

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 12, 1960 at 2 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington 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 Dellinger, and unanimously carried, the minutes of the last meeting on December 12th were approved as corrected in the last line on Page 146, relative to Widening Clanton Road, to read, "from South Boulevard to Clanton Park" in lieu of "from York Road to South Boulevard".

HEARING ON RECOMMENDATIONS OF HAZEN AND SAWYER, ENGINEERS, RELATIVE TO SURVEY OF WATER AND SEWER RATES.

Mayor Smith invited comments on the Survey Report on Water and Sewer Rates made by Hazen and Sawyer, Engineers, New York. Mr. Herbert Wayne, Chairman of the Chamber of Commerce Committee who requested that the Survey be made, stated there are certain points in the Report they would like to bring to the attention of Council, and he introduced Mr. C. S. Reed, member of the Committee, to present these items.

Mr. Reed stated the Committee took no position on the Report and makes no recommendations; that he is not in any sense representing the large users and has merely made a comparison of the cost allocations, which is the key to the entire matter. Mr. Reed discussed the Report in detail, and among his remarks stated the study is based on a three months period, while in making a cost allocation for the big water users a 12-months period should be covered to get a correct analysis. He stated there is no justification in the proposed large increase in rate for the larger consumer and that the residential consumer should be charged even less than is now paid for both water and sewer service. He suggested a low price of 7.3 cents per 100 cubic feet of water for the larger consumers against the recommended 10.5 cents for consumers using over 33,000 cubic feet per month. Mr. Reed stated he has reviewed records in the Water Department, which took only about one hour, and compiled a rate schedule, which differs greatly with that recommended; however, he does not recommend the adoption of his rate schedule as it now is, because of the short time given to its study. That the 60 big customers are the BOD customers; the City should check into their records and see if they are causing the big increase in demand. Mr. Reed also suggested that a study should be made of the proposed continued minimum bill of \$1.00 which should be increased. He stated there is no justification for the proposed increase in charge for fire line, which should be held at .62 cents per month.

Mr. Reed compared the remarks made by Mr. Hazen at a Water Works Meeting in Asheville in 1954 with regard to water rates and fire protection cost at Raleigh, Greensboro and Winston Salem, with those recommended for Charlotte, which he stated do not compare favorably for Charlotte nor could he understand them in view of his speech.

Councilman Dellinger asked if he is correct in understanding that Mr. Reed does not recommend the adoption of his rate schedule, and Mr. Reed replied he does not as it is as only one hour's time was given to the study.

Mr. Wayne stated if the Chamber of Commerce Committee can be of further service they will be glad to do so.

Mr. W. B. Sinnott of Hazen and Sawyer commented on only the portion of Mr. Reed's remarks as they related to Mr. Hazen's talk in Asheville, which he stated appeared that Mr. Hazen has changed his philosophy, which is not true. He quoted Mr. Hazen's remarks on water rates and fire protection cost from a printed copy of the speech.

Mr. Joe Grier, Attorney speaking for a Committee composed of Mr. J. C. Barnhardt, Mr. Henry Benoit, Mr. Luke Brackett, Mr. Lambert Schwartz and Mr. Bruce Wingate representing a number of the larger users who were present, stated his clients oppose the proposed rates because they are unfair and unreasonable, and they feel they have every right to insist that users not be required to pay more than is proper and the rate schedule be fair among the classes of users. He asked that the Council consider the method used by Hazen & Sawyer for allocating costs of the water and sewer system, which he stated was wrong; that the top bracket of 200,000 cubic feet or more be restored in lieu of the present 100,000 cubic feet; that the 3.1% of the cost of water allocated to fire protection is too small and for the city to enjoy favorable insurance rates the fire charge should be 20%; that they have fixed the values of the respective elements of the system by estimate and the Report does not represent an independent determination based on first hand analysis of the cost of supplying water to the various classes of users; that no separate study was made of the cost of rendering sewer services to the various classes of users and therefore no knowledge as to a fair determination of its charges for sewer services can be obtained from their report; that they propose to make water and sewer self sustaining from revenues, which is brought about by the enormous increase in rates, which is not in keeping with practices in other areas and is unfair. Mr. Grier stated the extensions of water and sewer services in the rapidly expanding area of Charlotte within the next few years will mean an enormous cost and to require the water-sewer users to pay the entire cost is unfair, and at least a portion should be by direct assessment on property. He urged that the rates proposed because of these capital investments be carefully considered. Mr. Grier also suggested that the Council consider the formation of a Sanitary District, which would result in a more equitable sharing of the cost of expanding the system. In behalf of his clients, Mr. Grier requested that the proposed rates not be adopted and changes be made in line with the suggestions made in their written report to the Council.

Councilman Smith stated if Mr. Grier's group would give the Council a break down on brackets as to how they would affect the revenue it would be helpful, and Mr. Grier advised they would be glad to make the deductions.

Mr. Wayne stated he assumes this hearing has produced enough for a further study before a decision is made by Council.

Councilman Dellinger moved that Mr. Reed and Mr. Anderson of Piedmont Natural Gas Company be invited to confer with Mr. Sinnott and try to come to some mutual conclusions, as soon as possible, and then meet with the City Council after the first of the year. The motion was seconded by Councilman Hitch, and unanimously carried.

COUNCIL RECESSED.

The meeting was recessed by Mayor Smith at 3:15 P.M. and reconvened at 3:25 P.M.

PROPOSED SUBDIVISION ORDINANCE REFERRED TO COMMITTEE TO PREPARE A DEFINITE ORDINANCE TO COVER ALL REQUIREMENTS.

The revised Subdivision Ordinance was presented, and the revisions read as recommended by the Planning Board, at the request of Council, following the hearing on the proposed Ordinance on December 5th. Councilman Dellinger moved the adoption of the revised Ordinance, which was seconded by Councilman Whittington. Mr. James O. Moore, Attorney for Mr. W. Marshall Moore, asked to be heard relative to the effect of the proposed ordinance on industrial subdivisions. He advised the Plans for the Industrial Subdivision of Mr. Marshall Moore located off Sugaw Creek Road, between the Norfolk-Southern and Southern Railways, have been approved by the Planning Board; that industrial subdivisions differ from residential subdivisions in that lots are laid off in not less than 5 acres, and subdivided later, the size of the lot being controlled by the lessee, and it is therefore not possible to lay off streets at the time plans are approved. That the provisions of the new ordinance as to sidewalks in future subdivisions will greatly affect this subdivision. Mr. McIntyre, Planning Director, stated he has discussed this with Mr. Moore, and if they wish to create further subdivisions of the property, they will have to submit plans; that sidewalks would have to be established in that portion fronting on Sugaw Creek Road, which is an arterial street. He stated further, this would not be the case if it were a residential subdivision, as the ordinance is not retroactive to those subdivisions already approved, but industrial subdivisions have to later subdivide. Mr. Moore asked that the ordinance be amended so as not to apply to further subdivision for industrial purposes in existing industrial subdivisions for which final plans had been approved prior to the effective date of the Ordinance.

Councilman Smith suggested that the industrial subdivision provisions be removed from the ordinance in order that they be studied further.

Councilman Whittington expressed opposition to this proposal, stating he cannot see how an effective ordinance can exempt industrial subdivisions on arterial streets, streets providing access to schools, etc, and the Council must consider what is best for the majority of the citizens. He stated further he is very interested in this ordinance and it appears now it is going to be killed by so much postponement. Mr. Veeder expressed the opinion that there should be no distinction as to whether it is a residential or industrial subdivision; that if the sidewalk is needed it should be required, and in his opinion, if there is any single category of street where sidewalks are needed, it is an arterial street.

Mr. John Delaney, representing the Home Builders Association, expressed opposition to the indefiniteness of the ordinance as to what streets are

covered. He asked that this be clarified so the developers will know just what is required of them. He stated they do not object to the sidewalk provision, but the terminology is not clear.

Mayor Smith suggested that Mr. Veeder, Mr. McIntyre, Mr. Delaney and others interested confer and get the ordinance in proper shape, so that no further hearings in the matter will be necessary.

Councilman Myers stated he has found that requirements for curb and gutter is within the discretionary power of Mr. Hoose and he thinks this, too, should be ironed out, as the developers of industrial lots cannot determine costs.

Councilman Albea offered a substitute motion that Mr. Veeder and Mr. McIntyre confer with Mr. Delaney and Mr. Moore and prepare an ordinance to cover all of these discrepancies, and present it at the first meeting in January. The motion was seconded by Councilman Hitch, and unanimously carried.

ORDINANCE NO. 704 AMENDING ZONING ORDINANCE CHANGING ZONING ON PROPERTY SOUTH OF P & N RAILWAY, BETWEEN TODDVILLE ROAD AND PAW CREEK.

Councilman Dellinger moved the adoption of Ordinance No. 704 Amending the Zoning Ordinance by changing zoning on property south of P & N Railway, between Toddville Road and Paw Creek, from Rural to Industrial, with the exception of a strip approximately 270-ft. wide along the western boundary, as recommended by the Planning Board. The motion was seconded by Councilman Whittington.

Mr. David Henderson, attorney for the petitioners Susan and W.P. Todd, urged that the curb line be extended over the line which marks the Todd property and that the balance of the property be included in the zoning change. Councilman Whittington stated he is concerned about the people on Toddville Road, and asked how close it comes to US 27? Mr. Henderson stated the distance from the Industrial zoning to the roadway is 430 feet, and to the house with the pond approximately 1,500 feet, and the distance to US 27 is about 3/4 of a mile.

Councilman Myers asked if a Light Industrial zoning classification would not be acceptable to the owner and petitioner? Mr. Tom Lynch, representing the P & N Railway Company, stated it is acceptable for the area not recommended for industrial zoning.

Councilman Smith offered a substitute motion that the area be rezoned industrial, as recommended by the Planning Board, and the strip approximately 275 feet wide along the rear of the lots facing Cline Street be zoned Light Industrial. The motion was seconded by Councilman Dellinger.

Councilman Albea offered a second substitute motion that since so much controversy has arisen and the residents of the area who opposed any change in zoning are not present, that the matter be deferred until the next zoning hearing date, so that all interested persons may be heard on the recommended zoning change. The motion was seconded by Councilman Whittington, and lost by the following recorded vote:

YEAS: Councilmen Albea, and Whittington.

NAYS: Councilmen Babcock, Dellinger, Hitch, Myers and Smith.

The vote was then taken on the substitute motion by Councilman Smith and carried by the following recorded vote, and the Ordinance was adopted as stated in his motion:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 22.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 16TH ON ORDINANCE NO. 713 AMENDING THE ZONING ORDINANCE, ADOPTED.

A Resolution Providing for a Public Hearing on January 16th on Petition of J. B. Rowe, Annie L. Shepherd, et al, for change in zoning of property being that portion of block bounded by E. Morehead Street, Edgehill Road and Brunswick Avenue, from R-2 to O-I as set forth in Ordinance No. 713, was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Myers, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 73.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 16TH ON ORDINANCE NO. 714 AMENDING THE ZONING ORDINANCE, ADOPTED.

A Resolution Providing for a Public Hearing on January 16th on Petition of Jo Ann Jaeger, for a change in zoning of property at 1323 The Plaza, from R-2 to B-1, as set forth in Ordinance No. 714, was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Myers, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 74.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 16TH ON ORDINANCE NO. 715 AMENDING THE ZONING ORDINANCE, ADOPTED.

A Resolution Providing for a Public Hearing on January 16th on Petition of Domar Corporation, Inc. for a change in zoning of property located east side of Statesville Road, north of Kohler Avenue, from R-2 to B-1, as set forth in Ordinance No. 715, was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Myers, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 75.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 16TH ON ORDINANCE NO. 716 AMENDING THE ZONING ORDINANCE, ADOPTED.

A Resolution Providing for a Public Hearing on January 16th on Petition of John S., Marion C. and Fannie O. Dellinger, for a change in zoning of property located at southeast corner Statesville Road and Nivens Road, from Rural to B-1, as set forth in Ordinance No. 716 was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Myers, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 76.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 16TH ON ORDINANCE NO. 717 AMENDING THE ZONING ORDINANCE, ADOPTED.

A Resolution Providing for a Public Hearing on January 16th on Petition

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of Fannie L. Keistler, for a change in zoning of property located on north side Interstate Highway 85, west of Seaboard RR property, from R-2 to Industrial, as set forth in Ordinance No. 717, was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Myers, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 77.

ENCROACHMENT AGREEMENT WITH NORFOLK-SOUTHERN RAILWAY FOR CONSTRUCTION OF SANITARY SEWER LINES UNDER TRACKS AT POTTERS ROAD, AUTHORIZED.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute an encroachment agreement with the Norfolk-Southern Railway in connection with the construction of sanitary sewer lines located under Norfolk-Southern tracks at Potters Road. The motion was seconded by Councilman Smith, and unanimously carried.

UNNAMED STREET RUNNING WEST OF YORK ROAD, ONE BLOCK SOUTH OF PRESSLEY ROAD NAMED YORKWOOD DRIVE.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and unanimously carried, the unnamed street running west of York Road, one block south of Pressley Road, was named YORKWOOD DRIVE, as requested by all the present residents and recommended by the Planning Board.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 25-ft. entrance at 400 Lawton Street.
- (b) One 20-ft. entrance at 309-11 S. Graham Street.
- (c) One 25-ft. entrance on W. 7th Street for 301 N. Smith Street.
- (d) One 20-ft. entrance at 2621 Beatties Ford Road.
- (e) One 30-ft. entrance at 3725 N. Davidson Street.
- (f) Two 30-ft. entrances at 2115 N. Tryon Street.
- (g) Two 30-ft. entrances at 4555 South Boulevard.
- (h) One 30-ft. entrance at 3055 Freedom Drive.
- (i) One 20-ft. entrance on N. Tryon Street, Two 20-ft. entrances on W. 9th Street for 501 N. Tryon Street.
- (j) Two 35-ft. entrances at 3020 Rozzells Ferry Road.
- (k) One 35-ft. entrance on Eastway Drive, One 35-ft. entrance on Windsor Road for 2113 Eastway Drive.

RENEWAL OF SPECIAL OFFICER PERMIT AUTHORIZED TO MR. BRADLEY A SIMON.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and unanimously carried, the renewal of Special Officer Permit to Bradley A. Simon, 240 N. Dotger Avenue, for use on the premises of Public Library of Charlotte and Mecklenburg County and Branches was authorized.

PROPOSED AMENDMENTS TO PAY PLAN DEFERRED ONE WEEK FOR STUDY.

Councilman Albea moved approval of the Amendments to the current Pay Plan recommended by the City Manager, which was seconded by Councilman Hitch:

- (a) The addition of the classification of Class 201, Treatment Plant Supervisor to Pay Range No. 22, \$480-\$500 mo.
- (b) The retitling of Class 170 - Sewer Construction Foreman to Sewer Construction Supervisor with a salary adjustment from Pay Range No. 18, \$400-\$500 mo. to Pay Range 20, \$440-\$550 mo.
- (c) Abolish Class 310 Civil Engineer III and adjust Class 308 Civil Engineer II from Pay Range 23, \$500-\$630 mo. to Pay Range No. 24, \$525-\$660 mo.

Councilman Dellinger called attention to item (b) recommending a salary adjustment, while his request in October for an adjustment from \$300 to \$315.00 in the salary of the Switchboard Operator, who had had no raise in five years, was voted down 4 to 3 as it was called "spot salary Raise". He moved an amendment to the motion to include the said adjustment for the Switchboard Operator, which was seconded by Councilman Whittington. The amendment to the motion was not acceptable to Councilman Hitch, who seconded the original motion.

The City Manager stated it is not proper to think the Pay Plan is something firm and cannot be adjusted during any 12 months period; that annually a study will be made of salaries in the community and adjustments will come up from time to time that the Council must be requested to pass on.

Councilman Hitch stated he will be glad to consider Councilman Dellinger's request later, as he does not know the individual personnel as does Councilman Dellinger by reason of his long service with the City, and he would like to go back and look up the prior discussion and action on the request.

Councilman Whittington offered a substitute motion that the proposed amendments to the Pay Plan be deferred one week for study. The motion was seconded by Councilman Dellinger, and unanimously carried.

REAPPOINTMENT OF MRS FRANK H. KENNEDY TO AIR POLLUTION CONTROL ADVISORY AND APPEAL BOARD.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, Mrs. Frank H. Kennedy was reappointed as Member-at-large to the Air Pollution Control Advisory and Appeal Board for a term of 5 years, from the expiration of her present term on January 1, 1961.

REAPPOINTMENT OF FRANK BEDDINGFIELD TO PERIMETER ZONING BOARD OF ADJUSTMENT.

Councilman Dellinger moved the reappointment of Mr. Frank Beddingfield to the Perimeter Zoning Board of Adjustment for a term of three years from the expiration of his present term on January 4, 1961. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION DESIGNATING MONDAY, DECEMBER 19, 1960 AS CITY EMPLOYEE RECOGNITION DAY, ADOPTED.

A Resolution Designating Monday, December 19, 1960 as City Employee Recognition Day was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Whittington, was unanimously adopted, and is recorded in full in Resolutions Book 4, at Page 78.

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COUNCILMAN BABCOCK LEFT MEETING FOR REMAINDER OF SESSION.

Councilman Babcock left the meeting at this time and was absent for the remainder of the session.

DECEMBER 23RD AND 26TH DESIGNATED AS CHRISTMAS HOLIDAY FOR CITY EMPLOYEES.

Councilman Dellinger called attention that the County Commissioners have allowed from Thursday noon, December 22nd to Tuesday A.M. December 27th as Christmas holidays for county employees, while only Monday the 26th is designated for city employees, and suggested that Friday the 23rd also be allowed. Councilman Hitch stated he is not opposed to the proposed holiday period but thinks it should be kept in line with that of private industry. Councilman Dellinger moved that Friday the 23rd and Monday the 26th be fixed as the Christmas holiday. The motion was seconded by Councilman Albea.

A substitute motion was offered by Councilman Hitch that Friday afternoon be allowed together with Monday the 26th. The motion was seconded by Councilman Myers, and the motion lost by the following recorded vote:

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

The vote was then taken on the main motion by Councilman Dellinger and carried by the following recorded vote:

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

INSTALLATION OF TRAFFIC SIGNAL AT RANDOLPH ROAD AND WENDOVER ROAD AUTHORIZED.

Councilman Smith advised that traffic is becoming increasingly heavier at Randolph Road and Wendover Road, and moved that a traffic signal be installed and funds be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Dellinger, and unanimously carried.

ERECTION OF TRAFFIC SIGNAL AT PARKWOOD AVENUE AND HAWTHORNE LANE EXTENSION, AUTHORIZED.

Councilman Whittington stated he has been trying to get a traffic signal installed at Parkwood Avenue and Hawthorne Lane Extension, which is needed badly, and he moved that the signal be installed and funds transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Dellinger, and unanimously carried.

ERECTION OF TRAFFIC SIGNAL AT BELMONT AVENUE AND NORTH DAVIDSON STREET AUTHORIZED.

Councilman Albea moved that a Traffic Signal be installed at Belmont Avenue and North Davidson Street, which is badly needed, and funds transferred from Contingency Fund for this purpose. The motion was seconded by Councilman Smith, and unanimously carried.

MAINTENANCE COST OF VARIOUS PACKER MANUFACTURERS REQUESTED PRIOR TO BIDS BEING TAKEN.

Councilman Whittington stated he understands bids will be received on Packers soon and he would like the City Manager to give the Council maintenance costs on the different manufacturers before the bids are taken.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk