

December 7, 1959
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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, December 7, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Smith, and un-animously carried, the Minutes of the last Council Meeting on November 30, 1959 were approved as submitted.

REQUEST THAT NAME OF HUTCHINSON AVENUE NOT BE CHANGED TO NORTH GRAHAM STREET TO BE CONSIDERED BY COUNCIL.

The Reverend Fred Roberts, Pastor of Hutchinson Avenue Baptist Church, requested that the name of Hutchinson Avenue not be changed to North Graham Street as authorized by Council on November 23, 1959. He stated the change will affect the name of their church and the name of Hutchinson Avenue Shopping Center will have to be changed. He also advised that the residents of the street seriously object to the change and will present a petition to that effect at the next Council Meeting.

Councilman Dellinger stated he has previously expressed objections to the change in street name, and thinks Mr. Roberts and the residents have a legitimate claim, as there is no name duplication involved, rather merely a question of street name continuity, which was not generally applied throughout the city.

The request was received as information for Council consideration.

REQUEST FOR REPEAL OF ORDINANCE TO REPLACE PROJECTING STORE SIGNS. DENIED.

Mr. Michael Plumides and Mr. John Plumides, Attorneys representing approximately 100 downtown merchants, requested the repeal of Ordinance No. 446 Controlling the Erection and Maintenance of Projecting Signs, adopted January 29, 1958 to become effective January 1, 1960. They stated it will cost their clients \$350,000 to replace their business signs; that the law is discriminatory in that it does not apply equally to all merchants in the city; that it will serve no useful purpose, and the replacement of projecting signs with ones flat against their buildings will not add to the beautification of the city, which has been given as the reason for the adoption of the ordinance. Mr. Plumides

stated that as far as beautification goes, many of the merchants who have replaced their signs on Trade and Tryon Streets, as provided in the ordinance, have moved them to their entrances on side streets, which, in fact, defeats the purpose.

At the question of Councilman Dellinger as to why objections have not been registered before this time as the ordinance has been on the books practically two years, Mr. George J. Brownstein, a merchant, stated they had no organization previously and individually felt their objections would carry no weight.

Mr. Albert T. Pierson, owner of The Shoe Box, expressed objections to the Ordinance, stating the laws of the city are supposed to treat everyone alike, and this law is discriminatory in that it is limited to sections of two streets only. He stated further that its adoption was supported by one of the strongest political organizations in Charlotte, and the individual knew he did not stand a chance to buck this organization. He asked if the legality of the ordinance has been passed on by the City Attorney.

Mayor Smith stated the legality of this ordinance, and all others, are passed on by the City Attorney prior to their adoption. That the provisions of the ordinance was studied for a long time by the previous Council and its adoption was considered in the best interest of Charlotte. He stated further that Mr. Pierson's remarks regarding a political angle to the ordinance is without foundation.

Mr. J. E. Dowd, Chairman of the Chamber of Commerce City Appearance and Improvement Committee, stated the ordinance was considered and adopted by the Council at the request of the merchants themselves, after the survey made by the Chamber of Commerce Committee; that of the 480 merchants affected, 68% were in favor of adopting the ordinance and 80% of those who voted were in favor of it, and 20% have already replaced their signs to conform to the ordinance. He stated the Council has given a long notice of the effective date of the ordinance and can do nothing but let it remain in effect.

Mr. John H. Small, Attorney, and member of the Chamber of Commerce Committee on City Appearance and Improvement, advised he has studied the question and the ordinance is valid. That it is not just a question of beautification to require the replacement of projecting signs with surface signs but of modernization and safety.

Councilman Hitch remarked that he is sympathetic with anyone who will suffer a financial loss but thinks the action of the prior Council in adopting the ordinance with an effective date two years hence should be upheld by the present Council.

No Action was taken by the Council.

PETITION TO CLOSE ALLEYWAY FROM NORTH SIDE OF WEST TRADE STREET IN WESTLAND PARK SUBDIVISION FILED BY AMERICAN BAKERIES COMPANY.

Mr. Hamlin L. Wade, Attorney, filed a petition on behalf of American Bakeries Company to close an alleyway on the north side of West Trade Street in Westland Park Subdivision. Mr. Wade requested that a date of hearing on the request be fixed, as required under the provisions of the General Statutes of North Carolina.

Councilman Dellinger moved that proper notice be published and hearing be held on January 11, 1960 according to law. The motion was seconded by Councilman Smith, and unanimously carried.

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DECISION ON PETITION OF EASTHAVEN DEVELOPMENT CORP. TO CHANGE ZONING FROM RURAL TO B-1 ON PROPERTY ON ALBEMARLE ROAD NEAR LANSDALE AVENUE (ORDINANCE NO. 625) CONTINUED TO DECEMBER 28, 1959.

Mr. Ray Rankin, Attorney for Easthaven Development Corp. advised their original petition for a change in zoning of property on Albemarle Road near Lansdale Avenue has been amended to allow a strip of land 75-feet in width along the easterly margin of the tract, and the petition has been filed with the Planning Board for recommendation to the Council, as instructed by the Council on November 23rd, and further, the Corporation agrees to erect an 8-inch brick wall, 6-ft. high with concrete footing along the easterly line, adjoining the westerly lines of Messrs. Brown, Griffin and Prather, if the rezoning is permitted. The City Clerk advised that the Planning Board has not filed their recommendation. Following the discussion, Councilman Myers moved that decision on the Ordinance be continued until December 28th and the Planning Board be requested to make a recommendation on December 21st. The motion was seconded by Councilman Babcock, and carried, with the votes cast as follows:

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

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR RIGHTS-OF-WAY FOR SANITARY SEWERS CONSTRUCTION.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, condemnation proceedings were authorized started as follows:

- (a) Condemnation proceedings for 69.49 ft. x 10 ft. right-of-way across the property of Mr. Malcolm B. Blankenship for Julia Avenue sanitary sewer.
- (b) Condemnation proceedings for 100.18 ft. x 10 ft. right-of-way across property of Mr. John E. Warner, Jr. for Baxter Road sanitary sewer.
- (c) Condemnation proceedings for 2,508.32 x 10 ft. right-of-way across property of Mr. Morris Speizman, for Elder Avenue and Richland Drive sanitary sewer.

CONSTRUCTION OF TEMPORARY GRAVEL SIDEWALK ON HUNTER STREET, FROM JENNINGS PLACE TO NEW CASTLE STREET, AND FUNDS AUTHORIZED TRANSFERRED FROM EMERGENCY FUNDS TO COVER COST.

Councilman Dellinger moved approval of the construction of a temporary gravel sidewalk on Hunter Street, from Jennings Place to New Castle Street, at an estimated cost of \$715.00, and the transfer of said amount from the Emergency Fund (Code 110) to cover the cost. The motion was seconded by Councilman Smith, and unanimously carried.

CHARLOTTE DEVELOPMENT COMPANY AUTHORIZED TO CONNECT PRIVATELY OWNED SANITARY SEWER LINE TO CITY'S SANITARY SEWERAGE SYSTEM.

Motion was made by Councilman Smith, seconded by Councilman Hitch, and unanimously carried, authorizing Charlotte Development Company to connect 797-feet of 8-inch sanitary sewer lines to the City's Sanitary Sewerage System in Central Avenue from the end of the existing line north to Sheridan Drive, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

STREETS TAKEN OVER FOR MAINTENANCE.

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

- (a) Pierce Street from Waverly Avenue west 200 ft. to dead end.
- (b) Manchester Drive from Tracy Drive to Graymont Drive.
- (c) Barfield Drive from Barringer Drive to Manchester Drive.
- (d) Dale Place from Manchester Drive to Tracy Drive.
- (e) Enfield Road from Sudbury Road west 150 feet.
- (f) Rampart Street from South Tryon Street to Hawkins Street.
- (g) Hawkins Street from West Tremont Avenue to Rampart Street.
- (h) Thackery Lane from Carolyn Drive east 200 feet.
- (i) Patton Street from Roddey Avenue to Holland Avenue.
- (j) Condon Street from Madison Avenue south to end.
- (k) Franklin Avenue from Monroe Road to Washburn Avenue.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) Three 30-ft. driveways at 2734 Rozzells Ferry Road.
- (b) One 15-ft. driveway at 1051 East Morehead Street.
- (c) One 20-ft. driveway at 2115-17 South Tryon Street.
- (d) One 20-ft. driveway at 541 Oakland Avenue.
- (e) Two 30-ft. driveways on Central Avenue and Two 35-ft. ones on Pecan Avenue, all for 1436 Central Avenue.
- (f) Two 25-ft., Two 35-ft. and Two 20-ft. driveways at 1700 Montford Drive.
- (g) Three 35-ft. driveways on Statesville Road, and One 35-ft. one on McArthur Avenue, all for 3100 Statesville Road.
- (h) One 30-ft. driveway on The Plaza, Two 30-ft. ones on East 34th Street, Two 30-ft. and One 20-ft. ones on Matheson Avenue, all for 3015 The Plaza.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer / ^{and} Perpetual Care on the following cemetery lots:

- (a) Deed with Robert C. Clinchum, for Lot 311, Section 3, Evergreen Cemetery, at \$189.00.
- (b) Deed with Estate of Jesse V. Henderson, for Perpetual Care on Lot 70, Section L, Elmwood Cemetery, at \$151.20.

CONTRACT AUTHORIZED WITH J.N. PEASE & COMPANY FOR ENGINEERING SERVICES IN PREPARATION OF REPORT FOR LONG RANGE PLANNING RELATIVE TO SEWAGE AND WASTE TREATMENT PLANT AND MAJOR OUTFALL SEWERS AT A FEE OF \$14,000.00 WITH COMPLETION DATE FIXED AT MAY 15, 1960.

Mr. Veeder, City Manager, advised that J. N. Pease & Company has submitted a proposal for engineering services in preparation of a report and long range planning for a sewage and waste treatment plant and major outfall sewers, under either of two options to be decided by Council: Option #1, with a fixed compensation of \$14,000; Option #2, on a cost plus basis,

with a guaranteed maximum of \$15,500. Mr. Veeder recommended that Option #2 be accepted with a time limit of 5 months.

Councilman Myers moved the contract be authorized with J. N. Pease & Company, at a guaranteed maximum cost of \$15,500 and completion date not to exceed 5 months. The motion was seconded by Councilman Babcock.

Councilman Smith offered a substitute motion that the contract be authorized at a fixed cost of \$14,000 and completion date on May 16, 1960. The motion was seconded by Councilman Dellinger.

Councilman Smith stated he is opposed to cost-plus construction and thinks a definite price should be fixed.

At the request of Councilman Myers as to his recommendation, Mr. Veeder stated prior to receipt of the proposal, the City analyzed the data we have that Pease & Company can use, and in his judgment the extent of the data available is such he feels they cannot come out less than \$15,500 - that it is one of those things that cannot be based on fact, and he is of the opinion that the \$15,500 is a good bet.

The vote was taken on the substitute motion, and carried, with the votes cast as follows:

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

CHARLOTTETOWN, INC., ADVISES WILL REMOVE ENCROACHMENTS AT THEIR EXPENSE OVER SANITARY SEWER AND STREET RIGHTS-OF-WAY WHEN REQUESTED BY CITY.

Mr. Veeder presented a letter from Charlottetown, Inc., signed by Mr. David R. Stambaugh, in response to the City Engineer's letters regarding encroachment by them over sanitary sewer and street rights-of-way in the Charlottetown Shopping Center area. Mr. Stambaugh advised it is understood and agreed that in the event there is need for the right-of-way for street purposes, Charlottetown, Inc., is to remove any existing obstructions on the right-of-way and any claims for personal or property damages arising from the use or misuse of said obstructions will be their responsibility to settle. Also, it is understood and agreed in event it is necessary to replace, repair or supplement the sanitary sewer, Charlottetown, Inc., will remove the portion of the parking ramp which encroaches on the right-of-way at their own expense, and should they fail to do so within a reasonable time after notification by the City, the City may remove the encroachment and Charlottetown, Inc. pay the cost for such removal.

Councilman Dellinger stated he still feels we should have more than a letter and requested that the City Manager and City Attorney work out a contract with Charlottetown, Inc., relative to the said encroachments.

HOLIDAY GREETINGS TO BE EXTENDED CITY EMPLOYEES FROM MAYOR AND COUNCIL.

Councilman Whittington moved that Mayor Smith send a letter to all Department Heads and personnel thanking them on behalf of the Council for their efforts during the year and wishing them a happy Holiday Season. The motion was seconded by Councilman Dellinger, and unanimously carried.

Mayor Smith advised that he always sends such letter and will be glad to include the Council.

AUDITORIUM-COLISEUM AUTHORITY REQUESTED TO STUDY METHODS OF FINANCING THE PURCHASE OF PARKING LOT LEASED FROM DWIGHT L. PHILLIPS, LESSOR.

Councilman Hitch advised that the Auditorium-Coliseum Authority wish to know if public funds may be used to pave the 5 1/2 acre parking lot at the rear of the buildings under lease from Mr. Dwight L. Phillips.

Mr. Shaw, City Attorney, stated that it may be paved with public funds.

Councilman Myers stated in his judgment it would be more economical to purchase the parking lot and then pave it, as it is now under a 20 year lease from Mr. Phillips at a cost of \$10,000 annually, and the price of the land will be paid out in rental over the period of the lease.

Councilman Dellinger moved that the City Attorney give the Council a ruling as to how funds may be realized for the purchase of the lot. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Myers moved that the Auditorium-Coliseum Authority be requested to study methods of financing the purchase of the lot and give a report to Council. The motion was seconded by Councilman Dellinger, and unanimously carried.

LETTER OF CONDOLENCE AUTHORIZED SENT TO FAMILY OF CURTIS L. ANDERSON, CITY EMPLOYEE FATALLY INJURED WHILE ON DUTY WITH CITY.

Mr. Veeder, City Manager, advised that the family of Mr. Curtis L. Anderson, who was fatally injured while on duty with the City garbage department, will be given every assistance by the Personnel Director in the matter of settling insurance, et cetera, and in view of the approaching Christmas season a memo will be sent departments regarding the five children between the ages of 1 and 7.

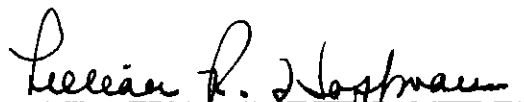
Councilman Babcock moved that a letter of condolence be sent the family from the Mayor and Council. The motion was seconded by Councilman Whittington, and unanimously carried.

CITY TREASURER TO BE REQUESTED TO COMPILE LIST OF PROPOSED BOND ISSUES.

Councilman Hitch requested that the City Treasurer submit for Council study a list of proposed bond issues, such as runways at the Airport, street improvements, the sanitary sewer improvements, et cetera. The motion was seconded by Councilman Dellinger, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk