

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, July 2, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilman Smith.

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INVOCATION.

The invocation was given by the Reverend Aubrey Q. Patterson, Pastor of Hoskins Avenue Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Minutes of the last regular meeting on June 25th and the Adjourned meeting on June 28th were approved as submitted.

ORDINANCE NO. 108-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY NORTH OF FREELAND LANE FROM R-6MF TO I-1 AND I-2 WITH AN 80 FOOT RESIDENTIAL BUFFER STRIP, ADOPTED.

Councilman Bryant moved that decision on Petition No. 62-17 by W. J. McArthur for change in zoning of property north of Freeland Lane from R-6MF to I-1 and I-2 be postponed until next meeting. The motion was seconded by Councilman Dellinger.

Councilman Albea asked for the reason for the requested postponement? That he thought all of the Council had been out and looked at the property. Councilman Bryant stated he thinks there is so much misunderstanding at this stage of the game that another two weeks would give everyone an opportunity to become properly informed and be able to vote intelligently. That he thinks Mr. Devaney was not clear on possibly one matter as far as the 80 foot strip is concerned, and he has not been to the site as he was unable to go last week. Councilman Whittington asked if we cannot get Mr. Devaney in the meeting.

The vote was taken on the motion for deferment, and lost by the following recorded vote:

YEAS: Councilmen Bryant and Dellinger.

NAYS: Councilmen Albea, Jordan, Thrower and Whittington.

Councilman Albea moved that Mr. Devaney be brought in and answer any questions anyone wants to ask him before the question is voted on, that personally he has no questions. The motion lost for lack of a second.

Councilman Bryant moved that the Planning Commission be upheld and the petition be approved. The motion was seconded by Councilman Whittington. After a short conference, Councilman Bryant withdrew his motion.

Councilman Whittington moved the adoption of the Ordinance No. 108-Z Amending the Zoning Ordinance by changing the zoning of property north of Freeland Lane from R-6MF to I-1 and I-2 with an 80-foot residential buffer strip, as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated that he feels Councilman Bryant is confused about the corner area of the property, that he was not with the Council at the site last week when it was explained, and he sees no reason why it cannot be deferred until Mr. Bryant has an opportunity to go and see the property, as many other times action has been deferred for just such reason. Councilman Bryant stated he has not seen the property, he knows it but is not familiar with the corner area. Councilman Whittington stated that last week Councilman Bryant said he saw no reason for a conference on the ground, and he, personally, feels that he should do what he can to help the people who are living out there and are going to be abreast of the thing.

Mr. Morrisey, City Attorney, advised the last time this question was before Council he advised that the 20% protest applied; that he has been advised by Mr. Devaney of the Planning Staff that on further investigation one of the remaining protestants was not actually a property owner but rather a tenant and therefore, the 20% protest rule does not apply and only a simple majority vote is required.

Councilman Dellinger asked how many property owners do object? Mr. Morrisey stated he believes all of them removed their objections as of Mr. Devaney's last advice to him. Councilman Whittington advised that on last Thursday there was still one objector, there has been two but the other one did not own the property at which he lived. Councilman Dellinger stated he found two objectors on Thursday, who claimed they were property owners, and they objected to the whole situation but said if it was going to be changed there was nothing they could do about it, but he does not know whether they have withdrawn from the petition.

Councilman Thrower asked Mr. McIntyre, Planning Director, if the Planning Commission turned the petitioner down on the 80-ft buffer by itself but would go along on the dog-leg. Mr. McIntyre stated he was not in the Planning Commission meeting but they recommend an 80-ft buffer zone along the entire western boundary of the property.

The vote was then taken on the motion to adopt the ordinance, and carried by the following recorded vote:

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

Councilman Whittington stated that he thinks in doing this the Council is trying to be fair to the people who want the theatre and at the same time doing as much as they can, under the zoning ordinance, for the folks who live on Ellenwood Place.

The ordinance is recorded in full in Ordinance Book 13, at Page 280.

PETITION NO. 62-23 BY MICHAEL G. PLUMIDES ET AL FOR CHANGE IN ZONING ON TRACT OF LAND ON SOUTH SIDE OF HUTCHINSON-MCDONALD ROAD, DEFERRED UNTIL NEXT COUNCIL MEETING.

Councilman Albea moved that Petition No. 62-23 by Michael G. Plumides and others for change in zoning from R-9 to B-2 of tract of land on the south side of Hutchinson-McDonald Road, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Bryant.

Councilman Whittington asked that before the vote is taken, the Planning Director show Council the map of the area in question, that he went out there yesterday and he wants to be sure that the property he saw was the property in question. He asked if Hutchinson-McDonald Road is the road that runs off

Statesville Road at the service station at Niven and if it is the property that has been cleared rather than the wooded area, that he saw no sign indicating the parcel of land under consideration. Mr. McIntyre stated when he saw the property two weeks ago he did not observe the cleared land. Mr. McIntyre advised that going north out of the city you turn right off Statesville Avenue; that the property in question is on a segment of Hutchinson-McDonald Road that leads off to the left of Statesville Avenue. He explained the location of the property in detail from the map, following which Councilman Whittington asked if the property in question is then not nearer Beatties Ford Road than Statesville Road and Mr. McIntyre stated it is.

Councilman Whittington offered a substitute motion that the matter be postponed until the next meeting for the reason that he has not seen the property that it is evident he looked at the wrong property yesterday. The motion was seconded by Councilman Thrower, and carried by the following recorded vote:

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

Councilman Albea stated he is voting against the motion as his motion was to uphold the Planning Board.

ACTION OF JUNE 18, 1962 APPROVING SUPPLEMENTARY CONTRACT WITH SAL RAILWAY FOR INSTALLATION OF 300 FEET OF WATER MAINS IN HOSKINS INDUSTRIAL AREA RESCINDED, AND SUPPLEMENTARY CONTRACT AUTHORIZED FOR INSTALLATION OF 1,810 FEET OF MAINS IN SAME AREA.

Councilman Whittington moved that Council action on June 18, 1962 approving a Supplementary Contract with the Seaboard Airline Railway Company, to contract dated October 30, 1961, for the installation of additional water mains at an estimated cost of \$3,000.00 in the Hoskins Industrial Area, outside the city limits, be rescinded and a new Supplementary Contract be authorized for the installation of 1,810 feet of main and three hydrants in the same area, at an estimated cost of \$13,720.00. All costs to be borne by the applicant, who will dedicate the mains and hydrants to the City without cost or further agreement upon acceptance of the work by the City. The motion was seconded by Councilman Albea, and unanimously carried.

AGREEMENT AUTHORIZED CO-SIGNED BY CITY WITH STATE HIGHWAY DEPARTMENT AND PILOT FREIGHT CARRIERS, INC., FOR RIGHT OF WAY IN WILKINSON BOULEVARD FOR THE CONSTRUCTION OF SANITARY SEWER LINE.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Department and Pilot Freight Carriers, Inc., for right of way in Wilkinson Boulevard, outside the city limits, for the construction of a sanitary sewer line.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of sanitary sewer lines at the following locations inside the city limits:

- (a) Construction of 458 ft. of sewer line in Interstate 85 Access Road, at an estimated cost of \$1,555.00. All cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

- (b) Construction of 230-ft. of sewer line in West Boulevard, at an estimated cost of \$1,270.00. All cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

AGREEMENTS WITH GUS COLLIAS AND LESLIE L. TAYLOR AND WIFE FOR THE MODIFICATION OF PROPERTY AS REQUIRED BY VERTICAL REALIGNMENT OF STREETS IN WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the following Agreements were authorized for the Modification of Property as Required by Vertical Realignment of Streets in the West Side Grade Crossing Elimination Project:

- (a) Agreement with Gus Collias for minor alterations, underpinning and sloping of an alley, of property at 510-12 and 514 West Fourth Street, between the Southern Railway and South Graham Street, at an estimated cost of \$1,225.00. No payment for damages involved.
- (b) Agreement with Leslie L. Taylor and wife, Louisa, for necessary alterations to property at 605 and 607 West Fifth Street, between the Southern Railway and Wilkes Place, at an estimated cost of \$1,320.00. No payment for damages involved.

CHANGE ORDERS AUTHORIZED IN CONTRACT OF LAXTON CONSTRUCTION COMPANY FOR CONSTRUCTION OF FIRE STATION #13 AND FOARD CONSTRUCTION COMPANY FOR CONSTRUCTION OF FIRE STATION #14.

Motion was made by Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, authorizing payment of the following Change Orders in connection with the construction of Fire Stations #13 and #14:

- (a) Change Order No. 1 in contract with Laxton Construction Company for the general construction of Fire Station #13, to add \$18.00 to the contract price, for furnishing and installing Blue Stone Sill, similar to those as specified for the other windows, for the entrance window, adjacent to the front door.
- (b) Change Order No. 3 in contract with Foard Construction Company for the general construction of Fire Station #14, to add \$18.00 to the contract price, for furnishing and installing Blue Stone Sill, similar to those as specified for the other windows, for the entrance window, adjacent to the front door.

SETTLEMENT OF CLAIM OF MRS BETTY LOU MCGLENN FOR INJURIES.

Councilman Jordan moved approval of the payment of claim of Mrs Betty Lou McGlenn, in the amount of \$12.50 as recommended by the City Attorney for x-rays and treatment in connection with stepping into an open valve box at South Graham and West Trade Streets from which the cover was missing. The motion was seconded by Councilman Whittington, and unanimously carried.

SETTLEMENT OF CLAIM OF CLAYTON MILLER, IN BEHALF OF SON IVEY MILLER, FOR INJURIES.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, payment of the claim of Mr. Clayton Miller in behalf of his son, Ivey Miller, age 7, in the amount of \$75.00 was authorized as

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recommended by the City Attorney, for injuries sustained from stepping on a broken water meter box cover and falling into the box.

CONTRACT AWARDED RICHLAND WRECKING COMPANY FOR DEMOLITION AND REMOVAL OF BUILDINGS IN RIGHT OF WAY FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Councilman Jordan moved the award of contract to Richland Wrecking Company, the low bidder, for the demolition and removal of buildings situated in the right of way for the West Side Grade Crossing Elimination Project, at their bid price of \$5,009.96. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Richland Wrecking Company	\$ 5,009.96
Norman's House Demolishing Co.	7,670.00
Crouch Bros House Moving Contractors, Inc.	16,170.00

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR AIRPORT IMPROVEMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Rea Construction Company for the construction of the Terminal apron overlay pavement at Douglas Municipal Airport, at their bid price of \$164,443.53.

The following bids were received:

Rea Construction Company	\$164,443.53
Blythe Brothers	171,875.91
Neal Hawkins	181,161.96
Thompson-Arthur Paving Company	184,022.82

CONTRACT AWARDED JOHN T. FOREMAN FOR AIRPORT IMPROVEMENT.

Councilman Dellinger moved the award of contract to the low bidder, John T. Foreman, for the construction of Runway marking at Douglas Municipal Airport, at their bid price of \$7,851.40. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

John T. Foreman	\$ 7,851.40
Interstate Working, Inc.	8,798.00
J. A. Reke	9,549.00

CONTRACT AWARDED BRYANT ELECTRIC COMPANY, INC. FOR AIRPORT IMPROVEMENT.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Bryant Electric Company for the construction of the Terminal apron lighting and Taxiway lighting at Douglas Municipal Airport, at their bid price of \$52,289.60.

The following bids were received:

Bryant Electric Company	\$ 52,289.60
Rockwell Radio and Electric Co.	55,582.80
F. E. Robinson Company	75,600.39

COUNCIL ACTION ON APRIL 24, 1962 RESCINDED AWARDING CONTRACT TO ACME VISIBLE RECORDS, INC. FOR CROSS REFERENCE FILE SYSTEM, AND NEW CONTRACT AWARDED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, Council action on April 24, 1962 awarding contract to Acme Visible Records for Cross Reference File System in the amount of \$1,179.58 was rescinded with the consent of the Company, and new contract awarded the Company, the low bidder, on bids received June 26th in the amount of \$1,519.82.

The following bids were received:

Acme Visible Records, Inc.	\$ 1,519.82
Remington Rand	1,571.11
Southern Business Systems, Inc.	2,921.38

CONTRACT AWARDED ELECTRIC ICE & FUEL COMPANY FOR 490 TONS OF STOKER COAL.

Councilman Albea moved the award of contract to the Electric Ice & Fuel Company, the low bidder, for 490 tons of Stoker Coal for the Airport Terminal, at their bid price of \$5,107.56. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Electric Ice & Fuel Company	\$ 5,107.56
H. V. Johnson & Son, Inc.	5,334.68

CONTRACT AWARDED WILMINGTON ELECTRIC SUPPLY COMPANY FOR TRAFFIC SIGNALS.

Upon motin of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, contract was awarded Wilmington Electric Supply Company, the low bidder, for Forty 1-way 3-section Span Wire Traffic Signals, at their bid price of \$2,090.90.

The following bids were received:

Wilmington Electric Supply Co.	\$ 2,090.90
Mill Power Supply Company	2,115.21
Westinghouse Electric Supply Co.	2,134.98
General Electric Supply Company	2,134.98
Traffic Engineers Supply Corp.	2,212.44
Marbelite Company, Inc.	2,388.43

The bid of Traffic Signals, Inc., in the amount of \$1,697.44 did not meet the specifications.

CONTRACT AWARDED ALLIED CHAIN LINK FENCE COMPANY FOR FENCE.

Councilman Dellinger moved the award of contract to Allied Chain Link Fence Company, the low bidder, for 579 feet of Chain Link Fence including Gate, at their bid price of \$1,150.48. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Allied Chain Link Fence Co.	\$ 1,150.48
Cyclone Fence Company	1,292.94
Allison Fence Company	1,325.91
Anchor Fence Division	1,351.34
Atlantic Fence Company	1,448.46
Charlotte Fence Builders	1,465.54

CONTRACT AWARDED MORGAN SAWMILLS FOR THE SALE OF TIMBER ON IRWIN CREEK DISPOSAL PLANT PROPERTY.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, contract was awarded Morgan Sawmills, Gold Hill, N. C., the high bidder, for the sale of 433,000 feet of timber on the Irwin Creek Disposal Plant Property, at their bid price of \$13,730.00.

The following bids were received:

Morgan Sawmills	\$ 13,730.00
Hoke Lumber Company	13,500.00
Abernathy Lumber Company	11,910.00

CONTRACT AWARDED NORMAN'S HOUSE DEMOLISHING COMPANY FOR DEMOLITION OF 8 BUILDINGS IN RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

Councilman Albea moved the award of contract to Norman's House Demolishing Company, the low bidder, for the demolition of eight buildings in the right of way for the Northwest Expressway, at their bid price of \$1,700.00. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Norman's House Demolishing Co.	\$ 1,700.00
Robertson House Moving & Wrecking Co.	1,903.00
Richland Wrecking Company	2,150.00

The following bids did not meet specifications:

McAllister House Wrecking Service	1,062.50
W. J. Crosby, Jr.	1,350.00
Paul Pegues	1,450.00

BUDGET ORDINANCE FOR FISCAL YEAR 1962-63, INCORPORATING TAX RATE OF \$1.50, ADOPTED.

Councilman Dellinger moved the adoption of the Budget Ordinance, as presented with the adjustments made in the Conference session today, making appropriations and levying taxes for the operation of the city government for the fiscal year 1962-63 at a tax rate of \$1.50. The motion was seconded by Councilman Whittington, who stated he thinks the Council has worked hard and diligently on the budget to keep the tax rate again at \$1.50, and he feels the items put back in the Budget today was good business.

Mayor Brookshire stated he thinks Council deserves the comments made by Mr. Whittington relative to the preparation and adoption of the budget and the same remarks might be extended to include Mr. Veeder, Mr. Bobo, Mr. Brooks and all the Department Heads who worked with Mr. Veeder on the budget, they all did a fine job. Councilman Dellinger stated he thinks the Mayor should be included, that he thinks he was mighty patient in all the budget meetings.

The Ordinance is recorded in full in Ordinance Book 13, beginning at Page 275.

INSTALLATION OF TRAFFIC SIGNAL AUTHORIZED AT SUGAW CREEK ROAD AND THE PLAZA.

Councilman Thrower moved that \$1,800.00 be transferred from the Contingency Fund for the installation of a Traffic Signal at Sugaw Creek Road and The Plaza. The motion was seconded by Councilman Dellinger, and unanimously carried.

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ADOPTION OF PROPOSED PAY PLAN DEFERRED UNTIL NEXT MEETING.

The City Manager suggested it would be in order to formally adopt the proposed Pay Plan.

Councilman Whittington advised it was decided in the Conference session that Council is not ready to adopt it today, as there were some other considerations they wish to make.

The City Manager stated the next meeting will be on July 16th and the Pay Plan is scheduled for implementation on July 30th; that there is a fair amount of paper work to be done and if the changes Council has in mind contemplates changing some of the pay ranges, he assumes the paper work can be completed between the 16th and 30th, but there is the possibility of it having to be back dated again. Councilman Dellinger asked if the Pay Plan could not be adopted today and any changes be made retroactive? Mr. Veeder stated that if the Pay Plan was adopted today it would give him from now until the 16th to do the paper work, and any changes made on the 16th could be included then and become effective on the 30th.

Councilman Dellinger stated he thinks it is the better plan to defer action on the Plan until the next meeting on July 16th. The motion was seconded by Councilman Whittington, and unanimously carried.

APPLICATION FOR DETECTIVE LICENSE TO W. R. STROUPE APPROVED.

The City Manager advised that six applications for Detective Licenses have been received from person working for Merchants Patrol, Inc; the applications have been checked by the Police Department and only one, Mr. W. R. Stroupe, has a State License.

Councilman Dellinger moved the approval of only the application of Mr. W. R. Stroupe, which was seconded by Councilman Whittington, and unanimously carried.

CHECK BY UNFIT HOUSING DIVISION OF NORTH GRAHAM STREET, FROM WEST 6TH STREET TO WEST 11TH STREET REQUESTED.

Councilman Whittington asked that an inspection be made under the Unfit Housing Program of North Graham Street, from West 6th Street to West 11th Street.

SUMMER SCHEDULE FOR COUNCIL MEETINGS ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the summer schedule for regular Council Meetings on July 16th, 30th, August 13th, and 27th and September 10th was adopted.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk