

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 17, 1962, 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 present during the hearings on petitions for zoning changes were Mr. Jones, Mr. Stone, Mr. Suddreth, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Sibley, Chairman, Mr. Ervin, Mr. Hanks and Mr. Lakey.

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#### INVOCATION.

The invocation was given by The Reverend James S. Potter, Pastor of Pritchard Memorial Baptist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the regular meeting on September 10th and Adjourned Meeting on September 11th were approved as submitted.

#### HEARING ON PETITION NO. 62-41 FOR CHANGE IN ZONING OF PROPERTY ON EAST SIDE OF NEWELL-HICKORY GROVE ROAD.

The scheduled hearing was held on Petition No. 62-41 by Carl W. Kessiah for change in zoning from R-9MF to B-1 of lot on the east side of Newell-Hickory Grove Road, beginning 150' north of Hickory Grove Road.

The Planning Director presented a map of the property and surrounding area and stated the property consists of a single lot adjacent to the intersection of Newell-Hickory Grove Road, Hickory Grove Road and Delta Road, and is adjoined on one side by a recently established business building, and on the opposite side of the intersection diagonally across from the property is a Service Station and on the opposite corner is a second Service Station and immediately adjoining that is an Upholstery Repair Establishment, otherwise the zoning is R-9MF.

Mr. Marvin B. Overcash, representing the petitioner, stated the recently established business building referred to by Mr. McIntyre is owned by Mr. Kessiah and what he would like to do is to continue this B-1 on to the next lot, which he owns; that across the road from the property a B-1 zoning has already been established. He stated the property is not worth anything to him under its present residential zoning. That Mr. Kessiah desires to erect a small business section on the lot, consisting of retail stores, by extending his present building.

No objections were expressed to the proposed change.

Council decision was deferred one week.

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HEARING ON PETITION NO. 62-42 FOR CHANGE IN ZONING OF A 2.7 ACRE TRACT OF LAND AT THE NE CORNER OF YORKMONT ROAD AND NATIONS FORD ROAD.

The public hearing was held on Petition No. 62-42 by James Philo Caldwell for change in zoning from R-9MF to O-6 of a 2.7 acre tract of land at the northeast corner of Yorkmont Road and Nations Ford Road.

A map of the property and surrounding area was presented by the Planning Director who stated the property is vacant extending more than 500' along Nations Ford Road at its intersection with Yorkmont Road and extends 325' along Yorkmont Road; that it is adjoined on the north side by a former church property and cemetery; across Yorkmont Road is a church; diagonally across from the property are the rear of residences on Radford Avenue; across Nations Ford Road, the land is vacant with the exception of a few scattered houses.

Mr. Beverly Webb, attorney for the petitioner, stated this is a 2 1/2 acre tract undeveloped, grown up with scrub-brush, is adjoined by the Yorkmont Baptist Church which is set back some distance from the road and along Yorkmont Road is a cemetery and residential developments; that there are eight high tension power lines to the south. That they believe the O-6 zoning they are requesting will provide a buffer zone between the residential area and Industrial zone to the east. That their property cannot be developed residentially because of the land use surrounding it, it is in fact a pocket of land from which residential developments have been blocked by the cemetery to the north, industrial zoning to the east, a church to the west and the high tension power lines to the south. They are asking for O-6 because of the commercial area up Yorkmont Road.

No objections were expressed to the proposed zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 62-43 FOR CHANGE IN ZONING OF LOT ON THE SW SIDE OF GREENWOOD CLIFF.

The scheduled hearing was held on Petition No. 62-43 by John B. Hargis, Jr., for change in zoning from R-6MF to O-6 of lot 90' x 145' on the southwesterly side of Greenwood Cliff, beginning 145-ft northwest of Kenilworth Avenue.

The Planning Director submitted a map of the property and surrounding area and advised that the property adjoins the rear lines of lots that front on Kenilworth Avenue, and is developed residentially as is all of the immediately adjacent property, and is adjoined by O-6 zoning of property that fronts on Kenilworth Avenue, otherwise the zoning is R-6MF.

Mr. Peter Gerns, attorney for the petitioner, stated the property is presently zoned multi-family, and adjoining it is exclusively O-6 zoning; that East Morehead Street at Kenilworth, which has just been sold and is in the process of being widened is zoned B-2; that the neighborhood is in a changing condition. Mr. Gerns passed among the Council members photographs of the developments in the surrounding area, explaining the zoning of each in its relationship to the property in question. That the property is unsuitable for continued residential use particularly because it is in immediate proximity of office zoning which extends 1,000 feet to the south of the property to and including Morehead Street. He stated the houses in the area are getting old and because of the widening of Kenilworth and the proximity of business, the property is more suitable for commercial use.

No objections were expressed to the proposed rezoning. Council decision was deferred one week.

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HEARING ON PETITION NO. 62-44 FOR CHANGE IN ZONING OF PROPERTY AT THE NORTH-WEST CORNER OF INDEPENDENCE BOULEVARD AND COMMONWEALTH AVENUE.

The public hearing was held on Petition No. 62-44 by E. Ray Baucom and James H. Williams for change in zoning from B-1 to B-2 of tract of land at the northwest corner of Independence Boulevard and Commonwealth Avenue.

Mr. McIntyre, Planning Director, explained the details of the property and surrounding area from a map, and advised the petition covers two pieces of property at the corner of Independence Boulevard and Commonwealth Avenue and is occupied today by single family residential use. That across Commonwealth Avenue is a church; that the property is adjoined on the town side by duplexes and single-family development that extends along Commonwealth Avenue; that on Independence Boulevard in the area it is developed with a variety of business establishments.

Mr. Ray Barrier, Real Estate Broker, stated that actually under the petition they presented they were under the impression they would be permitted to get a permit to build under B-1 zoning but the Building Inspection Department refused it, and his advise to them was to request a B-2 zoning. That they desire to construct a restaurant on the property; that Mr. Ritch of the Building Inspection Department terms the type restaurant they wish to build a Drive-In but they say it is not, as they will have no car-hops, no drive-in service and will have a dining-room and a pickup window. He advised that the three corners of this intersection are zoned B-2 and the adjoining property is zoned O-I, which they want left as a buffer and will use for off-street parking. The only reason they are here today requesting B-2 zoning is they were refused a permit to construct the restaurant in a B-1 zone.

Mr. McIntyre stated the type of restaurant he wishes to construct is, no doubt, not allowed under B-1 zoning, and if it is changed to B-2 he can construct the restaurant he desires. That it is up to the Building Inspection Department to make the interpretation.

No objections were expressed to the proposed zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 62-45 FOR CHANGE IN ZONING OF TRACT OF LAND AT THE NW CORNER OF INDEPENDENCE BOULEVARD AND WALLACE ROAD.

The advertised hearing was held on Petition No. 62-45 by Robert G. Phillips, for a change in zoning from O-15 to B-2 of an .817 acre tract of land at the northwest corner of Independence Boulevard and Wallace Road, fronting 303.71' on Independence Boulevard and 211.96' on Wallace Road.

The Planning Director presented a map of the property and surrounding area and advised the petition covers a small piece of property developed at the present time with a used-car lot and a gasoline station at the intersection; across Wallace Road there are established residential uses; that the property is adjoined along its rear line by single-family residential use, and across Independence Boulevard the land is essentially vacant and diagonally across the Boulevard there is a Greenhouse; that the adjoining property back towards town is also O-15 and the remainder of the property along the Boulevard is zoned B-2. That prior to the overall rezoning the property was zoned for Business.

Mr. Ray Rankin, attorney for the petitioner, who was also present, advised at the time this property was zoned for Business, Mr. Phillips spent around

\$1,000.00 in grading; then the new zoning ordinance was adopted at which time the property was affected without his knowledge. Therefore, he is appealing to Council to change the zoning for business use. Mr. Rankin presented a plat of the property, and area and stated that Independence Boulevard has quite a nice right-of-way for the street; that prior to a change in the law, where three corners were zoned for business, the petitioner had the right to ask for the same zoning for the fourth corner, and they think they are reasonable in asking that the fourth corner also be zoned for business. Mr. Rankin quoted a case from Charlotte that was passed on by the Supreme Court regarding where three corners are zoned alike, that in the interest of uniformity, where the character is the same, that the owner of the fourth corner property should be allowed similar zoning when it is putting the property to its best use.

Mr. Toy asked how deep the business zone was on the southwest corner? And Mr. McIntyre replied it is about 350 feet, and on the south side about 50 feet.

No opposition was expressed to the proposed zoning.

Council decision was deferred one week.

#### CHARLOTTE MOTEL ASSOCIATION EXPRESSES OPPOSITION TO THE PROPOSED AMENDMENT TO THE SUNDAY OBSERVANCE ORDINANCE.

Mr. Alvin London, Attorney, appeared in behalf of the Charlotte Motel Association, composed of 23 motels in Charlotte, representing over 1,000 motel rooms, and stated they would like to make it a matter of record that they are opposed to the passage of the proposed Sunday Ordinance. The Association is opposed to the ordinance on the grounds that it is discriminatory.

Mayor Brookshire asked Mr. London just how the proposed Sunday limited sales ordinance would effect the Motels? Mr. London advised that the motels are exempted from the provisions of this ordinance, however it is their feeling and from their observation of the type of traffic they have on week-ends in Charlotte, that some of the activities which will be prohibited by the ordinance induces many people to come here, and have been an added inducement for many of the conventions that come to Charlotte, and it is their feeling that many of the things that would be prohibited are added reasons for people in surrounding areas coming to Charlotte. Therefore, they want to go on record as business men who are interested in the future progress and growth of the City and they feel action such as being contemplated would not assist the growth of Charlotte.

#### REMARKS BY ALBERT PEARSON RELATIVE TO HOLDERS OF CITY LICENSE ACCEPTED AS INFORMATION.

Mr. Albert Pearson again appeared before Council regarding the resolution he submitted on August 20th, which was quoted in full in the Minutes of that meeting, in which he requested the Council to urge all holders of city licenses issued for serving the public to treat all members of the public in a manner which would help promote harmony and peace among its citizens, and to ask holders of said licenses to not discriminate among said public. Mr. Pearson stated if Council has read The Charlotte News and The Charlotte Observer they know that according to law people holding these license have the right to serve whomever they please. That his resolution does not suggest that Council try to make anyone do anything at all but rather to raise the moral standards of the city on this question.

Councilman Smith told Mr. Pearson that he fails to understand what he wants; that at the first look it seems that before the City issues a privilege license he wants some restriction put on it. Mr. Pearson stated that is not the case, the only thing he would like to see the Council do would be to go on record with a resolution urging the holders of city license issued for serving the public, to treat people in a fair manner and not to discriminate against them.

Councilman Smith asked why Mr. Pearson confines this to just those people holding city license? Mr. Pearson replied that Council could make it wider than that if they wished; that Council may feel they have no responsibility at all and according to the Charlotte Observer the Council has no legal responsibility. He stated there are many discussions that could be brought up on this subject. However, when one puts up a sign that says "we serve highway travelers from coast to coast" and then don't serve a man when he comes in, then you are discriminating against him. That if the Council actually feels they are not responsible in any way, shape or form for taking a stand on a matter then that is another matter.

Councilman Smith moved that Mr. Pearson's suggestion be accepted as information. The motion was seconded by Councilman Jordan.

Mr. Pearson stated further that his is merely asking the Council to go on record as asking all holders of city licenses to treat people in the same manner, that he believes it will be helpful to the city itself and he thinks if the Council will not take a stand on the matter, then they are, in effect, taking a stand that backs the ones who are doing what they are now doing.

Councilman Dellinger asked if Mr. Pearson has any specific cases where people have been mistreated by use of a city license? Mr. Pearson stated he can give Council a specific case where if the license had not been issued there would not have been an incident. That he is not requesting that Council not give anyone a license, he is merely requesting Council to ask the people to whom licenses are issued to use them in a manner that is not discriminatory.

Councilman Whittington stated the Mayor has a committee of some of our finest citizens on Community Relations and in his opinion they are doing a tremendous job for the community in this regard and he thinks if Mr. Pearson would bring his request to the Committee under the Chairmanship of Dr. John R. Cunningham, that would be the proper place to bring it. Mr. Pearson stated he is aware of the Committee, that he was trying to reach a different approach to the question.

The vote was taken on the motion, and unanimously carried.

ORDINANCE NO. 119 AMENDING CHAPTER 5 OF THE CITY CODE BY ADDING THERETO ARTICLE IV, ENTITLED "PLUMBING", ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 119 Amending Chapter 5 of the City Code by adding thereto Article IV, Entitled "Plumbing", was adopted. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 305.

SHOPPING CENTER SITE PLAN AT SOUTHWEST CORNER OF INTERSTATE 85 AND BEATTIES FORD ROAD REVISED ON APPLICATION OF C. D. SPANGLER CONSTRUCTION COMPANY AND THE PURE OIL COMPANY.

Pursuant to the provisions of Section 23-35, subsection (f) of the Zoning Ordinance, Councilman Jordan moved approval of the request of C. D. Spangler

Construction Company and The Pure Oil Company for a revision in the Shopping Center Site Plan at the southwest corner of Interstate 85 and Beatties Ford Road. The motion was seconded by Councilman Whittington.

In reply to Councilman Bryant's question as to what the revision is, Mr. Fred Bryant, City Planner, stated this is actually putting in more detail the plan that was originally proposed and approved as part of the zoning change; that it is our understanding that the property is now being sold to The Pure Oil Company and they now have a definite site plan as far as dimensions are concerned - size of buildings, number of rooms for the motel etc, and the usage is exactly the same as proposed.

The vote was taken on the motion, and unanimously carried.

PETITIONS NO. 62-31 AND 62-33 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTHEAST SIDE OF SHARON ROAD AND OF FOUR TRACTS ON THE EAST SIDE OF SHARON ROAD ON BOTH SIDES OF SHARON HILLS ROAD, DENIED.

Councilman Smith moved that Council vote at the same time on Petition No. 62-31 for change in zoning from R-15 to R-15MF of tract of land on the south-east side of Sharon Road and on Petition No. 62-33 for change in zoning from R-15 to R-15MF on four tracts of land on the east side of Sharon Road. The motion was seconded by Councilman Dellinger.

Councilman Whittington asked the City Attorney if this would be proper in view of the petitions being two separate items on the Agenda? Mr. Morrissey replied it is within the discretion of the Council; that he is sure Council has been advised that a sufficient petition has been received that would require the 3/4 majority vote to change the zoning as requested on either or both of these petitions.

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

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

Councilman Smith then moved that Petitions No. 62-31 and 62-33 be approved as requested by the petitioners. The motion was seconded by Councilman Dellinger.

Councilman Smith made the following statement for the record: "The petition of Mr. Warley L. Parrott to change the zoning on 8 acres fronting on Sharon Road from R-15 to R-15MF was presented individually but apparently with the consent of adjoining neighbors provided their property was similarly zoned. The Planning Commission approved only the Parrott property for change, and in my opinion, created a spot zoning situation. I feel that the multi-story luxury-type apartment proposed will be a definite asset to the neighborhood; however, I feel that the neighbors on this side of Sharon Road should also be protected by like zoning, and this would eliminate the spot zoning aspects of this case. Since the owners have apparently reached agreement on the amount of acreage involved and adjacent owners on this side of Sharon Road have not protested in any way, I will vote favorable on both petitions as originally presented. If owners of connecting land had protested, that would have been a different matter. Mr. John Crosland's objection does not impress me. If anything, I believe this project will enhance his development".

Councilman Dellinger stated he believes this is the proper location for an apartment of this nature, and he feels Council should go ahead and zone all of the property requested rather than wait for other interested parties to come in at a separate hearing on this petition.

- (b) Deed with Robert Hays Bennett and wife, Mrs Edna Thompson Bennett, for Lot No. 700, Section 6, Evergreen Cemetery, at \$240.00.
- (c) Deed with Fresca Brown and Mrs Fannie M. Brown, for Lot No. 337, Section 2, Evergreen Cemetery, at \$240.00.

CONTRACT AWARDED NEPTUNE METER COMPANY FOR 4,500 - 5/8 INCH DISPLACEMENT TYPE COLD WATER METERS OF MAGNETIC DRIVE TYPE WITH SEALED TYPE REGISTERS.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, contract was awarded Neptune Meter Company for 4,500 - 5/8 inch displacement type cold water meters, as specified, of magnetic drive type with Sealed type registers, on their low Alternate Bid No. 3, in the amount of \$128,853.00, less trade-in allowance on 800 old meters, in the total amount of \$2,880.00, making a net delivered exchange price of \$126,973.00.

The following bids were received:

BASE BID

Hersey-Sparling Meter Company	\$140,208.75
Rockwell Mfg. Company	142,711.65
Badger Meter Mfg. Company	143,638.65

Alternate Bid No. 1.

Neptune Meter Co.	\$128,853.00
Hersey-Sparling Meter Co.	138,586.50

Alternate Bid No. 2

No bids.

Alternate Bid No. 3

Neptune Meter Co.	\$128,853.00
Badger Meter Mfg. Co.	130,614.30
Rockwell Mfg. Co.	130,614.30
Hersey-Sparling Meter Co.	138,123.00

Trade-In Allowance of 800, 5/8 Inch Used Meters

Neptune Meter Company	\$	3.60
Hersey-Sparling Meter Co.		3.55
Badger Meter Mfg. Co.		3.55
Rockwell Mfg. Co.		3.50

CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR 100- 1 INCH DISPLACEMENT TYPE COLD WATER METERS OF MAGNETIC DRIVE TYPE WITH SEALED TYPE REGISTERS.

Councilman Whittington moved the award of contract to Rockwell Mfg. Company for 100 - 1 inch displacement type cold water meters, as specified, of magnetic drive type with sealed type registers, on their low Alternate Bid No. 3 in the amount of \$6,388.06. The motion was seconded by Councilman Jordan, and unanimously carried.

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The following bids were received:

BASE BID

Rockwell Mfg. Co.	\$ 6,656.89
Hersey-Sparling Meter Co.	6,658.95
Badger Meter Mfg. Co.	6,679.55

Alternate Bid No. 1

Hersey-Sparling Meter Co.	\$ 6,607.45
Neptune Meter Co.	6,615.69

Alternate Bid No. 2

No bids.

Alternate Bid No. 3

Rockwell Mfg. Co.	\$ 6,388.06
Badger Meter Mfg. Co.	6,390.12
Hersey-Sparling Meter Co.	6,571.40

CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR 50 - 1 1/2 INCH DIS-  
PLACED TYPE COLD WATER METERS OF MAGNETIC DRIVE WITH SEALED TYPE REGISTERS.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and un-  
animously carried, contract was awarded Rockwell Manufacturing Company for  
50 - 1 1/2 inch displacement type cold water meters, as specified, of  
magnetic drive type with sealed type registers, on their low Alternate Bid  
No. 3, in the amount of \$5,994.08.

The following bids were received:

BASE BID

Rockwell Mfg. Company	\$ 6,128.50
Badger Meter Mfg. Co.	6,425.66
Hersey-Sparling Meter Co.	6,691.91

Alternate Bid No. 1

Neptune Meter Company	\$ 6,561.10
Hersey-Sparling Meter Co.	6,666.16

Alternate Bid No. 2

No bids.

Alternate Bid No. 3

Rockwell Mfg. Co.	\$ 5,994.08
Badger Meter Mfg. Co.	6,332.44
Hersey-Sparling Meter Co.	6,648.14

CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR 50 - 2-INCH DISPLACEMENT  
TYPE COLD WATER METERS OF MAGNETIC DRIVE TYPE WITH SEALED TYPE REGISTERS.

Councilman Thrower moved the award of contract to Rockwell Manufacturing

Company for 50 - 2 inch displacement type cold water meters, as specified, of magnetic drive type with sealed type registers, on their low Alternate Bid No. 3 in the amount of \$9,010.95. The motion was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

BASE BID

Rockwell Mfg. Company	\$ 9,145.37
Badger Meter Mfg. Co.	9,512.05
Hersey-Sparling Meter Co.	10,003.88

Alternate Bid No. 1

Neptune Meter Co.	\$ 9,711.87
Hersey-Sparling Meter Co.	9,978.13

Alternate Bid No. 2

No bids

Alternate Bid No. 3

Rockwell Mfg. Co.	\$ 9,010.95
Badger Meter Mfg. Co.	9,418.84
Hersey-Sparling Meter Co.	9,960.10

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR 10 - 3 INCH COLD WATER METERS, COMPOUND TYPE, OF NON-MAGNETIC TYPE STRAIGH READING REGISTERS WITH SEALED TYPE REGISTERS.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, contract was awarded Hersey-Sparling Meter Company for 10- 3 inch cold water meters, compound type, as specified, of non-magnetic type, straight reading registers with sealed type registers, on their low Alternate Bid No. 1, in the amount of \$5,242.70.

The following bids were received:

BASE BID

Badger Meter Mfg. Co.	\$ 5,223.65
Hersey-Sparling Meter Co.	5,258.15
Rockwell Mfg. Co.	5,304.50

Alternate Bid No. 1

Hersey-Sparling Meter Co.	\$ 5,242.70
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Alternate Bid No. 2

No bids.

Alternate Bid No. 3

No bids.

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CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR 5 - 4 INCH COLD WATER METERS, COMPOUND TYPE, OF NON-MAGNETIC TYPE, STRAIGHT READING REGISTERS WITH SEALED TYPE REGISTERS.

Councilman Albea moved the award of contract to Hersey-Sparling Meter Company, for 5- 4 inch cold water meters, compound type, as specified, of non-magnetic type, straight reading registers with sealed type registers, on their low Alternate Bid No. 1, in the amount of \$4,356.90. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

BASE BID.

Badger Meter Mfg. Co.	\$ 4,311.58
Hersey-Sparling Meter Co.	4,364.63
Rockwell Mfg. Co.	4,403.25

Alternate Bid No. 1

Hersey-Sparling Meter Co.	\$ 4,356.90
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Alternate Bid No. 2

No bids.

Alternate Bid No. 3

No bids.

CONTRACT AWARDED THE FORD METER COMPANY FOR 4,100 METER YOKES.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, The Ford Meter Box Company, for 4,000 - 5/8 inch and 100 - 1 inch Meter Yokes, as specified, on a unit price basis, at their bid price of \$18,746.00.

The following bids were received:

The Ford Meter Box Company	\$ 18,746.00
Badger Meter Mfg. Company	27,941.84
Mueller Company	35,501.01

CONTRACT AWARDED PURSER & LONDON, INC. FOR GASOLINE DRIVEN ENGINE.

Councilman Dellinger moved the award of contract to the only bidder, Purser and London, Inc., for a Gasoline Driven Engine, for the Water Department, at their bid price of \$11,428.88. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED COCHRAN & ROSS CONSTRUCTION COMPANY FOR 20,000 CUBIC YARDS OF DIRT FOR LANDFILL OPERATION ON STATESVILLE ROAD, AND \$10,197 AUTHORIZED TRANSFERRED FROM CONTINGENCY FUND.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, Cochran & Ross Construction Company, for 20,000 cubic yards of dirt for the Landfill

Operation on Statesville Road, on a unit price basis, at their bid price of \$10,197.00, and the transfer of the said \$10,197.00 was authorized from the Contingency Fund.

The following bids were received:

Cochran & Ross Construction Co.	\$ 10,197.00
Crowder Construction Company	10,300.00
W. Owen Flowe & Sons Construction Co.	10,712.00

#### CONTRACT AWARDED GRINNELL COMPANY FOR 337 GATE VALVES.

Councilman Whittington moved the award of contract offering valves included in the standardization, to the low bidder, Grinnell Company, for 337 hub end Gate Valves, as specified, at their bid price of \$17,043.29. The motion was seconded by Councilman Bryant, and unanimously carried.

The following Bids were received:

Grinnell Company	\$ 17,043.29
Industrial Piping Supply Company	18,064.56
Darling Valve & Mfg. Company	19,366.75

Other bids received not included in standardization of water valves:

McJunkin Corp.	15,650.78
Matthew-Morse Supply Co.	15,727.51
The Ludlow Valve Mfg. Co., Inc.	17,168.78
M & H Valve Fittings Company	19,402.00
The A. P. Smith Mfg. Company	19,722.78
James B. Clow & Sons, Inc.	24,586.13

#### COMMITTEE TO BE APPOINTED TO HANDLE LEGISLATION TO BE PRESENTED TO THE GENERAL ASSEMBLY.

Councilman Whittington called attention to the advisability of starting early in the preparation of legislation to be presented the General Assembly; that two years ago the Committee of Council was appointed by the Mayor to receive recommended legislation, get it put in proper form by the City Attorney, and then go over it with the Mecklenburg Delegation with the entire Council present well in advance of the opening of the General Assembly. Mayor Brookshire advised it can be handled in any manner Council desires but he would suggest that after the election the Mecklenburg Delegation be invited to meet with the Council to consider these matters. Councilman Whittington stated he would recommend, if agreeable to the majority of Council, that the Mayor appoint a Committee to go ahead and be getting the information together, then call in the Delegation after the election in November. Councilman Albea expressed objections to a Committee, stating the Council as a whole should handle these matters. Councilman Dellinger suggested that each Councilman turn in his recommended legislation to the Mayor and it be discussed and screened at some Council Meeting.

Councilman Albea moved that the whole Council act on this and follow the procedure as suggested by Mr. Dellinger. The motion was seconded by Councilman Dellinger.

Councilman Whittington stated it was handled in such manner two years ago by a Committee that he does not believe the Delegation has ever before gone to Raleigh with a better understanding of just what the Council wanted, and

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he offered a substitute motion that the Mayor appoint three men to the Committee. The motion was seconded by Councilman Thrower.

Councilman Smith stated when it is left to the Council as a whole, it is very difficult to get everyone to meet and discuss the legislation which is very important to the city government and he thinks there should be a Committee with a Chairman to keep it moving along, and he would suggest Mr. Whittington as Chairman because he did such a fine job two years ago.

Councilman Albea stated if that is the way Councilman Smith feels about it someone on the Council is delinquent in their duty, anything as important as this is everyone on the Council should be interested in giving it his time and attention.

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

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

Mayor Brookshire advised he will name the Committee next week.

CITY ATTORNEY AND CITY MANAGER REQUESTED TO CHECK INTO APPOINTMENT AND TERM OF CHARLOTTE CONSTABLE.

Councilman Whittington reported that a family called him five times yesterday that they were unable to reach the Charlotte Constable, whose name he understands is Mr. McKnight, and who he is told is appointed by the City Council. He asked the City Manager to ascertain if he has an unlisted phone and if so notify him his phone number must be listed in the Telephone Directory so that he can be of service to the people. Following the discussion as to the duties, appointment and term of office of the Constable, Councilman Dellinger requested the City Attorney and City Manager to check into the matter and give Council a report.

CITY MANAGER REQUESTED TO REQUEST FORMAL REPORT FROM MEMORIAL HOSPITAL AUTHORITY AS TO INVESTIGATION MADE BY FEDERAL WELFARE DEPARTMENT.

Councilman Whittington asked if the City has knowledge as to what has happened to the Deed to Good Samaritan Hospital and if a report has been received from Memorial Hospital Authority as to the investigation made by the Commerce Department? Mayor Brookshire advised that the bond funds issued for the renovation of Good Samaritan must be spent before the City can transfer the Deed to the Hospital to the Authority. Councilman Whittington stated further he thinks it is the Council's responsibility to ask the Authority to give them a report as to what took place after the Committee came down from the Welfare Department. Councilman Whittington asked the City Manager to secure a written report from the Authority.

CITY MANAGER REQUESTED TO REPORT ON REQUEST FOR TEMPORARY SIDEWALK FROM GREENTREE DRIVE TO SHARON LANE.

Councilman Whittington stated he has a request from the residents of Greentree Drive for a temporary sidewalk from Greentree Drive - Providence Road interesection to Sharon Lane. The City Manager advised he would make an investigation and report but thinks the problem is there is no right-of-way; that this has been the problem with St. Gabriel's School on Providence Road,

who requested a temporary sidewalk from Sharon Lane to the School and because every inch of the right of way has been used, there is no right of way for the sidewalk.

TRIP LIGHT REQUESTED INSTALLED AT ENTRANCE TO HARDING HIGH SCHOOL OFF ASHLEY ROAD AT ALLEGHANY STREET.

Councilman Whittington asked the City Manager to have installed a trip light at the entrance of Harding High School off Ashley Road at Alleghany Street, so that school patrons can get into and out of the school grounds.

APPOINTMENT OF WALTER B. MALLONEE TO AIRPORT ADVISORY COMMITTEE.

Councilman Smith moved the appointment of Mr. Walter B. Mallonee to the Airport Advisory Committee for a term of 5 years. The motion was seconded by Councilman Dellinger.

Councilman Jordan withdrew the name of Mr. Herbert Spaugh, Jr. at his request as he feels he is rather tied up at this time but would like to be considered for a future appointment to this Board, as he is very interested in it, as well as other Boards on which he might be of assistance.

Councilman Bryant offered a substitute motion that Mr. Mallonee and Mr. Salem Van Every, who were nominated at a prior meeting, both be voted on to fill the vacancy. The motion was seconded by Councilman Thrower.

Councilman Smith stated that Mr. Mallonee is a Charlottean, has been closely associated with aviation all of his adult life, mostly as a pilot, and in addition he is a qualified contractor, his primary work being in asphalt and if anyone has been out to the Airport they realize that one of the main problems is asphalt, and he thinks the two qualifications will make a very fine addition to the Committee.

Councilman Whittington stated in behalf of Mr. Mallonee, that he was flying planes at the Airport when it was a one-runway dirt track and he thinks his biggest asset is that he is experienced in construction and paving of all types, and he is glad to vote for him.

Councilman Thrower stated not only does Mr. Mallonee have an excellent background for the job but he has done a great deal toward improving the Airport.

Councilman Bryant stated that Mr. Van Every is also a Charlottean and has served his country for quite a few years to the point he is a retired Navy man; he has had very active experience in managing airports having been Commanding officer of two or three Naval Air Stations and he is very interested in aviation, both by his profession and by his normal civic interest; he is retired and has the time to spend in this connection. That we now have an Airport Manager who is experienced in Airport construction, who will see to it that this end of it will be well attended to on recommendations of the Advisory Committee and the City Council. That he thinks Mr. Van Every would be uniquely suited to do a good job with his qualifications.

The vote was taken on the appointment of Mr. Mallonee, and carried by the following recorded vote:

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

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CITY MANAGER REQUESTED TO REVISE THE METHOD OF NOTIFICATION OF THE UNFITNESS OF HOUSES FOR HUMAN HABITATION AND SUBMIT IT FOR COUNCIL CONSIDERATION.

Councilman Smith stated he has had a number of complaints about the method by which persons are notified about the unfitness of houses for human habitation; that the notice is more-or-less written as a warrant, and it is the first information the people have. That he has suggested to Mr. Veeder that first a letter should be written these people giving the point system and the number of points the house has and stating that City personnel would like to discuss it with them. Then if no response is gotten from the owner something stronger can be gone into. That as the notice is now given, it is poor public relations for the City and could amount to the charge that we are confiscating private property.

Mr. Veeder stated he thinks the initial contact with the owner to preclude any appearances of a warrant type situation can be perhaps altered; that he, too, feels we must be careful of our public relations on this because we are asking them to do something and hope that will be the answer. That he thinks this form of notice is necessary after a point. The outgrowth of any of these hearings is an area of working with the owner towards getting the facility improved, and therefore it is important that the initial contact be cooperative and courteous.

Councilman Smith suggested that it be referred to Mr. Veeder and he work out a better procedure and bring it back to Council for consideration.

TWELVE POLICE SERGEANT POSITIONS AUTHORIZED.

Councilman Jordan moved the establishment of four Police Sergeant positions in the Detective Division, in lieu of four Police Detective positions, and the establishment of six additional Police Sergeant positions within the Patrol Division and two additional Police Sergeant positions within the Traffic Division, in lieu of Police Patrolman positions, and that while assigned duty with the Detective Division a Police Sergeant should receive additional compensation equal to one pay step above his basic pay. The motion was seconded by Councilman Albea, and unanimously carried.

CIVILIAN PERSONNEL AUTHORIZED TO REPLACE FOUR UNIFORMED POLICE OFFICERS AS JAIL GUARDS.

Councilman Dellinger moved that four of the eight uniformed Police Officers now assigned to Jail Guard duty be replaced with civilian personnel and the establishment of Class Number 403, Jail Guard, at Pay Range 11 with minimum and maximum annual salary rates of \$3,432.00 to \$4,368.00. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

Councilman Albea stated he is opposed to civilians doing jail guard duty for the reason he can see the same thing happening here that happened in the Fire Department several years ago.

CITY MANAGER REQUESTED TO REPORT ON THE DRAINAGE CONDITION AT 700 SENECA PLACE.

Councilman Smith requested the City Manager to give Council a report next week on the condition of the drainage at 700 Seneca Place, about which Mrs. C. D. Heath, who resides at this address, has complained.

CITY ATTORNEY REQUESTED TO SECURE LIST OF ATTORNEYS INTERESTED IN TITLE WORK IN CONNECTION WITH THE ACQUISITION BY THE CITY OF RIGHTS OF WAY.

Councilman Dellinger asked the City Attorney if he has certain attorneys to handle the title work on the acquisition of rights of way or if the work is given to different attorneys. He stated he has been asked this question by several lawyers. Mr. Morrissey advised that the Engineering Department has been assigning this work and he assumes to different attorneys. Councilman Dellinger stated as this is an expenditure of funds, the Council should regulate it as is done on other matters pertaining to such expenditures.

Mr. Veeder stated he thinks the approach that has been used regarding Realtors should be applied to this. Councilman Dellinger stated that since all attorneys are not interested in title work, they should be contacted as to who would be interested, and he thinks it would be well for Mr. Morrissey to handle this.

CITY MANAGER REQUESTED TO INVESTIGATE REQUEST FOR STREET LIGHT AT ALEXANDER AND EAST 6TH STREETS.

Councilman Dellinger asked the City Manager to make an investigation and report of the request of Mr. Albert Young, 616 E. 6th Street, for the installation of a street light at Alexander Street and East 6th Streets.

MEETINGS ONCE A YEAR WITH GOVERNING BODIES IN COMMUNITIES IN MECKLENBURG COUNTY AND ALSO WITH OUR CONGRESSIONAL REPRESENTATIVES AND SENATORS IN THE INTEREST OF REGIONAL PLANNING AND GOOD PUBLIC RELATIONS.

Councilman Bryant stated that realizing that regional planning and public relations are important, he suggests that it would be good public relations for the Council to meet with the Governing Bodies of other communities in Mecklenburg County at least once a year and talk over with them matters that each might have in mind, and also meet with our Congressional Representatives and two Senators and talk over with them things that we have in mind.

REQUEST THAT PARKING BE RESTRICTED ON BOTH SIDES OF 35TH STREET, FROM DAVIDSON STREET TO YADKIN STREET.

Councilman Whittington stated he has had a request to ask the Traffic Engineering Department to restrict parking on both sides of 35th Street, from Davidson Street to Yadkin Street, a distance of one block. That the Merchants claim when the Fire trucks come out and have to turn down 35th Street, they can't get in if cars are allowed to park on either side.

NEGOTIATORS NAMED FOR KENILWORTH AVENUE RIGHT OF WAY.

The City Manager reported that of the four persons selected from whom two were to be appointed to negotiate Kenilworth Avenue, only Mr. Guthery could serve in this capacity. That Mr. Owens, Right-of-Way Agent, has contacted a number of persons to ascertain who would be interested and to date only Mr. W. F. Finley with Carson Realty Company seems available. He stated further that a price of \$50.00 per deed was suggested by Mr. Guthery and he thinks this is a fair price.

Following the discussion, Councilman Dellinger moved that Mr. Guthery and Mr. R. M. Webb be appointed as negotiators on the Kenilworth Ave job, and if Mr. Webb cannot serve that Mr. Finley be appointed. The motion was seconded by Councilman Albea, and unanimously carried.

QUESTION AS TO USE OF ON-DUTY OR OFF-DUTY POLICE OFFICERS FOR FUNERAL ESCORT DUTY DEFERRED.

The City Manager advised that during the period January 1, 1962 through August 31, 1962 a total of 1,046½ man hours were spent on funeral escort duty by on-duty officers, which amounts to over 131 work days and the department advises this causes a strain on manpower, which has not been in the best interest of our traffic safety efforts. Recognizing this as a problem, last week the Department had a meeting with representatives of nine of the major Funeral Homes in the city, and the problem was discussed with them, and it was agreed by all of them that off-duty officers could be used for escorts rather than on-duty officers; the off-duty men would be paid a nominal fee by the funeral homes for whom they did the work. That Chief Hord has pointed out that this system was tried several years ago and was successful, and it was agreed in the meeting with the funeral directors that it was successful; however, it was discontinued because there was quite a furor caused by one person who objected to paying for police escort for the funeral of a member of his family. Evidently this generated some activity that resulted in the Department going back to providing on-duty escort. Also, a problem that the Department has now is at times members of the family request that the officer be paid for some of his service, which is actually on-duty service, and this causes the Department embarrassment if on-duty men are offered a token for their services. Therefore, what he is suggesting is that, with the consent of Council, off-duty men be used as funeral escorts instead of continuing the present policy of on-duty men.

Councilman Dellinger stated he was on the Council when the policy was changed, and the reason was the large number of complaints from people for having to pay for Police escort service; they said that Policemen direct traffic for other functions and at the Coliseum; also, at that time funeral directors were adding \$5.00 or some such amount to their bills for this service, and people felt that police service should be furnished families at the time of bereavement; however, at that time more than one Policeman was escorting a funeral and Council set up a policy that the City would furnish only one Policeman for each funeral and no more. That he will have to continue to stand by that, and he believes it has merit.

Councilman Albea expressed strong opposition to the family of the deceased being billed for Police service in any form.

Councilman Whittington stated he was not at the meeting referred to by Mr. Veeder, but it is his understanding that the Funeral Homes agreed to pay the off-duty officers and not charge it to the deceased family.

Councilman Bryant stated he does not think Council should say whether it should be shown on the funeral bill; that it is an expense and it is up to the individual business as to how they show it, whether it is included or not, but as far as his firm is concerned he believes it will be satisfactory and, in fact, preferable to use off-duty policemen because they have lost police escorts enroute to the cemetery, which was correct, when an emergency arose, such as a wreck and the Officer had to go to it, while an off-duty Policeman would be in a different position.

The City Manager stated his opinion is very strong, that he thinks off-duty officers should be used for this work, as it is basically not what the taxpayers are paying for.

Following a lengthy discussion of the question, Councilman Dellinger moved that the policy for police escort for funerals be left as it is. The motion was seconded by Councilman Albea.

Councilman Smith offered a substitute motion that off-duty Policemen be used to escort funerals. The motion was seconded by Councilman Whittington.

Councilman Jordan stated that since this is a rather sudden question, he offered a second substitute motion that it be deferred for study and discussion. The motion was seconded by Councilman Thrower.

Councilman Smith withdrew his substitute motion.

The vote was taken on the substitute motion by Councilman Jordan, and unanimously carried.

JOINT CONFERENCE WITH COUNTY COMMISSIONERS ON QUESTION OF POLICE FACILITIES.

Mayor Brookshire announced that a Joint Conference will be held next Monday at 1 o'clock in the Council Chamber with Mecklenburg County Board of Commissioners to discuss Police facilities.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk