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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, April 17, 1961, at 2 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington present.

ABSENT: None

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

ABSENT: Messrs. Craig, Lakey, Marsh and Schwartz.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Babcock, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on April 10th were approved as submitted.

HEARING ON ORDINANCE NO. 736-Z-12 AMENDING THE ZONING ORDINANCE.

The scheduled hearing was held on Ordinance No. 736-Z-12 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte area by changing zoning on property at 909 Kenilworth Avenue, from R-2 to O-I, on petition of J. H. Cornelius.

Mr. McIntyre, Planning Director, stated the property fronts on Kenilworth Avenue at the rear of the new office building of the petitioner fronting on Morehead Street; property is 66 x 122 deep and is presently occupied by a residential structure, and the property is adjoined by residential areas with the exception of the office building.

Mr. Jack Hamilton, Attorney for the petitioner and Paway, Inc., who owns the adjacent new office building, stated Paway, Inc., wishes to use the property in question for parking purposes only; that under the proposed new zoning ordinance, parking will be permitted on the property but as the office building is nearing completion they need the lot now for parking, and, too, the work on the preparation of the parking area can be done at this time more cheaply.

Mr. Albert Hoke, resident of the residential structure adjoining the property in question, stated he does not wish to impede progress but is concerned as to the affect on his property and the comfort of the family in having a parking area adjoining. He stated he is opposed to the erection of the overhead parking ramp as shown on the plat, as there is danger of cars running off it onto his property. Mr. Hamilton stated they would be glad to eliminate the ramp and construct the parking lot on ground level,

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and they would be glad to have the Council include the restriction of the rezoning to parking only. Councilman Smith pointed out to Mr. Hoke that the Council cannot place any limitations on zoning, and if he is agreeable to the rezoning then he should have a definite agreement in writing with the petitioner. Mr. Hamilton stated that Paways, Inc. has an option to purchase the property from the petitioner, Mr. Cornelius, and if the rezoning is allowed, Mr. Cornelius will put a restriction in the deed that the lot can be used for parking purposes only.

Council action was deferred one week.

HEARING ON ORDINANCE NO. 737-Z-13 AMENDING THE ZONING ORDINANCE.

The public hearing was held on Ordinance No. 737-Z-13 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing zoning on property on the east side of Dawn Circle, between Eloise Avenue and Pounds Avenue, from Rural to Industrial, on petition of Blumenthal Properties, Inc.

The Planning Director stated the property fronts on US #29 North and extends back to Dawn Circle and is presently being used by Mobile Homes Sales; that the property is adjoined on the north by an Industrially zoned area, otherwise the adjoining property is zoned Rural.

Mr. Sol Levine, Attorney for the petitioner, stated that across US #29 from the property are North 29 Bowling Lanes, that the streets on either side and at the rear of the property are dirt roads only 8 feet wide, and the area at the rear is developed both by business and one or two residences, otherwise the property is surrounded by Industrial developments. He stated they have only recently learned that the property is split by part Residential zoning and part Business and it is not suitable for residential development.

No opposition was expressed to the change in zoning.

Council action was deferred one week.

HEARING ON ORDINANCE NO. 738-Z-14 AMENDING THE ZONING ORDINANCE.

The scheduled hearing was held on Ordinance No. 738-Z-14 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing zoning on property at 4432 Statesville Road, from Rural to B-1, on petition of John G. Howell.

A map of the property and surrounding area was presented by the Planning Director, who stated it consists of two lots fronting Statesville Road 28 feet x 200 feet depth. That a portion of it is presently used for car repairs; that it is adjoined by a residential development and both business and industry are developed nearby.

Mr. Brock Barkley, Attorney for the petitioner, stated their petition has bearing on the petition of Mr and Mrs Dellinger for the rezoning of their property on Statesville Road down to Niven Road, which is now before Council, and the property in question belonging to Mr. Howell lies between the portion of his lot zoned for Business and the Dellinger property, and if rezoned B-1, the zoning along the street can be continuous for business to Niven Road. He stated the area is not suitable for residential development and one cannot get an FHA home loan on the street from Niven Road to the Charlotte City limits, and no residences have been erect on the street for over five years.

No opposition was expressed to the zoning change.

Council decision was deferred one week.

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the perimeter area:

Victor Hull and wife	\$ 108.75
F. M. Simpson and wife and C. A. White and wife	87.50
Julia W. Torrence, widow	245.96
Elva C. Peterson and husband	<u>504.54</u>
	\$ 946.75

PAYMENT AUTHORIZED TO TOM MATTOX AND AZALEA S. MATTOX FOR RIGHT OF WAY FOR TAGGART CREEK OUTFALL AND FOR TAGGART CREEK SEWAGE LIFT STATION.

Councilman Hitch moved approval of payment of \$675.31 to Tom Mattox and Azalea S. Mattox for right of way for Taggart Creek Outfall and \$2,500.00 for lot on which to construct Taggart Creek Sewage Lift Station. The motion was seconded by Councilman Albea, and unanimously carried.

CHANGE ORDERS IN CONTRACTS WITH YEARWOOD CONSTRUCTION COMPANY AND BLYTHE BROS COMPANY AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the following Change Orders were authorized:

- (a) Change Order in the Contract with Yearwood Construction Company for the general construction of the Woodlawn Fire Station, in the amount of \$344.00 for the footings to be taken to a depth to reach firm soil.
- (b) Change Order in Contract with Blythe Bros Company for Street Improvements on Tuckaseegee Road - P & N Railway Grade Separation, SEC I Street Construction, to include necessary work to construct a drainage ditch at the toe of a fill on the north side of Tuckaseegee Road, in the amount of \$429.00, to eliminate a drainage problem resulting from fill encroachment on private property.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY DEPARTMENT FOR RIGHT OF WAY IN INTERSTATE #85 FOR EXTENSION OF WATER MAIN.

Councilman Albea moved approval of a contract with the State Highway Department for right of way in Interstate #85 for the extension of a 6-inch water main to serve a portion of the Dalebrook Subdivision. The motion was seconded by Councilman Whittington, and unanimously carried.

SUPPLEMENTARY CONTRACT WITH GREEN GARDENS, INC. FOR INSTALLATION OF ADDITIONAL WATER MAINS IN GREEN GARDENS SUBDIVISION.

Upon motion of Councilman Babcock, seconded by Councilman Dellinger, and unanimously carried, a Supplementary Contract to contract date June 1, 1960 was authorized with Green Gardens, Inc. for the installation of 5,565 feet of additional water mains and 3 hydrants, to serve a portion of Green Gardens Subdivision, at an estimated cost of \$15,500.00. The City to finance all construction costs and applicant to guarantee a gross annual water revenue equal to 10% of the said cost.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Hitch, seconded by Councilman Babcock, and

unanimously carried, authorizing the construction of sanitary sewer mains, as follows:

- (a) Construction of 1,862 feet of 8-inch mains in Hidden Valley Sub-division, inside the city limits, at request of Hidden Valley Builders, Inc., at an estimated cost of \$6,890.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) Construction of 2,283 feet of 8-inch mains in Hidden Valley Sub-division, inside the city limits, at request of Hidden Valley Builders, Inc., at an estimated cost of \$8,010.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (c) Construction of 145 feet of 8-inch mains in Pineville Road, inside the city limits, at request of Doggett Lumber Company, at an estimated cost of \$430.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

CONSIDERATION OF INSTALLATION OF PIPE IN WOODHAVEN DRIVE BY CITY TO BE BILLED TO WEEPING WILLOW A.M.E. ZION CHURCH WITH PIPE FURNISHED BY MRS. K.S. COE, DEFERRED ONE WEEK.

The City Manager advised the Weeping Willow A.M.E. Zion Church on Woodhaven Drive improperly installed an inadequately sized pipe crossing Woodhaven Drive, creating a hazardous drainage condition at the rear of the property of Mrs K. S. Coe, 3121 Sharon Road. That the installation of the pipe is now in a state of disrepair, and provides a hazard to public safety and public health; that Mrs Coe wishes to furnish at her expense the proper pipe to be installed to correct the condition if the Church or City will bear the cost of installation. That the Church has refused to assume the responsibility, and he recommends that the City install the pipe, as a health and safety measure, and bill the cost of the installation to the Church. In the discussion, Councilman Whittington stated similar requests have been turned down and he therefore, cannot support this. It was also pointed out that the City may have no legal responsibility in the matter, and has no way of knowing if the Church will pay the bill once the installation is made. Councilman Myers moved that the matter be deferred one week and the City Manager look into all ramifications of the situation. The motion was seconded by Councilman Whittington, and unanimously carried.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH T.A. SHERRILL CONSTRUCTION COMPANY IN CONNECTION WITH STREET IMPROVEMENTS ON KILDARE DRIVE AND LYTTLETON DRIVE, COVERING BASE-COURSE, EXCAVATION AND DRAINAGE CONDITIONS.

The City Manager recommended approval of a Supplementary Contract with T.A. Sherrill Construction Company for Street Improvements on Kildare and Lyttleton Drives, in the amount of \$8,000.00, due to problems arising during the construction with regard to the sub-base on Kildare Drive being permeated with small ground-water springs making it necessary to fill the area with suitable sub-base material, and on Lyttleton Drive the base-course and surface had to be replaced and new sub-base drainage network had to be installed because of deterioration caused by inclement weather. Mr. Veeder advised the work will be performed by the contractor at the same unit prices in the original contract. Councilman Smith moved approval of the supplementary contract, in the amount of \$8,000.00, as recommended. The motion was seconded by Councilman Hitch, and unanimously carried.

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TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs Wade Linker, for the transfer of Lot 286, Section 4-A, in Evergreen Cemetery, at \$189.00.

BID FOR CONSTRUCTION OF GALVANIZED STEEL OFFICE AND STORAGE BUILDING REJECTED.

Upon motion of Councilman Albea, seconded by Councilman Myers, and un-animously carried, the bid of Frank H. Conner Company for the construction of a Galvanized Steel Office and Storage Building, in the amount of \$7,890.00, was rejected due to only the one bid having been received, and new bids were authorized obtained.

BUILDING INSPECTION DEPARTMENT SUPERINTENDENT DIRECTED TO REVOKE BUILDING PERMIT ISSUED DR. R. P. LYON ON APRIL 11, 1961 FOR THE CONSTRUCTION OF A DRIVE-IN RESTAURANT AT 2823 SELWYN AVENUE.

Mr. J. R. Baillie, 2129 Colony Road, referred to his letter to the Mayor, City Manager, Planning Director and Building Inspector dated April 13th, reviewing the zoning in 1949 of the property of Dr. R. P. Lyon at 2823 Selwyn Avenue, and requesting that the zoning map be changed to show the property was zoned B-1 for a depth of 100 feet in lieu of 150 feet and the present building activity on the lot be held up until the change is made. Mr. Baillie asked if the zoning map has been changed, as requested, to conform with the intent of the Council at the time the rezoning was made in 1949.

The City Manager advised that the map has not been changed.

Mr. Baillie then introduced Mr James G. Lee, 2825 Glendale Road, whom he stated would present their request that the building activity be held up until the change is made, and, also, that the zoning map be changed.

Mr. Lee stated that the area along Selwyn Avenue was scheduled to be taken into the City on January 1, 1949, and in November and December 1948, Dr. R. P. Lyon, owner of property in the 2100 block of Selwyn Avenue hastily erected a building at each corner of his property in the 2100 block of Selwyn Avenue used for a Service Station and a Beauty Shop, and also erected a building used as a Washerette at the rear of the lot fronting on Colony Road, and all three businesses were placed in operation on December 31, 1948. When the zoning of the area took place, the Zoning Commission after holding hearings on Feb 21st and 28th, 1949, recommended that Dr. Lyon's lot be zoned for business 100 feet back from Selwyn Avenue and the balance of the lot zoned Residence 1. That the Zoning Map prepared by the late Mr J. B. Marshall, who was then Zoning Engineer, showed 100 ft. zoned B-1. He advised he has in his possession a letter to this effect from Mr. Fred Thompson, who was then Chairman of the Zoning Commission. Mr. Lee stated that on April 20, 1949 the City Council approved the recommendation for the 100 ft. zoned B-1, and there were writeups in both the Charlotte News and Charlotte Observer so stating, which Mr. Lee read. That in 1953 Dr. Lyon asked the Zoning Board to rezone his property in an effort to build a Supermarket, and the Zoning Board recommended the rezoning for the balance of the lot to B-1. That a group of their residents appeared before Council when the zoning was considered and protested the zoning of the property to B-1, and asked at that time that the petition be denied and also that the Zoning Map be corrected to read 100 ft. instead of 150 ft.

The City Clerk was asked to read the item referred to in the Minutes of the Council Meeting on November 25, 1953, and Mayor Smith stated the Minutes show that it was the intention of the Council to zone the property 100 ft.

Mr. Lee stated all of the residents would go along with Dr Lyon to continue business on Selwyn Avenue but they want to keep it off Colony Road. He stated further that on January 3, 1955, an appeal was taken to the Board of Adjustment from the decision of the Chief Building Inspector in turning down Dr Lyon's application for a building permit to erect a building 125 feet on Colony Road for a Supermarket; the appeal was denied because the area was in an R-1 district. Mr. Lee stated he would like to know if Dr Lyon took the matter on to Superior Court.

Mr Lee then stated with this background, Mr Baillie on December 12, 1960 sent Mr. Veeder a letter asking that the map be changed in conformity with the intent of the Council in 1949 and asking that any request for a permit to build on the lot be denied until the map has been changed, and Mr. Veeder replied on December 20th. Mr. Lee stated that apparently the Map controls and they do not want to go into a legal battle but at the same time do not want business on Colony Road.

At the question of Councilman Dellinger if there is no way these discrepancies between the Zoning Ordinance and Map can be avoided, Mr. Veeder stated the maps were not block or property line maps and the zoned areas have to be scaled individually; that this will not be the case in the future, as the 64 maps of the new zoning ordinance show property lines and the zoning is right on the property line.

Mr. Lee stated further that they understand a building permit was issued to Dr Lyon on April 11th to construct a Drive-In Restaurant at 2823 Selwyn Avenue, which is the lot towards the center of Dr. Lyon's property, and the building is 44 feet long set back from Selwyn Avenue 56 feet, making a total of exactly 100 feet, and on the northeast side there will be a 28 ft. driveway off Selwyn Avenue; therefore, it is evident the Restaurant will use the lot at the rear for parking, to which they object; and they also object to the sale of beer. He stated frankly they have had enough nuisances at this corner where beer is now sold, and it is hard to conceive that men with good business minds knowing that Myers Park High School and AG Jr. High School are so near, will let another nuisance arise in the neighborhood. He stated they do not like to have the Police out there every Saturday night.

Mr. Baillie stated that a serious error has been made in the zoning map, which will be detrimental to every property owner in the neighborhood, and they are asking the Council to correct it once and for all by changing the map to a distance of 100 ft. for the B-1 zoning on Selwyn Avenue. That they do not think they should go the expense of putting up \$100.00 fee to get the ordinance changed or employing an attorney. He stated they have tried to get the change made by Department Heads without any cooperation, therefore they come to the Council as their last resort.

Mr. Lyon, son of Dr Lyon and Mr Brock Barkley, Attorney for Dr Lyon, were present, and Mr. Barkley stated no beer nor alcoholic beverages will be sold at the Restaurant. He advised that the request in 1953 was not for rezoning the 150 feet but a request to zone the entire 280 feet of property owned by Dr. Lyon as B-1. He stated he is sure Council will be guided by the advice of the City Attorney; the residents' attorney has told them this is a matter for the Courts; that even should they concede the Council in 1949 intended making the B-1 zone 100 feet, the present Council could not arbitrarily change the map, as it is a Court matter. He stated further in 1949 the City Attorney stated it did not make any difference what anyone thought they were doing, it is what was done that counts.

The City Manager was asked why the matter was not brought to the Council before the Building permit for the Drive-In was issued Dr Lyon, and Mr. Veeder stated the Building Inspection Department secured a ruling from the City Attorney before the permit was issued, which stated, "..... it makes no difference what the arguments were prior to the adoption of the Ordinance and the map by the City Council. In the original zoning of property, the map, as adopted, controls."

Mayor Smith asked Mr Lyon if his father would hold up work on the building until this question can be resolved, as the City Attorney is not present at the meeting at this time being tied up in Court on a city case. Mr Lyon stated he would be glad to phone and ask his father; that they have never considered the B-1 zoning other than 150 feet; that their requests have been for B-1 zoning for the entire area beyond the 150 feet; that they feel this is a business area, as there are business establishments across the street and opposite; that they have in their lease that no beer is to be sold, and, in fact, they make this restriction in all their leases. Mr. Barkley pointed out that the residents have two ways in which they themselves may proceed without involving the Council, they can handle it thought the Courts or apply in the usual manner to the Planning Board, hence to the Council for a hearing to amend the ordinance.

Councilman Smith moved that as it is the belief of this Council that the former Council intended for the B-1 zoning to extend only 100 feet from Selwyn Avenue in the vicinity of Colony Road, this Council now go on record that it will support and enact, if legally possible, such amendment to establish the B-1 zoning to a depth of 100 feet. The motion was seconded by Councilman Whittington. Councilman Hitch stated he is deeply in sympathy with the residents but he would rather have the legal advice of the City Attorney before acting on the question. The vote was taken on the motion, which carried by the following recorded vote:

YEAS: Councilmen Smith, Whittington, Albea, Dellinger and Hitch.
NAYS: None.

Councilman Myers abstained from voting because of a business interest. Councilman Babcock stated he does not think the motion can be effective, therefore sees no purpose in voting.

Mr. Shaw, City Attorney, arrived at the meeting at this time and Mayor Smith explained the subject under discussion and asked if the Council can legally act to correct the mistake in the zoning map? Mr. Shaw stated he has ruled that the map controls and the Building Inspection Department had no legal right to withhold the permit. He stated that Dr Lyon has to stay within 10 feet of the zoning line, which is 150 feet as shown on the zoning map approved by Council. He asked why the Council does not let it alone and let the property owners and Dr Lyon fight it out. However, if Council insists on taking action, they might do so under their police powers and see what happens but it should be remembered that the residents can seek a court order to stop construction.

Councilman Smith moved that the Council revoke the permit under their police powers until the matter can be settled. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

Councilman Myers abstained from voting because of business reasons.

The City Attorney again stated his recommendation is to let it alone.

21.0110

Mr Lee asked that the following statement be put in the record:

"The City Manager's letter of December 20, 1960 stated: 'The City Attorney gave the Inspection Department an opinion, dated September 22, 1960, which stated - It makes no difference what the arguments were prior to the adoption of the ordinance and the map by the City Council. In the original zoning of property the map, as adopted, controls.' Back in 1951 the Council adopted a new zoning ordinance and new map. In 1953 Dr Lyon put in an application for a building permit, which was rejected, no doubt, on advice of legal Counsel, and he thinks the Council should dig this up and see why."

Mr. Lyon stated the application was turned down in 1953 because they included up to 175 feet and they instructed Mr Barkley to take it to Court. He stated further the present application was taken up with the City Attorney and City Engineer, who both stated the 150 feet is correct and they are very surprised at today's action.

Later in the meeting, the City Attorney suggested it would be better to instruct the Building Inspection Department Superintendent to revoke the permit rather than the Council doing it, and Councilman Smith moved that his former motion to revoke the building permit be rescinded. The motion was seconded by Councilman Dellinger, and unanimously carried.

Councilman Smith then moved that due to the confusion with respect to the zoning situation on the Dr Lyon property, the Council direct Mr. McMillan, Building Inspection Department Superintendent, to revoke the building permit heretofore issued. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

Councilman Myers abstaining from voting.

CHAMBER OF COMMERCE BEAUTIFICATION COMMITTEE GRANTED PERMISSION TO BEAUTIFY TRIANGULAR TRACT OF LAND IN FRONT OF TABERNACLE ARP CHURCH.

Colonel Norman Pease, representing the Chamber of Commerce Beautification Committee advised they wish to beautify the small triangular tract of land in front of the Tabernacle ARP Church at Elizabeth Avenue and East Trade Street, to which the city holds title; that Mecklenburg Nurseries will give the plants and the Garden Clubs will design and maintain it. Councilman Smith moved that the request be granted, which was seconded by Councilman Dellinger, and unanimously carried.

REQUEST FOR RELIEF IN COST OF SEWER LINE TO NEW DEVELOPMENT ON INDEPENDENCE BOULEVARD DISAPPROVED.

Mr. Sol Levine, Attorney representing Radiator Specialty Company, stated they own property on Independence Boulevard West they wish to develop for business and have completed one building at a cost of \$10,000 and now find it will cost them around \$5,000.00 to connect to the city's sewer line, which is entirely out of proportion to the cost of the building, and under the city's policy, the building would never use sufficient water to get a return of their money. He stated they plan to construct other buildings but not at the present time and would like to work out some arrangement to have a sewer line projected to serve the existing building and other buildings as they are erected. He stated if this cannot be done, then they will be forced to construct a septic tank.

The City Manager explained this is the city's policy across the board and is complied with by business every day, and it just so happens in this instance the distance to the city's line is such it will involve a considerable expense to the property owner. Mr. Levine then asked about the requirement for constructing a septic tank, which they will do, and the City Manager advised the approval of the Health Department is the only requirement.

COUNCIL MEETING NEXT WEEK AT USUAL TIME.

Councilman Smith suggested that the Council Meeting on next Monday be changed due to the Municipal Primary on that date. Councilman Albea expressed objections and moved that the meeting be held on Monday at the regular time. The motion was seconded by Councilman Hitch.

Councilman Smith offered a substitute motion that the meeting be held on Tuesday at the usual hour. The motion was seconded by Councilman Dellinger, and lost by the following recorded vote:

YEAS: Councilmen Smith, Dellinger and Whittington.

NAYS: Councilmen Albea, Hitch and Myers.

Mayor Smith broke the tie vote by casting his vote against the motion, and Councilman Babcock abstained from voting.

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

YEAS: Councilmen Albea, Hitch, Myers and Mayor Smith breaking the tie.

NAYS: Councilmen Smith, Dellinger and Whittington.

Councilman Babcock abstained from voting.

TRAFFIC COUNT REQUESTED AT THE PLAZA AND DRUMMOND AVENUE.

Councilman Dellinger requested the City Manager to have a traffic count made at The Plaza and Drummond Avenue, with the view of erecting a traffic signal.

CHECK ON FIRE HYDRANT REQUESTED AT WESTBURY AND PROVIDENCE ROADS.

Councilman Dellinger requested the City Manager to make a check on the fire hydrant at Westbury and Providence Roads, as the residents want to know if it is in proper condition.

INVESTIGATION OF CONDITION OF KEELER DRIVE REQUESTED.

Councilman Dellinger requested the City Manager to have the condition of Keeler Drive, off Beatties Ford Road, near University Baptist Church, investigated, as he is advised it is full of holes and muddy and cars are getting stuck.

CHECK AS TO WATER PRESSURE ON VERNON DRIVE REQUESTED.

Councilman Smith requested the City Manager to have a check made on the water pressure on Vernon Drive, which the residents say is not good.

CHANGES WITHIN AREA OF PARK 'N SHOP ON WILKINSON BOULEVARD AUTHORIZED TO IMPROVE TRAFFIC CONDITIONS.

Mr. Hoose, Traffic Engineer, submitted copies of a report on the survey of traffic conditions in the vicinity of Park 'N Shop on Wilkinson Boulevard, giving in detail the causes contributing to the congestion, which survey was requested by Councilman Whittington. Mr. Hoose recommended the following changes at a total cost of approximately \$1,800.00:

1. Additional one-way signs should be installed on both Deherradora Street and Pruitt Street and these should be rigidly enforced by the Police Department.
2. Concrete curb be installed along Deherradora Street, Pruitt Street and Wilkinson Boulevard. Driveways will be left to provide access to all parking areas. (Curb is to be installed with the curb machine).
3. The curb which is recommended to be installed along Wilkinson Boulevard be set back to allow for an additional lane for westbound traffic along Wilkinson Boulevard.
4. The management of the Park 'N Shop Super Market be informed that it will be necessary to change the parking lot operation so that all maneuvering of vehicles for parking spaces will be confined to the area of the parking lot.
5. Park 'N Shop Super Market be informed that he will not be permitted to park trailers extending onto the right of way and street area for loading and unloading purposes, but trailers must park parallel to the street addition to the loading dock which would have to be installed.
6. A raised concrete divider, consisting either of jiggle bars or solid concrete, be installed along Wilkinson Boulevard from east of the service station at Westerly Hills Drive to a point 100 feet west of Deherradora Street. Openings to be left at the intersections of Wilkinson Boulevard with Westerly Hills Drive, Pruitt Street, and Deherradora Street.
7. The angle parking stalls now painted on the north side of Farnham Street between Deherradora Street and Pruitt Street be permitted. The angle parking spaces along Pruitt Street and Deherradora Street be allowed to remain, providing additional one-way and "Do not enter" signs be installed and properly enforced.

Councilman Myers asked why curb and gutter was not required when the building permit for Park 'N Shop was issued, and Mr. Hoose replied they were outside the city limits and we had no jurisdiction. Councilman Myers asked that the date be verified when the building permit was taken out.

Councilman Smith stated he thinks the money will be well spent on the changes in the public interest and he moved that the work be done as proposed by Mr. Hoose. The motion was seconded by Councilman Whittington.

The City Attorney called attention that the work on the side streets will be a permanent improvement and should be paid for by the owner and the City pay for the work on Wilkinson Boulevard. The City Manager stated he knows of no leverage for making the owner pay, as there is no new construction.

Councilman Myers offered a substitute motion that the work on the right of way on Wilkinson Boulevard be started immediately. The motion was seconded by Councilman Hitch, and lost by the following recorded vote:

YEAS: Councilmen Myers, Hitch and Babcock.

NAYS: Councilmen Albea, Dellinger, Smith and Whittington.

A second substitute motion was offered by Councilman Myers that Mr. Hoose contact the owners relative to the driveways and loading and the City

Attorney relative to requiring compensation from the property owner for the work on the streets off Wilkinson Boulevard. The motion was seconded by Councilman Hitch, and lost by the following recorded vote:

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

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

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

Councilman Hitch stated he is in favor of proceeding immediately with the work on Wilkinson Boulevard and looking further into the matter of payment for the work on the side streets before voting on it, however, as the motion is worded he is forced into the position of voting against the entire work.

PURCHASE OF SITES FOR TWO FIRE STATIONS AUTHORIZED.

The City Manager advised that the current budget provides for the acquisition of four fire stations sites, two of which have been purchased, and he recommends the purchase of two others, one located on the southerly side of Sharon-Amity Road, east of Randolph Road, 135 ft x 200 ft. deep, from the Sharon Corporation at a price of \$19,000.00, and the other located on Frontenac Avenue, just off the intersection of Eastway and Shamrock Drives, 152 ft x 252 ft deep, from Mr Plato Lawing, Lawings, Inc., at a price of \$7,500.00. He advised further both lots have the approval of the National Board of Fire Underwriters and the prices have been verified by the appraisers.

Councilman Babcock moved that both properties be purchased, subject to a check of the titles by the City Attorney. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST TO STATE MERIT SYSTEM COUNCIL FOR SALARY INCREASES FOR PERSONNEL OF MENTAL HEALTH CLINIC AND SWITCHBOARD OPERATOR IN HEALTH CENTER, APPROVED.

Councilman Whittington moved approval of the State Merit System Council being requested to make salary increases for the following personnel in the Mental Health Clinic - Elizabeth R. Allen from \$7,920.00 per year to \$8,280.00, Margaret E. Robbins from \$9,600.00 to \$10,080.00 and Dr. Marshall I. Fisher, from \$16,380.00 to \$17,160.00 and for Mrs Clara Smith, Switchboard Operator in the Health Center, from \$300.00 per month to \$315.00, all as recommended by the Personnel Director. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSIDERATION OF SALE OF HOSKINS FILTER PLANT PROPERTIES POSTPONED ONE WEEK.

The City Manager advised there are two tracts of Hoskins Filter Plant property on Highway #16, opposite the Plant, which are not needed for water purposes and he is wondering if the Council would like to dispose of them. One tract consists of 1 acre which has been appraised at \$7,490.00, and the other of 3.6 acres which has been appraised at \$12,120.00. He stated that interest in the purchase of the 1 acre tract has been disclosed. Following the discussion, Councilman Dellinger moved that the 1 acre tract be authorized sold at public auction, with the bidding price beginning at \$7,490.00. The motion was seconded by Councilman Whittington.

Councilman Smith offered a substitute motion that the matter be postponed one week, which was seconded by Councilman Albea, and unanimously carried.

PROPOSED DESIGN FOR AUTO TAG LEFT OPEN FOR ONE WEEK.

Mayor Smith presented a proposed design for an automobile tag advertising the City of Charlotte which he desires put into effect, and he stated it will remain open for one week for the Council to have other designs submitted that they might like.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk