dr.
Northern Drive	From Hovis Road	To 520-ft northwest of Hovis Rd.
Bealer Road	From Hovis Road	To 1,140-ft west of Hovis Road.
Terminal Street	From Bealer Road	To 370-ft. north of Bealer Road.
Tar Heel Road	From Hovis Road	To 1,740-ft west of Hovis Road.

CHANGE ORDER #1 IN CONTRACT WITH RICHLAND WRECKING COMPANY FOR DEMOLITION OF CRISMAN REALTY BUILDING AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, approving payment of Change Order #1, in the amount of \$400.00 in the contract with Richland Wrecking Company for the demolition of the Crisman Realty Buildings in the West Side Grade Crossing Project, for necessary repairs to a party wall adjacent to the Crisman Building and a building owned by Ivey Realty Company.

CONTRACT AWARDED RICHLAND SHALE PRODUCTS COMPANY FOR VITRIFIED CLAY PIPE.

Upon motion of Councilman Alba, seconded by Councilman Whittington, and unanimously carried, contract was awarded Richland Shale Products Company, the low bidder, for 75,000 feet of Vitrified Clay Pipe, as specified, on a unit price basis, at their bid price of \$36,476.15.

The following bids were received:

Richland Shale Products Company	
d/b/a Columbia Pipe Company	\$ 36,476.15
Georgia Vitrified Brick & Clay Co.	38,270.00
Tucker-Kirby Company	38,701.69
Pamona Pipe Products	38,701.69
McGee Lumber Company, Inc.	41,920.55

CONTRACT AWARDED NUCLEAR MEASUREMENT CORPORATION FOR RADIOACTIVITY PORTIONAL COUNTER.

Councilman Bryant moved the award of contract to Nuclear Measurements Corporation, the low bidder, for a Radioactivity Porportional Counter, as specified, at their bid price of \$1,441.23. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Nuclear Measurements Corp.	\$ 1,441.23
Baird Atomic, Inc.	1,900.87
Nuclear Chicago Corporation	674.28
(Did not meet specifications)	

CONTRACT AWARDED HERSEY SPARLING METER COMPANY FOR ONE WATER METER.

Upon motion of Councilman Alba, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Hersey Sparling Meter Company for One Compound Water Meter, as specified, at their bid price of \$1,470.45.

CONTRACT AWARDED LOWE'S CHARLOTTE HARDWARE, INC., FOR PORTLAND CEMENT.

Motion was made by Councilman Jordan, seconded by Councilman Alba, and unanimously carried, awarding contract to the low bidder, Lowe's Charlotte Hardware, Inc., for 12,000 bags of Portland Cement, as specified, on a unit price basis, representing a total price of \$15,202.80.

The following bids were received:

Lowe's Charlotte Hardware, Inc.	\$ 15,202.80
McGee Lumber Company	15,562.08
Tucker-Kirby Company	16,362.00

RECOMMENDATIONS OF INSURANCE ADVISORY COMMITTEE RELATIVE TO AUTOMOBILE
AND WORKMEN'S COMPENSATION INSURANCE ACCEPTED.

Councilman Dellinger moved that the recommendations of the Insurance Advisory Committee for a three-year retrospective plan covering both Automobile Liability and Workmen's Compensation with Travelers Insurance Company be approved. The motion was seconded by Councilman Jordan, and unanimously carried.

SETTLEMENT AUTHORIZED FOR ACQUISITION OF SEVEN PARCELS OF LAND AS RIGHTS
OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT, AND CONSIDERATION OF
CONDEMNATION OF TWO PARCELS DEFERRED ONE WEEK.

Motion was made by Councilman Albea, seconded by Councilman Thrower, authorizing settlement for the following seven parcels of land for right of way for the Kenilworth Avenue Extension project, and the condemnation of two tracts located at 1030 Kenilworth Avenue and 2021-2023 Fernwood Drive, as listed:

- (a) Payment of \$600.00 to Joseph A. Neilson and wife Phyllis, 2104 Fernwood Drive, for 252 square feet of property.
- (b) Payment of \$700.00 to Joseph F. Poston, Sr. & Elizabeth, and Joseph F. Poston, Jr. & Ethel, 2033 Fernwood Drive, for 252 square feet of property.
- (c) Payment of \$1,830.00 to William Henry and Grace P. Sitton, 1321 Ordermore Drive, for 680 square feet of property.
- (d) Payment of \$4,004.95 to Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh, North Carolina, 1021 Kenilworth Avenue, for 1,504 square feet of property.
- (e) Payment of \$1,536.00 to Norman L. Stack et al, 1209 Kenilworth Avenue, for 736 square feet of property.
- (f) Payment of \$4,385.00 to Alexander Homes of Charlotte, North Carolina, for 3,700 square feet of property.
- (g) Payment of \$32,000 to Epicas Corporation, 1328 East Boulevard, for 9,820 square feet of property.
- (h) Condemnation of 880 square feet of property owned by D. F. Cameron and wife Ellen, 1030 Kenilworth Avenue.
- (i) Condemnation of 252 square feet of property owned by Horace Davis, Jr. and wife Evelyn, 2021 and 2023 Fernwood Drive.

Councilman Dellinger offered a substitute motion that the seven parcels of land be acquired and paid for, as recommended, and that consideration of the condemnation of the two properties located at 1030 Kenilworth Avenue and at 2021-2023 Fernwood Drive be deferred one week. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

NAYS: Councilman Albea.

CONDEMNATION AUTHORIZED FOR ACQUISITION OF PROPERTY AS RIGHT OF WAY FOR
KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Whittington moved that condemnation action be authorized for the acquisition of 14,048 square feet of property from Joseph E. and Maxine Conrad, 3101 Greenwood Cliff, as right of way for the Kenilworth Avenue Extension Project. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER ADVISES STATUS OF DRAINAGE WATER ON ALTONDALE AVENUE.

Councilman Whittington asked the City Manager about the status of the complaints of the people on Altondale Avenue as to the drainage water from the Swimmer-Greenberg property on Providence Road; he stated the Council is still receiving letters from these people. The City Manager advised that in essence, they are of the opinion that the next good rain we have would determine once and for all the problem, if any, then they will know how to proceed, that this, in essence was the report the Engineering Department made after they checked the storm sewer facilities in the area. That once this is established, the residents on Altondale Avenue will be advised where the trouble is and what they should do.

APPOINTMENT OF JOHN B. FENNELL AS FINANCE DIRECTOR.

Councilman Smith moved the appointment of Mr. John B. Fennell as Finance Director, at Step C Pay Range, at \$12,300.00, to be employed as of March 1st, or as near thereabouts as possible. The motion was seconded by Councilman Dellinger, and unanimously carried.

DUPLICATE STREET NAME CHANGES DEFERRED ONE WEEK.

The City Manager submitted a report prepared by the Planning Director relative to Street name changes, as requested by Council at last week's meeting. He advised the streets fall in three categories, 1st, streets for which the residents have recommended new names; 2nd, streets which are extensions of other streets and the logical thing is to give the extensions the same name as the existing streets, and the 3rd category includes 25 streets, on 19 of which there are no residents and it is, therefore, not possible to get suggested names from non-existing residents, and is perhaps desirable to have the Planning Commission suggest names for these 19 streets for Council consideration. He advised this report is restricted solely to streets where there have been no objections to the proposal to change the name.

He stated he had investigated when the listings for the new Telephone Directory closes, and finds it is tomorrow, and even if action had been taken last week or today on the changes, the Telephone Company would not have been able to list them in their new directory.

Councilman Whittington suggested it would be well to settle the naming of all the streets next week in the interest of all concerned. Mr. Veeder advised he would get some suggestions from the Planning Commission on the un-named streets.

Councilman Dellinger moved that naming of all streets be deferred for one week. The motion was seconded by Councilman Whittington, and unanimously carried.

SYSTEM TO BE PUT INTO EFFECT WHEREBY OWNERS OF DOGS WILL BE NOTIFIED
WHEN DOGS KILLED.

The City Manager advised that at the suggestion of Mr. Whittington they have been trying to work out a system for notifying owners of dogs when they are picked up by the City when they are killed. That a system has been worked out between the Pet Department and Motor Transport Department whereby any time a dog is picked up with identification on it, a letter will go to the person who purchased the tag on the dog's collar, and he thinks this will take care of the situation and it will go into effect this week.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk

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