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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, October 16, 1961, at 2 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Board members, Mr Sibley, Chairman, Mr. Delaney, Mr Ervin, Mr. Hanks, Mr. Toy, Mr. Turner and Mr Ward were present during the hearings on petitions for zoning changes.

ABSENT: Messrs. Craig, Jones and Lakey.

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INVOCATION.

The invocation was given by Monsignor J. P. Manley, St. Patrick's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, the Minutes of the last meeting on October 9, 1961 were approved as submitted.

HEARING ON ORDINANCE NO. 45-Z AMENDING CHAPTER 23, ARTICLE I, SECTION 23-8 OF THE CITY CODE BY HAVING BUILDING ZONE MAP OF CHARLOTTE AMENDED BY CHANGING FROM R-2 TO B-1 PROPERTY LOCATED AT 200-19 S. TORRENCE STREET, ON PETITION OF WINCHESTER SURGICAL SUPPLY COMPANY.

The scheduled hearing was held on Ordinance No. 45-Z Amending Chapter 23, Article I, Section 23-8 of the City Code by having Building Zone Map of Charlotte amended by changing from R-2 to B-1 property located at 200-19 S. Torrence Street, on petition of Winchester Surgical Supply Company.

Mr. McIntyre, Planning Director, stated the property consists of three lots fronting on Torrence Street, presently used residentially; is adjoined by R-2 zoning, with exception of one lot at the rear; that across Torrence Street is developed residentially and extends on Fourth Street, with general commercial uses beyond on Fourth Street. The property lies one-half block from Independence Boulevard.

Mr Howard Arbuckle, Attorney for the petitioner, stated the three lots were united under one ownership April 19, 1960 as the site for a building similar to the one presently occupied by Winchester Surgical Supply Company at 119 East 7th Street. That the reason they are moving from the uptown location is when they located on East 7th Street all the doctors and hospitals, whom they serve, were uptown and have now moved further out. That in 1958, the zoning was changed on the adjoining lot on Torrence Street to B-1 and the release of residential deed restrictions in the block was obtained to permit uniform development, which will enable development to the maximum potential and benefit the surrounding area. He stated he understands their proposed building does not coincide with zoning theory, as it will be offices and also a warehouse for hospital and surgical equipment;

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however, there will be ample off-street parking and all trucking will be at the rear of the building. He stated further if it is zoned for Office use only, it would result in low grade offices, whereas, theirs will be high grade business. That the Planning Board proposes three different zoning classifications for these three small pieces of property, and they urge that all 3 lots be zoned Business to conform with the adjoining lot; that under the New Zoning Ordinance, they ask that it be zoned B-1, which is the highest type business zoning.

Mr. Turner, Planning Board member asked if Third Street Extension will not take part of the right of way on Shorter Avenue? Mr Arbuckle replied they have land to spare, as their building will be on two lots and the parking on one entire lot, which they can reduce if part is required for the right of way and still have a very large parking area.

No opposition was expressed to the proposed zoning.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 46-Z AMENDING CHAPTER 23, ARTICLE I, SECTION 23-8 OF THE CITY CODE BY HAVING BUILDING ZONE MAP OF CHARLOTTE AMENDED BY CHANGING FROM R-2 TO R-3 PROPERTY BOUNDED ON EAST BY BRIAR CREEK, ON SOUTH BY WATERLOO PLACE, ON WEST BY BRIAR CREEK AND ON NORTH BY EDWARDS BRANCH.

The public hearing was held on Ordinance No. 46-Z Amending Chapter 23, Article I, Section 23-8 of the City Code by having the Building Zone Map of Charlotte amended by changing from R-2 to R-3 the property bounded on the east by Briar Creek, on the south by Waterloo Place, on the west by Briar Creek and on the north by Edwards Branch, on petition of D. L. Phillips Builder of North Carolina.

Mr McIntyre, Planning Director, stated the tract extends off Briar Creek between Monroe Road and Independence Boulevard behind Chantilly School property; that it contains 12.09 acres and is adjoined by Waterloo Place; that the property is across from the parking lot serving the Merchandise Mart; is adjoined by R-2 zoning on both sides except the parking lot, which is zoned for Business.

Mr Dwight Phillips stated the property consists of 14 acres and there is no connection between this and Chantilly School property; that on Waterloo Place, his Company owns two houses with lots 400 feet deep and there are only two houses and a duplex on Waterloo his Company does not own. He stated he cannot explain their plans for developing the property but he assured Council if it is zoned R-3 they will build something of which the City can be very proud.

No opposition was expressed to the requested zoning.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 47-Z AMENDING CHAPTER 23, ARTICLE I, SECTION 23-8, OF THE CITY CODE BY HAVING THE BUILDING ZONE MAP OF CHARLOTTE AMENDED BY CHANGING FROM R-1 AND R-2 TO B-1 THE TWO LOTS AT THE NE CORNER OF CENTRAL AVENUE AND LONGFELLOW STREET, ON PETITION OF JAMES R. PURSER.

The scheduled hearing was held on Ordinance No. 47-Z Amending Chapter 23, Article I, Section 23-8 of the City Code by having the Building Zone Map of Charlotte amended by changing from R-1 and R-2 to B-1 the two 62-foot lots at the northeast corner of Central Avenue and Longfellow Street, on petition of James R. Purser.

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Mr McIntyre, Planning Director, stated the property consists of two lots of vacant property, adjoined on the east by single-family residences, and across from the property is Eastway Shopping Center, and the land is vacant on down Central Avenue.

Mr Ray Rankin, Attorney for the petitioner, stated in this block there is only the Cooper residence. In the proposed zoning ordinance the entire area has been proposed O-6; that Mr Purser asks that Council decide on the zoning before the new zoning ordinance goes into effect as he wishes to erect an office building which Duke Power Company wants on a long term lease for service and convenience of this section of the city.

Mr Horace Carroll, filed a petition signed by twenty property owners on Central Avenue and Longfellow Street, who oppose the change in zoning from residential. He stated his own lot is immediately behind the property in question and Mrs Fred W. Cooper owns the property adjoining on the side and opposes the change from residential. That under the new zoning ordinance it is proposed for O-6 which they can go along with but not B-1.

Mrs Fred W. Cooper stated they sold the property to Mr Purser with the understanding a residence would be built on it; that Mr Purser came to see them saying he now wants to put up the Duke Power Company building and they object; that in the last seven or eight years four new houses have been built on Longfellow Street and they object to B-1 zoning.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 48-Z AMENDING CHAPTER 23, ARTICLE I, SECTION 23-8 OF THE CITY CODE BY HAVING THE BUILDING ZONE MAP OF CHARLOTTE AMENDED BY CHANGING FROM R-2 TO B-1 THE PROPERTY LOCATED AT 2728 STATESVILLE AVENUE, ON PETITION OF MRS EDNA D. EDMONDS.

The public hearing was held on Ordinance No. 48-Z Amending Chapter 23, Article I, Section 23-8 of the City Code by having the Building Zone Map of Charlotte amended by changing from R-2 to B-1 the property located at 2728 Statesville Avenue, on petition of Mrs Edna D. Edmonds.

The Planning Director stated the property consists of three lots fronting on Statesville Avenue occupied by a restaurant and parking facilities; it is adjoined by property zoned for business and is generally surrounded by residential developments except an Industrial zone touches the front corner of the property. That in the new zoning ordinance the property is proposed for B-1 zoning.

Mr Marvin Overcash, speaking for Mrs Edmonds, stated they wish to build a modern restaurant and get started promptly.

Mr Russell Robinson, Attorney, representing residents of the area surrounding opposed to the change in zoning, stated the new zoning ordinance proposes O-6 zoning but they say it is illogical to bring business south of Norris Avenue. He advised the area is developed residentially; there is a playground across Statesville Avenue. He advised their main objection is because of the increased traffic business will bring in, and the situation will be hopeless.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 49-Z AMENDING CHAPTER 23, ARTICLE II, SECTION 23-43 OF THE CITY CODE BY HAVING BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA AMENDED BY CHANGING FROM RURAL TO B-1 THE PROPERTY ON THE EAST SIDE OF AIRPORT ROAD, BETWEEN ASHLEY CIRCLE AND JACKSON DRIVE, ON PETITION OF A. T. WITHEROW.

The scheduled hearing was held on Ordinance No. 49-Z Amending Chapter 23, Article II, Section 23-43 of the City Code by having the Building Zone Map of the Charlotte Perimeter Area amended by changing from Rural to B-1 the property on the east side of Airport Road, between Ashley Circle and Jackson Drive, on petition of A. T. Withrow.

Mr McIntyre, Planning Director, stated the property lies across from the property owned by the city; that across from Jackson Drive there is a duplex and multi-family development, otherwise the surrounding area is vacant.

Mr Joe Grier, Attorney for the petitioner, stated Mr Withrow owns the business establishment on the property; that the proposed zoning in the new ordinance is for business use. That at the request of people in his apartment, he wishes to establish a laundromat for their use on the property.

No opposition to the proposed zoning was expressed.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 50-Z AMENDING CHAPTER 23, ARTICLE II, SECTION 23-43 OF THE CITY CODE BY HAVING THE BUILDING ZONE MAP OF CHARLOTTE PERIMETER AREA AMENDED BY CHANGING FROM R-1 TO R-2 THE PROPERTY ON THE WEST SIDE OF CHELTENHAM ROAD, BETWEEN TYNG WAY AND WOODLARK LANE, ON PETITION OF CEDAR HILLS, INC. AND LEON J. KRAFT.

The public hearing was held on Ordinance No. 50-Z Amending Chapter 23, Article II, Section 23-43 of the City Code by having the Building Zone Map of the Charlotte Perimeter Area amended by changing from R-1 to R-2 the property on the west side of Cheltenham Road, between Tyng Way and Woodlark Lane, on petition of Cedar Hills, Inc. and Leon J. Kraft.

The Planning Director advised the petition covers two lots fronting on Cheltenham Road. Apartments occupy the lot across the street; adjoining the property is a duplex and the surrounding area is about 50% R-1 and 50% R-2.

Mr Sol Lavine, Attorney appearing in place of Mr Irvin Boyle, stated they are speaking about Lots 11 and 12; that all lots on Woodlark and all lots on Cheltenham, which face Cotswold Apartments, are zoned R-2 to complete a buffer between single-family residences and apartments.

Councilman Whittington asked what the new zoning ordinance recommendation is and Mr McIntyre stated R-15.

Mr Alex Bennick and Mrs Norris Crigler, residents of Tyng Way objected strongly to the change in zoning because they think it will be too crowded with duplexes on these lots and they do not think duplexes should be added here among single-family residences; too, they were told the property would be used only for R-1 usage.

Council decision was deferred until the next meeting.

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COUNCIL TO CONFER WITH PLANNING BOARD ON PROPOSED ZONING ORDINANCE AND MAPS AND VISIT THE PROPERTIES ON WHICH THE ZONING WAS OBJECTED TO AT THE HEARINGS.

Councilman Whittington moved that when the hearings are completed on the new zoning ordinance that the Council and the Planning Commission have a conference on the proposed ordinance and maps and get the Bus Company to furnish a bus and visit each of the properties to which objections as to the proposed zoning was raised at the hearings. The motion was seconded by Councilman Albea, and unanimously carried. The City Manager stated he is of the opinion it should be planned as an all day trip, while Councilman Dellinger expressed the opinion it will take two days.

CITY MANAGER REQUESTED TO CHECK INTO REQUEST THAT FERNCLIFF ROAD BE WIDENED ON BOTH SIDES OF STREET TO SPARE TREE AT CORNER OF FERNCLIFF AND PROVIDENCE ROADS.

Mrs Warren Rees stated they reside on Queens Road and moved as their house was in the path of the extension of East 3rd Street and they moved to Ferncliff Road, which is now going to be widened, and it really needs it badly. However, a large oak tree in their yard, at the corner of Ferncliff and Providence Roads, which shades the bedroom of her husband's elderly parents, is due to be moved for the widening. She stated they feel it would be much fairer to widen Ferncliff from both sides of the street and thus spare the tree and urged that this be done.

Councilman Dellinger moved that the City Manager have the Engineering Department check the location and see what can be done and give Council a report at the next meeting. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER REQUESTED TO INVESTIGATE AND REPORT ON REQUEST THAT DEBRIS BE REMOVED FROM PROPERTY OF M. LEE HEATH ADJOINING REAR OF PROPERTY OF W. M. KIRKPATRICK IN 1500 BLOCK OF THOMAS AVENUE.

Mr. W. M. Kirkpatrick stated he has resided in the 1500 block of Thomas Avenue for the past 15 years and when the City discontinued using alleys he was notified by Mr John Shaw, City Attorney, that the city had no more interest in the alley at the rear of his property and he fenced it in, and was also advised because of the depth of the Thomas Avenue lots, the right of way for the alleys was taken from these lots. That the alley was between his property and that of Mr M. Lee Heath; that he keeps his property in first class condition, but the adjoining property of Mr Heath is a disgrace to the neighborhood and he will not clean it up. He stated he has asked the Health Department nine or more times to do something about it, without results, that Mr. J. Watt Kirkpatrick of the Health Department came out several times and said they would investigate it. He advised further the lot is overgrown, has large blocks of concrete, rolls of wire, tin cans etc on it and snakes are abounding. Mr. Morrisey, City Attorney, stated Mr. Kirkpatrick came to see him about it, and he would think the Health Department should investigate it and determine if it does constitute a nuisance.

Councilman Bryant moved that the City Manager have it looked into and get a report for Council for the next meeting. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION CLOSING A STREET AND A PORTION OF A STREET OFF PLAZA ROAD ON BRADSHAW PROPERTY.

A hearing was held on the petition of Charlotte-Mecklenburg Board of

Education, G. R. Bradshaw, Ella I. Bradshaw, Earnie N. Lemmond and Alice C. Lemmond to have closed a street and a portion of a street.

Mr. Francis Parker, Attorney representing Mr Bradshaw and Mr Lemmond, stated they own a tract of land at Plaza Road where it runs into Hickory Grove Road; that the portions asked to be closed is the old Poor House Road which dead ends on their property and a 15 foot strip of the present road with 45 feet additional. He advised there are no other property owners on the street.

Councilman Dellinger moved that in the absence of any objections that the request be granted, and he introduced a resolution to this effect, which was read. The motion was seconded by Councilman Bryant, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, beginning at Page 149.

CONFIRMATION OF SALE OF 113.96 FEET OF PROPERTY ON PALMER STREET, BETWEEN SOUTH BOULEVARD AND ADJOINING MORGAN HEATH PROPERTY, TO MORGAN HEATH AT HIGH BID OF \$2,100.00.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the sale of 113.96 feet of property on Palmer Street, between South Boulevard and adjoining Morgan Heath property, at public auction September 18th was confirmed to the high bidder, Mr Morgan Heath for \$2,100.00.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR TAGGART CREEK OUTFALL RIGHT OF WAY ACROSS PROPERTY OF J. M. SLOAN ESTATE.

Councilman Thrower moved that condemnation proceedings be authorized started for the Taggart Creek Outfall right of way, 686.49 feet long by 20 feet wide, across the property of J. M. Sloan Estate. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN KELLER AVENUE AND CUSTER STREET AUTHORIZED.

Councilman Whittington moved approval of the construction of 207-feet of sanitary sewer main in Keller Avenue and Custer Street, on the request of Mrs Dorothy Schoenith, at an estimated cost of \$760.00. All costs to be borne by the applicant, whose deposit of the entire costs will be refunded as per terms of the contract. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AUTHORIZED WITH C. D. SPANGLER CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAIN TO SERVE UNIVERSITY PARK SHOPPING CENTER.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing contract with C. D. Spangler Construction Company for the installation of 845-feet of water main to serve University Park Shopping Center, at an estimated cost of \$2500.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

CHANGE ORDERS IN CONTRACTS OF ROBINSON ELECTRIC COMPANY AND REA CONSTRUCTION COMPANY FOR THE 2ND FLOOR TERMINAL ADDITION AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and

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unanimously carried, the following Change Orders in contracts for the 2nd Floor Terminal Addition at Douglas Municipal Airport was approved:

Change Order No. E-2 to deduct \$23.47 from the contract with Robinson Electric Company in the amount of \$20,597.55, because of change in certain lighting fixtures.

Change Order No. G-2 to allow a 10-day extension in the contract of Rea Construction Company, because of delay caused by bad weather the first two months of construction and certain changes in the drawings.

Change Order No. G-3 to add \$99.50 to the contract with Rea Construction Company in the amount of \$83,396.50, due to furnishing and installing 4 steel angles around the existing stock, to provide proper bearing for the new roof decking, in the amount of \$57.00 and installing the existing batt insulation over ceiling areas and furnishing certain new insulation to replace that lost due to deteriorated paper backing, in the amount of \$42.50.

CONTRACT AWARDED BURROUGHS CORPORATION FOR ACCOUNTING MACHINE.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Burroughs Corporation, for one Sensimatic Accounting Machine on their Alternate Bid in the total amount of \$3,920.23.

CONSIDERATION OF PROGRAM FOR IMPROVEMENTS TO NON-SYSTEM STREETS DEFERRED TWO WEEKS.

Councilman Dellinger moved that consideration of the Program for Improvements to Non-System Streets be deferred for two weeks. The motion was seconded by Councilman Whittington, and unanimously carried.

DISTRICT BAR ASSOCIATION REQUESTED TO MAKE STUDY OF PROPOSAL TO CONSOLIDATE CITY AND COUNTY RECORDERS COURTS WITH VIEW OF HAVING ONE RECORDER'S COURT AND ONE TRAFFIC COURT.

Councilman Dellinger moved that Mr Fred Hasty, President of the District Bar Association, and the Association be requested to make a study of the proposal to consolidate the City and County Recorders Courts with the view of having one Recorder's Court and one Traffic Court, which Mr Hasty offered to do in his letter to the Mayor dated October 11th. The motion was seconded by Councilman Bryant and unanimously carried.

Councilman Whittington stated he understands this will not slow down getting the traffic court into operation, which he does not want to happen.

AMENDMENTS TO PAY PLAN AND TWO-STEP MERIT INCREASES APPROVED.

Mr Robert Earle, Personnel Director, presented the following requests with regard to the present Pay Plan:

First, amend the Pay Plan to preclude a situation in the Police and Fire Departments which results in some supervisory personnel receiving salaries

less than those they supervise, by eliminating the lower pay steps in the pay range of the supervisory personnel as follows:

POLICE DEPARTMENT

Captains, and Sergeants Eliminate Steps A, B and C from Salary Range

Majors & Lieutenants- Eliminate Steps A, B, C and D from Salary Range

FIRE DEPARTMENT

Deputy Fire Chiefs Eliminate Steps A & B from Salary Range

Ass't Fire Chiefs and Fire Captains Eliminate Steps A, B, C and D from Salary Range

Salaries to be adjusted to the remaining effective pay ranges.

Further amend the Pay Plan with regard to the assignment of Firefighters as engineers and/or relief officers, and to provide additional pay for Fire Captains assigned to training on a full time basis.

FIRE DEPARTMENT

Firefighter ^{Engineer or} When assigned as/Relief Officer, one pay step in addition to basic firefighter salary.

Firefighter ^{Relief Officer or Records Clerk,} When assigned as Engineer/ two pay steps in addition to basic firefighter salary.

Fire Captains When assigned to Training Division, one pay step in addition to basic Fire Captain salary.

Secondly, approve merit increases, effective retroactive to October 1, 1961 to the following personnel:

MOTOR TRANSPORT DEPARTMENT

Six Refuse Collection Foremen -Two-step merit increases

Margie Helms, Automotive Mechanic I. Two-step merit increase

Miss Evelyn Rusch, Clerk-Stenographer II Two-step merit increase

ENGINEERING DEPARTMENT

Dale W. Long, Engineering Aide II Two-step merit increase

PERSONNEL DEPARTMENT

Miss Helen Howie- Clerk Stenographer II One-step out-of-turn increase

Councilman Whittington moved that the requests be granted as recommended. The motion was seconded by Councilman Bryant, and unanimously carried.

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Councilman Whittington reminded Mr Earle that he told Council sometime ago he would look into the Health Department clerical personnel situation and give Council a report, and he would like this done, as he thinks some help should be given them.

CITY MANAGER REQUESTED TO HAVE ENGINEERING DEPARTMENT INVESTIGATE REPORT THAT BANK AT REAR OF HASSEL PLACE AND BRANDYWINE AVENUE IS WASHING AWAY.

Councilman Whittington requested the City Manager to have the Engineering Department investigate the report that the bank at the rear of Hassel Place and Brandywine Avenue is washing away, caused by the extension of Brandywine Avenue, and report what can be done.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk