

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 25, 1960 at 3 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Babcock.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on July 18th were approved as corrected on Page 488, in lines 2 and 3 of the second paragraph of the item regarding the request for the extension of water lines to Charlotte and Carver College sites to read, "\$127,000 to get water to Charlotte College" and "the City budget \$10,700 to get water to Carver College."

ORDINANCE NO. 683 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE TO REZONE PROPERTY ON BOTH SIDES OF SUNNYSIDE AVENUE FROM HOUSE NO. 621 TO HOUSE NO. 910, FROM R-2 TO O-I, ON PETITION OF SUNNYSIDE AVENUE RESIDENTS, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, Ordinance No. 683 Amending Chapter 21, Article I, Section 2 of the City Code changing the zoning from R-2 to O-I, on property on both sides of Sunnyside Avenue, from House No. 621 to House No. 910, was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 1.

Councilman Albea gave an explanation of his vote contrary to the recommendation of the Planning Board that about a month ago he voted to over-ride the Planning Board and he is just voting consistently.

ORDINANCE NO. 684 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE TO REZONE PROPERTY ON THE WEST SIDE OF GLENN STREET, NORTH OF CENTRAL AVENUE, FROM R-1 TO R-2, ON PETITION OF MRS W.A. WEIR, ADOPTED.

Councilman Hitch moved the adoption of Ordinance No. 684 Amending Chapter 21, Article I, Section 2 of the City Code rezoning property on the west side of Glenn Street, from R-1 to R-2, as recommended by the Planning Board. The motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 2.

ORDINANCE NO. 685 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE TO REZONE PROPERTY AT THE SOUTHWEST CORNER OF HERRON AND YORK ROADS, FROM RURAL TO B-1, ON PETITION OF S.H. Roddy, ADOPTED.

Upon motion of Councilman Hitch, seconded by Councilman Myers, and unanimously carried, Ordinance No. 685 to rezone property at the southwest corner of Herron and York Roads, from Rural to B-1, on petition of S. H. Roddy, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 3.

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ORDINANCE NO. 686 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE TO REZONE PROPERTY ON THE NORTH SIDE OF GONDOLA AVENUE EAST OF SUGAW CREEK ROAD, FROM R-2 TO B-1, ON PETITION OF W. R. MINCEY, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, adopting Ordinance No. 686 to rezone property on the north side of Gondola Avenue, east of Sugaw Creek Road, from R-2 to B-1, on petition of W. R. Mincey as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 4.

ORDINANCE NO. 667 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE TO REZONE PROPERTY ON THE NORTH SIDE OF HUNTLEY PLACE, EAST OF PROVIDENCE ROAD, FROM R-1 TO B-1, ON PETITION OF MRS. ELIZABETH W. MYERS, DEFERRED.

Councilman Hitch moved that Ordinance No. 667 Amending Chapter 21, Article I, Section 2 of the City Code to change zoning on property on the north side of Huntley Place, from R-1 to B-1, be adopted to allow B-1 zoning for a depth of 275-feet from Providence Road, but not on the triangular shaped parcel of land fronting on Huntley Place, which he understands just clears the house.

Councilman Dellinger expressed strong opposition to any change in zoning of the property, stating the property was originally zoned R-1 for a depth of 250-feet, which was substantiated in a letter to the former owner, Mr. Hemby, when he applied to the Zoning Board of Adjustment for use of the property for business purposes.

At the request of Councilman Hitch, Mr. McIntyre, Planning Director, explained the details of the present petition of Mrs Myers for the change and the notice of the hearing as advertised. Councilman Albea stated that owing to all the confusion, he moved that it be thrown out and the Planning Board start over all from scratch. The motion did not receive a second. Councilman Dellinger moved that the Planning Board be over-ruled and the R-1 zoning remain for the 250 feet as originally zoned. The motion was seconded by Councilman Whittington. Councilman Myers stated that in view of the confusion as to where the property line is and the present owner being advised it was 275 feet, he feels the Council is in an embarrassing position and he offered a substitute motion that the Ordinance be adopted granting the rezoning on 275 feet. The motion was seconded by Councilman Hitch. Councilman Dellinger again stated the 250 feet was established some six years ago and was for the protection of the other property owners. Councilman Hitch then offered a second substitute motion that the matter be deferred and the letter referred to by Councilman Dellinger be presented and information be obtained as to who gave the information to the present owners as to the depth of the property. The motion was seconded by Councilman Albea, and carried by the following recorded vote:

YEAS: Councilmen Hitch, Albea, Myers and Smith.
NAYS: Councilmen Dellinger and Whittington.

UNNAMED STREET WEST OF NORTH TRYON STREET BETWEEN SUGAW CREEK ROAD AND CRAIGHEAD ROAD NAMED "GLORY STREET".

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the unnamed street west of North Tryon Street, between Sugaw Creek Road and Craighead Road was named Glory Street as petitioned for by the residents of the street and recommended by the Planning Board.

LICENSES TO OPERATE AS PRIVATE DETECTIVES FOR CAROLINA DETECTIVE AGENCY AUTHORIZED ISSUED TO LEWIS C. COOKE AND MELVIN O. SMITH.

Councilman Albea moved approval of the issuance of licenses to Mr. Lewis

C. Cooke and Mr. Melvin O. Smith to operate as private detectives for Carolina Detective Agency. The motion was seconded by Councilman Hitch, and unanimously carried.

REFUND OF WHOLESALE MERCHANT LICENSE TAX FOR YEAR 1959-60 AUTHORIZED MADE TO REXAIR SALES & SERVICE.

Upon motion of Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, the refund of \$89.10 for the Wholesale Merchants License Tax for the year 1959-60 paid in error was authorized to Mr. Harold R. Biddix, owner of Rexair Sales and Service, as recommended by the City Attorney.

CHANGE ORDER IN CONTRACT WITH PATE ELECTRIC COMPANY FOR ELECTRICAL WIRING FOR AIR CONDITIONING CITY HALL APPROVED.

Motion was made by Councilman Hitch, seconded by Councilman Albea, and unanimously carried, authorizing payment of Change Order in the contract with Pate Electric Company for electrical wiring for Air conditioning the City Hall, in the amount of \$37.75 for the relocation of one air conditioning unit requiring an additional 50 feet of conduit and wiring.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Harriet Hammond Gregg for Perpetual Care on Lot 3, Section F, Elmwood Cemetery, at \$201.60.

CERTIFICATES OF RECOGNITION FOR COMMENDABLE SERVICE TO THE CITY PRESENTED EMPLOYEES OF THE CEMETERY DEPARTMENT.

Mayor Smith presented Certificates of Recognition for Commendable Service to Mr. Eugene Reid for 38 years service and to Mr. Jerod H. Hill for 39 years service to the City in the Cemetery Department upon their retirement.

SETTLEMENT OF CLAIM OF ESTATE OF FRANK T. MILLER FOR ENGINEERING SERVICES IN CONNECTION WITH THE PROPOSED EAST FOURTH STREET UNDERPASS.

The City Manager presented a letter from the City Attorney stating a settlement of the claim of the Estate of Frank T. Miller for engineering services in connection with the proposed East Fourth Street underpass has been reached with Mr. F. T. Miller, Jr., Executor of the Estate, in the total amount of \$18,139.53; \$18,000.00 of which amount represents 8% of the estimated cost of \$225,000.00 for engineering services, plus \$90.43 telephone calls and \$49.10 travel expenses for a conference in connection with the claim. Mr. Shaw, City Attorney, recommended that this settlement be accepted by the Council. Councilman Smith moved that the settlement be accepted and payment in the amount of \$18,139.53 be made and that the City obtain all plans for the Underpass and a release from all future claims in connection therewith. The motion was seconded by Councilman Hitch, and unanimously carried.

MEDAL OF VALOR TO BE POSTHUMOUSLY AWARDED WIFE OF OFFICER JOHN R. ANNAS.

The City Manager presented a request from Chief James that a Medal of Valor be posthumously awarded to Police Officer John R. Annas in recognition of his courage and devotion to the performance of duty on May 21, 1960 resulting in the lost of his life. Councilman Smith moved that the Medal be awarded posthumously to Mrs. Annas. The motion was seconded by Councilman Dellinger, and unanimously carried.

PAYMENT AUTHORIZED TO DR. A. J. COOK AND WIFE IN SETTLEMENT FOR SANITARY SEWER RIGHT-OF-WAY ACROSS THEIR PROPERTY IN SHERIDAN DRIVE.

Upon motion of Councilman Hitch, seconded by Councilman Smith, and unanimously carried, \$278.68 was authorized paid to Dr. A. J. Cook and wife in settlement for sanitary sewer right-of-way across their property in Sheridan Drive.

WIDENING OF PROVIDENCE ROAD FROM QUEENS ROAD TO CASWELL ROAD AND EXTENSION OF EAST THIRD STREET FROM CASWELL ROAD TO INDEPENDENCE BOULEVARD AUTHORIZED.

The City Manager presented a letter from the City Engineer stating the State Highway Commission has officially approved the plans and right-of-way maps for the widening of Providence Road from Queens Road to Caswell Road and the extension of East Third Street from Caswell Road to Independence Boulevard; that the total value of the project is estimated at \$300,000; that Mr. Burgin, Division Engineer of the State Highway Department has agreed that if the City will allocate \$120,000 to the project, the Highway Commission will complete the project, including right-of-way acquisition, construction contracts and inspection. The City Manager recommended that an allocation of Street Bond Funds in the amount of \$120,000 be made as the City's share of the cost, contingent upon the signing of an acceptable participation contract with the State Highway Commission. Councilman Dellinger moved that the City proceed with the improvement project as outlined. The motion was seconded by Councilman Albea, and unanimously carried.

Councilman Smith stated he wants it clearly understood here, and that the press carry it, that Fifth Street project will be carried to completion.

RESOLUTION RELATIVE TO THE RELOCATION OF THE SEABOARD AIR LINE RAILROAD COMPANY'S FREIGHT STATION AND FACILITIES.

A resolution entitled: "Resolution Relative to the Relocation of the Seaboard Air Line Railroad Company's Freight Station and Facilities" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Hitch, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 34.

CHANGE ORDERS IN CONTRACTS OF HARTMAN CONSTRUCTION COMPANY, ENGINEERING, INC. AND HUNTER ELECTRIC COMPANY FOR REPAIRS & IMPROVEMENTS TO POLICE DEPT. BUILDINGS, FOR ADDITIONAL WORK TO LOWER ACOUSTICAL TILE CEILING ON MAIN FLOOR, APPROVED.

Motion was made by Councilman Hitch, seconded by Councilman Smith, and unanimously carried, authorizing Change Orders in the contracts for the repairs and improvements to the Police Dept. Buildings to lower the acoustical tile ceiling on the main floor, as follows:

Hartman Construction Co.	Change Order #1	\$ 619.00
Engineering, Inc.	Change Order #1	\$ 841.00
Hunter Electric Co.	Change Order #1	\$ 100.00
	Total Amount	<u>\$1,560.00</u>

Councilman Dellinger stated he thinks something should be done to the Recorder's Court Room to improve the acoustics. The City Manager advised he has discussed this with the Architect, who stated it would not be advisable to drop the ceiling in the Court Room although the present contract provides for it. Councilman Dellinger then requested that the City Manager investigate the advisability of removing the sky-light in the Court Room and putting in a new ceiling and new lights.

RESOLUTION CALLING FOR A PUBLIC HEARING ON AUGUST 22, 1960 ON THE BROOKLYN AREA GENERAL NEIGHBORHOOD RENEWAL PLAN.

A Resolution entitled: "Resolution Calling for a Public Hearing on August 22, 1960 on the Brooklyn Area General Neighborhood Renewal Plan" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Smith, was adopted by the following recorded vote:

YEAS: Councilmen Dellinger, Smith, Albea, Hitch and Whittington.
NAYS: Councilman Myers.

Councilman Albea expressed objections to the date of the hearing as he will have to be out of the city attending a convention and would like very much to have it on a date when he can be present.

The resolution is recorded in full in Resolutions Book 4, at Page 35.

ANNUAL EVALUATION STUDY OF FIREMEN'S RETIREMENT SYSTEM AUTHORIZED MADE BY BOWLES, ANDREWS AND TOWNE, ACTUARIES, AUTHORIZED.

The City Manager stated that the Act establishing the Charlotte Firemen's Retirement System provides that the Trustees shall annually request the City to employ a qualified actuary to make a study of the System for presentation to the City Council; that such actuary shall be a member or associate member of the Society of Actuaries or the Conference of Actuaries in Public Practice. He advised further that the Trustees have contacted Bowles, Andrews & Towne of Atlanta relative to making the study which was previously made by them, and they have advised their fee to perform a complete valuation will be in the range of \$1,200 to \$1,500. Mr. Veeder stated the money would come from funds appropriated for expenses of the Firemen's Retirement Fund. Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the employment of Bowles, Andrews & Towne at a price not to exceed \$1,500.00 was authorized.

ENGINEERING STUDIES AUTHORIZED STARTED ON EAST FIFTH AND SIXTH STREETS IN ANTICIPATION OF PUTTING THESE STREETS ON THE TOP PRIORITY LIST.

Councilman Dellinger moved that the City Manager instruct the Engineering Department to proceed with engineering studies for the widening and extending of East Fifth and Sixth Streets in anticipation of putting these streets on the top priority list. The motion was seconded by Councilman Albea, and unanimously carried. At the question of Councilman Hitch if the City Manager concurs in the motion, Mr. Veeder replied that he thinks it is good business to get the engineering work started.

CITY MANAGER REQUESTED TO INVESTIGATE ADVISABILITY OF CONSTRUCTING FOOTBRIDGE OVER MELROSE LANE AND OBTAINING INFORMATION AS TO NUMBER OF SCHOOL CHILDREN WHO WILL USE IT.

Councilman Dellinger presented a request he has received that a footbridge be constructed over Melrose Lane for the use of some 100 to 200 school children in the area and to shorten their walk to both Woodlawn and the Catholic School in the area; he stated there are no sidewalks on Woodlawn and Park Roads and it is dangerous for school children to use these widely traveled streets. Councilman Myers asked that the City Manager also obtain information as to the number of school children who will use the bridge.

GARBAGE TRUCKS WITHOUT TOPS REQUESTED COVERED IN RESIDENTIAL AREA TO PREVENT DEBRIS FROM BEING SCATTERED.

Councilman Dellinger requested the City Manager to have covers placed over those garbage trucks without tops while in service in the residential areas to prevent the debris from the trucks being scattered over the area.

CITY MANAGER DIRECTED TO ACQUIRE PLANT SITE AND RIGHT-OF-WAY FOR SANITARY SEWER PROJECT.

Councilman Dellinger moved that the City Manager be instructed to proceed with the sewer program as outlined by J. N. Pease and Company several weeks ago, and to acquire the plant site and the rights-of-way. The motion was seconded by Councilman Alba, and unanimously carried.

CITY MANAGER REQUESTED TO ADVISE WHEN STREET LIGHTS WILL BE INSTALLED IN 4000 BLOCK OF NORTH TRYON STREET.

Councilman Dellinger requested the City Manager to ascertain when street lights will be installed in the 4000 block of North Tryon Street.

OBJECTIONS EXPRESSED TO METHODS USED RELATIVE TO TOWING IN OF ILLEGALLY PARKED CARS.

Councilman Dellinger expressed objections to the method used in the tow-in of illegally parked cars. He stated the report from Chief James on the subject offers no solace and he is of the opinion that the methods should be rectified; that the period of 45-minutes it takes for a person to recover his towed-in car should be reduced; that he would suggest when a car is pulled in a card to identify the owner should be given him; that cars are being damaged by the manner in which Wrecker Companies are towing them and he thinks the companies should use a tow-bar, and he feels the Police Department should be responsible when damage occurs; that persons whose cars are towed-in should be treated more courteously. Councilman Hitch expressed concurrence in reducing the damage to the cars and in the length of time it requires to recover a car. Councilman Smith called attention that the tow-in notice is too close to the bottom of the meter standard and requested the City Manager to have the sign placed in a more prominent position on the standard.

CITY MANAGER REQUESTED TO OBTAIN POLICE CONSOLIDATION SURVEY BROUGHT UP TO DATE BY INSTITUTE OF GOVERNMENT.

Councilman Smith stated the Police Consolidation Committee has requested the Institute of Government to bring their Survey up to date and he has asked the City Manager to endeavor to obtain the report from them.

CITY MANAGER REQUESTED TO ADVISE RELATIVE TO THE INSTALLATION OF TRAFFIC SIGNAL AT 16TH AND N. BREVARD STREETS.

Councilman Whittington requested the City Manager to advise relative to the installation of a traffic signal at 16th and N. Brevard Street, which he requested some six months ago, at which time the Traffic Engineer said something about having to work it out with the Railroad Company. Councilman Whittington stated further that the traffic becomes more acute every day at this location.

REQUEST THAT CITY PUT DOWN TAR AND GRAVEL FOR IMPROVEMENTS AT HERRON ROAD AND YANCEY STREET AND W.M. MURRAY, OWNER OF BUSINESS AT THE INTERSECTION WILL PAY PORTION OF COST OF THE IMPROVEMENT, REFERRED TO CITY MANAGER FOR REPORT.

Councilman Whittington referred to the revolving fund for street improvements requested by the City Engineer and set up in the new budget; he advised that Mr. W. M. Murray, Murray Distributing Company, located at the intersection of Herron Road and Yancey Street, is willing to pay his

part to have the street improved if the city will put down tar and gravel, and he thinks he should receive the needed aid. Councilman Dellinger stated he has read a report on the revolving fund and understands improvements will be paid by the property owners over a period of years. Councilman Whittington asked the City Manager to check into the matter and advise.

CITY MANAGER REQUESTED TO REPORT COST ESTIMATE FOR RELOCATING FIRE HYDRANT FROM IN FRONT OF DILWORTH METHODIST CHURCH TO CORNER AND TO ASCERTAIN IF CHURCH WILL BEAR PORTION OF COST.

Councilman Hitch reported that the Reverend H. L. Creech, Pastor of Dilworth Methodist Church, has requested that the fire hydrant located midway in front of the church be relocated at the corner of the block. Councilman Hitch requested the City Manager to advise the Council the cost and to call and ask Mr. Creech if and what portion of the cost they will bear. Councilman Whittington stated the Water Department advises the cost will be \$1,200.00; however, the hydrant is in a bad location and interferes with church activities and funerals and he thinks it should be moved. The City Manager stated this has been brought to his attention previously, and the Superintendent of the Water Department has looked at it and advises he will move it at the expense of someone else as the hydrant was there when the church was built.

CITY MANAGER GIVES REPORT ON QUESTION OF UNITED COMMUNITY SERVICES APPROPRIATING FUNDS FOR TRAFFIC SAFETY PROGRAM.

Mr. Veeder, City Manager, advised that as requested by Council last week, he has talked with Mr. Terrell, Chairman of the Safety Council, relative to the adverse reaction of UCS toward funds for the traffic safety program, and that Mr. Terrell is not discouraged at all and believes something can be worked out. That in view of this, he thinks the funds allocated in the budget for this purpose should be left there; however, he had relied on his memory as to the amount required being \$5,000.00 when in fact it was \$10,000 and he feels it is most important that the amount be increased in the budget to \$10,000.00. Councilman Hitch advised that it was not UCS who acted unfavorably on the proposal but the Social Planning Council and it has not yet gotten to the UCS.

CHANGES IN STATE HIGHWAY SYSTEM WITHIN CITY LIMITS OF CHARLOTTE APPROVED BY STATE HIGHWAY COMMISSION.

The City Manager presented a letter from the Planning Engineer of the State Highway Commission advising the Highway Commission has mutually approved the changes in the State Highway System within the city limits of Charlotte as outlined in the resolutions adopted by the Council on May 16 and June 27 which were forwarded him by the City Engineer, which changes are considered to be effective as of June 30, 1960 as specified in the resolutions.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned until 5:00 o'clock p.m., on Thursday, July 28th, in the Council Chamber, for the purpose of adopting the Budget Appropriation and Tax Rate Ordinance for the fiscal year 1960-61.


Lillian R. Hoffman, City Clerk

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