

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, February 27, 1961, at 3 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 Babcock, and unanimously carried, the Minutes of the last meeting on February 20th were approved as submitted.

COMPLAINT RELATIVE TO AMOUNT OF WATER BILL REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mr. W. A. Skidmore asked for an adjustment in his last water bill which amounted to \$9.15, stating it has never been more than \$4.00; that at his request the Water Department made an investigation and reports there is no evidence of leakage.

Councilman Albea moved that the Water Bill be given the City Manager and that he make an investigation with the Water Department and report his findings. The motion was seconded by Councilman Hitch, and unanimously carried.

DECISION ON ORDINANCE NO. 716 AMENDING THE ZONING ORDINANCE BY CHANGING FROM RURAL TO B-1 PROPERTY AT THE SE CORNER OF STATESVILLE ROAD AND NIVEN ROAD CONTINUED TO APRIL 24, 1961.

Mr. Brock Barkley, Attorney for the petitioners for change in zoning on property at the southeast corner of Statesville Road and Niven Road, advised that a companion petition has been filed by Mr. John Howell for change in zoning on adjoining property, and, therefore, his clients requested that Council decision be deferred today until a hearing is held on the petition of Mr. Howell.

Councilman Dellinger moved that Council decision on Ordinance No. 716 be continued until April 24th, after the hearing on the petition of Mr. Howell on April 17th. The motion was seconded by Councilman Myers, and unanimously carried.

ORDINANCE NO. 718 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B 1-A ON PROPERTY AT NW CORNER OF INDEPENDENCE BOULEVARD AND COMMONWEALTH AVENUE, DENIED.

Councilman Albea moved that Ordinance No. 718 amending the Zoning Ordinance

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by changing from R-2 to B 1-A zoning on property at the NW corner of Independence Boulevard and Commonwealth Avenue, on petition of Mr. E. R. Baucom be denied as recommended by the Planning Board. The motion was seconded by Councilman Whittington.

Councilman Myers stated to him this is spot zoning of residential property on a commercial street. Mr. McIntyre, Planning Director, stated the property on Commonwealth Avenue is residential and the property in question fronts on Commonwealth instead of Independence Boulevard. Councilman Smith stated the principal part of the lot fronting the Boulevard is vacant and he thinks this is working a hardship on the owner, and the other three corner lots are developed by business.

Councilman Myers offered a substitute motion that the petition be granted and the ordinance adopted. The motion was seconded by Councilman Smith, and lost by the following recorded vote:

YEAS: Councilmen Myers, Smith and ~~Babcock~~.

NAYS: Councilmen Albea, Whittington, Dellinger and Hitch, and Babcock

The vote was then cast on the main motion and carried and the petition was denied:

YEAS: Councilmen Albea, Whittington, Dellinger and Hitch, and Babcock

NAYS: Councilmen ~~Babcock~~, Myers and Smith.

ORDINANCE NO. 719 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY AT INTERSECTION OF HOSKINS AND HOVIS ROADS DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, that Ordinance No. 719 to amend the Zoning Ordinance to change zoning from R-2 to B-1 on property at the intersection of Hoskins and Hovis Roads, on petition of Ervin Construction Company, be denied as recommended by the Planning Board.

ORDINANCE NO. 720 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY ON THE WEST SIDE OF HIGHWAY 16, DENIED.

Councilman Hitch moved that Ordinance No. 720 to amend the Zoning Ordinance to change zoning from R-2 to B-1 on property on the west side of Highway 16, on petition of Mr. Leonard W. Coppala, be denied as recommended by the Planning Board. The motion was seconded by Councilman Babcock, and unanimously carried.

DECISION ON ORDINANCE NO. 721 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY AT THE SOUTHEAST CORNER OF SUGAW CREEK ROAD AND DINGLEWOOD AVENUE, DEFERRED ONE WEEK TO ASCERTAIN IF CHANGE TO O-I ZONING WOULD BE ACCEPTABLE.

Councilman Albea moved that zoning on property at the SE corner of Sugaw Creek Road and Dinglewood Avenue be changed from R-2 to O-I as recommended by the Planning Board, in lieu of to B-1 as requested by the petitioners, J. L. Gibbs and G. F. Rice.

Councilman Dellinger asked if the petitioners were agreeable to O-I zoning? That if rezoned B-1 would it not be consistent with adjoining property? Mr. McIntyre, Planning Director, stated there is no B-1 zoning in the area,

that the zoning across Sugaw Creek Road is Industrial and at the rear of the property in question it is Residential, and the Planning Board feels an O-I zone between the two would afford better protection to the residential development. Councilman Dellinger stated the petitioners would not be able to develop the property under O-I zoning as they can under B-1. Councilman Myers stated he feels the same way; that O-I is very restricted and quite different from the Industrial zoning across the street.

Councilman Dellinger offered a substitute motion that decision be deferred for one week and the petitioner be notified that it has been recommended that the property be rezoned O-I instead of B-1 and asked if this would be acceptable to them. The motion was seconded by Councilman Hitch, and carried by the following recorded vote:

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

ORDINANCE NO. 722 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM RURAL TO B-1 ON PROPERTY NORTH OF THE PLAZA AND EAST OF EASTWAY DRIVE, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and carried, Ordinance No. 722 changing zoning on property north of The Plaza and east of Eastway Drive, from Rural to B-1, on petition of H. H. Pittman, A. W. Hooks and B. C. McQuay, was adopted as recommended by the Planning Board, on the following recorded vote:

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

Councilman Myers abstaining from voting.

The ordinance is recorded in full in Ordinance Book 13, at Page 40.

ORDINANCE NO. 723 AMENDING THE ZONING ORDINANCE CHANGING PROPERTY FROM RURAL TO B 1-A FOR DEPTH OF 350 FEET ALONG BOTH SIDES OF INDEPENDENCE BOULEVARD, ADOPTED.

Referring to the reasons stated by the Planning Board for their recommendation that the petition of Mr. J. Mason Wallace and eleven others for change in zoning from Rural to B 1-A, on property on both sides of Independence Boulevard, east of Idlewild Road, be denied, Councilman Smith stated this is an example of theory concerning highways and should be decided by the Highway Commission instead of the Planning Board; he stated further he does not think the Council should deny the property owner the best use of his property.

Councilman Smith moved that the existing 350 ft. depth established for business along both sides of Independence Boulevard up to Idlewild Road, be extended for the distance of the property in question on both sides of the Boulevard, and that the property in question be rezoned B 1-A for the 350 ft. depth. The motion was seconded by Councilman Hitch, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 41.

DECISION ON ORDINANCE NO. 724 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY ON SOUTH SIDE OF FAIRVIEW ROAD FROM RURAL TO B-1 DEFERRED ONE WEEK AND OPPONENTS TO BE NOTIFIED MUST FILE PETITION OBJECTING TO CHANGE NOT LATER THAN MARCH 3RD.

Mr. Thomas Ruff, attorney for Alta Enterprises, Inc., petitioner for change in zoning on property on south side of Fairview Road, west of Sharon Road, from Rural to B-1, stated at the hearing on the proposed change on February 20th, Mr. William Abernethy stated he had a petition he wished to bring in signed by residents of the area opposing the change; that the next day he asked Mr. Abernethy if he had filed the petition and he stated it was not in proper form and he was having it typed on another form to be signed by the residents; that he told Mr. Abernethy he must object to that and to further circulation of the petition. That in behalf of his client he questions the propriety of petitions being circulated and filed after a public hearing. That he is now asking when it will be filed as the Planning Board states it has not been received by them.

Councilman Dellinger asked the City Attorney to clarify the legality of the petition. Mr. Shaw stated we have in the past permitted petitions to be filed after the hearing, and he rules this petition is valid up to the date the Council votes on the question.

Councilman Smith moved that decision on the proposed zoning be deferred one week. The motion was seconded by Councilman Whittington.

Councilman Babcock asked if the Council is not to wait until a recommendation is received from the Planning Board, and Mayor Smith asked Mr. McIntyre when the Planning Board will meet again, and Mr. McIntyre stated they will meet next Friday, March 3rd.

Councilman Myers recommended that Mr. McIntyre notify Mr. Abernethy the petition must be in the hands of the Planning Board by next Friday, and that this be incorporated in the motion for deferment of decision one week, which was satisfactory with Councilmen Smith and Whittington.

The vote was taken on the motion and unanimously carried.

RESOLUTION CALLING FOR PUBLIC HEARING ON MARCH 27TH ON REDEVELOPMENT AREA PLAN FOR REDEVELOPMENT OF SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, ADOPTED.

A resolution entitled: "Resolution Calling for Public Hearing on March 27th on Redevelopment Area Plan for Redevelopment of Section No. 1, Brooklyn Urban Renewal Area" was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Dellinger, was adopted on the following recorded vote:

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

The resolution is recorded in Resolutions Book 4, beginning at Page 101.

PAYMENT AUTHORIZED TO MCDUGLE, ERVIN, HORACK AND SNEPP FOR LEGAL SERVICES IN CONNECTION WITH SANITARY SEWER RIGHTS-OF-WAY IN 1960 CITY LIMIT AREA AND STREET RIGHT-OF-WAY ON EIGHTH STREET.

Councilman Albea moved approval of payment of \$170.00 to McDougale, Ervin, Horack and Snapp for legal services in connection with sanitary sewer

rights-of-way in the 1960 city limit area and street right-of-way on Eighth Street. The motion was seconded by Councilman Hitch, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCE AUTHORIZED AT 230 SOUTH COLLEGE STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Hitch, and carried, the construction of One 15-foot driveway entrance at 230 South College Street, was authorized by the following recorded vote:

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

Councilman Smith abstaining from voting.

CONTRACT AUTHORIZED WITH MRS. ELIZABETH A. HARKEY FOR INSTALLATION OF WATER MAINS IN CHICAGO AVENUE.

Upon motion of Councilman Babcock, seconded by Councilman Smith, and unanimously carried, contract was authorized with Mrs. Elizabeth A. Harkey for the installation of 730-feet of water mains in Chicago Avenue, to serve residential property, at an estimated cost of \$2,200.00. The applicant to finance all cost and be reimbursed the cost without interest if and when the revenue derived therefrom equals 5% of the cost for a continuous 12 months period.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, taking over the following streets for maintenance:

GREENTREE SUBDIVISION

- (a) Brookridge Drive from Greentree Drive 500 feet north.
- (b) Greentree Drive from Providence Road, 2000 feet west.

GLENDALE ACRES SUBDIVISION

- (a) Ravencroft Drive from Parkway Avenue to 200 feet east of Cunningham Drive.
- (b) September Lane from Ravencroft Drive to Yellowstone Drive.
- (c) Yellowstone Drive from Ravencroft Drive to 150 feet north of Coronet Way.
- (d) Cunningham Drive from Ravencroft Drive 320 feet north.
- (e) Coronet Way from 150 feet west of Norwood Street to 150 feet east of Yellowstone Drive.
- (f) Norwood Street from existing pavement 200 feet to Coronet Way.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the Mayor and City Clerk were authorized to execute the following cemetery deeds:

- (a) Deed with Mrs. John Pullman or Mrs Angline Andrews, for Lot No. 115, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Evelyn Churchwell Rusch, for Lot No. 367, Section 4-A, Evergreen Cemetery, transferred from S.G. Fincher, at \$1.00.
- (c) Deed with Mrs Lucille M. Phillips, for Lot No. 123, Graves 2,3 and 4, Section 2, Evergreen Cemetery, at \$120.00.

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CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR 50,000 FEET OF CAST IRON PIPE.

Councilman Dellinger moved the award of contract to the low bidder, Lynchburg Foundry Company, for 25,000 feet of 6" Cast Iron Pipe, B&S, as specified and 25,000 feet of 6" Cast Iron Pipe, Bell-Tite Joint, as specified, in the total amount of \$89,250.00. The motion was seconded by Councilman Whittington, and unanimously carried.

The following net delivered bids were received:

|                              |              |
|------------------------------|--------------|
| Lynchburg Foundry Co.        | \$ 89,250.00 |
| Glamorgan Pipe & Foundry Co. | \$ 90,750.00 |
| James B. Clow & Sons, Inc.   | \$ 91,250.00 |
| U. S. Pipe & Foundry Co.     | \$ 91,750.00 |
| American Cast Iron Pipe Co.  | \$ 92,500.00 |

CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR SOLID AERIAL CABLE FOR FIRE DEPARTMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Mill Power Supply Company for 6,200 ft. of 12C #16 solid Aerial Cable, 5,800 ft. of 10C #16 and 1,850 ft. of 30C #16, at a total price of \$2,999.80.

The following net delivered bids were received:

|                                  |             |
|----------------------------------|-------------|
| Mill-Power Supply Co.            | \$ 2,999.80 |
| Graybar Electric Co., Inc.       | \$ 3,452.91 |
| Shelby Supply Co.                | \$ 3,997.40 |
| Westinghouse Electric Supply Co. | \$ 4,615.15 |

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR 16 COMPOUND TYPE WATER METERS.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, awarding contract to the low bidder, Hersey-Sparling Meter Company for Ten 3" and Six 4" Compound Type Water Meters, as specified, at a total price of \$9,114.00.

The following net delivered bids were received:

|                           |              |
|---------------------------|--------------|
| Hersey-Sparling Meter Co. | \$ 9,114.00  |
| Badger Meter Mfg. Co.     | \$ 9,142.80  |
| Rockwell Mfg. Company     | \$ 9,360.00  |
| Neptune Meter Company     | \$ 10,137.60 |

CONTRACT AWARDED SUPERIOR STONE COMPANY, DIVISION OF AMERICAN MARIETTA COMPANY FOR 43,200 TONS OF CRUSHED STONE.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Superior Stone Company, Division of American-Marietta Company, on a unit price basis, for 3,100 tons of Crushed Lime Stone, sizes 3/8", 1/2", 3/4" and 1" for rail-road siding delivery; 3,100 tons of Crushed Lime Stone, sizes 3/8", 1/2", 3/4" and 1" and 1 1/2" for truck delivery, and 37,000 tons Crushed Lime Stone, sizes 3/4", 1" and 1 1/2" for truck delivery, in the total amount of \$98,010.00.

CONFERENCE WITH REDEVELOPMENT COMMISSION CHAIRMAN AND DIRECTOR FIXED FOR 1 O'CLOCK P.M. MONDAY, MARCH 6TH.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, Council agreed to meet with the Chairman and Director of The Redevelopment Commission at 1 o'clock p.m., next Monday in the Mayor's office prior to the Council Meeting, for a review of the redevelopment area plan for developing Section #1, Brooklyn Urban Renewal Area, on which a public hearing will be held on March 27th.

PERSONNEL DIRECTOR REQUESTED TO SUBMIT COST BREAKDOWN ON CONTINUANCE OF GROUP LIFE INSURANCE FOR PERSONNEL WHO HAVE CARRIED THIS INSURANCE FOR CONTINUOUS PERIOD OF 20 TO 25 YEARS.

The City Manager stated there are two questions concerning employees' group insurance still to be resolved: (1) the effective date of the revised program and (2) the question of continuing the existing \$1,000 policies beyond age 65 or retirement, both of which have been explained in a memorandum sent Council, and Mr. Earle is present to answer any questions.

Councilman Dellinger asked Mr. Earle if he was not opposed to the continuation of the insurance beyond 65, and Mr. Earle stated he does not agree nor disagree and thinks it is a policy that should be resolved by Council. That it will be costly and goes beyond the basic purpose of group coverage. That if it is extended then it should be restricted to present employees only.

Councilman Smith stated he thinks the life-time employee or those with many years service should be taken care of and Mr. Earle stated that both age and service should be considered in the extended coverage.

Councilman Babcock asked if it is feasible to give Council a breakdown on 20 and 25 years service and Mr. Earle stated he will do so.

Councilman Hitch moved that the matter be deferred one week for the information Mr. Earle will furnish. The motion was seconded by Councilman Albea, and unanimously carried.

APRIL 1, 1961 FIXED AS EFFECTIVE DATE OF NEW INSURANCE PLAN.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the effective date for the New Insurance Plan was fixed as April 1, 1961, as recommended by the City Manager.

REQUESTED LEASE OF IRWIN CREEK DISPOSAL PLANT PROPERTY AS SITE FOR FLYING MODEL AIRPLANES DEFERRED ONE WEEK.

The City Manager advised that the Douglas Modeleers Club wishes to lease a portion of the Irwin Creek Disposal Plant property to fly model airplanes; that the lease would be for a period of one year with a 30-day cancellation clause, at a rental of \$1.00 per year and the Club to carry insurance to protect the city and also to have full responsibility for the operation and maintenance of the leased premises.

Councilman Dellinger moved that the lease be executed, which was seconded by Councilman Whittington.

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Councilman Myers stated he is concerned about the possible resentment of other persons who would wish to use the field if it is restricted to Club members and suggested that the Park & Recreation Commission might take it over as part of their program and supervise the operation of the field, otherwise the Council would be tying up city property for private use. Mr. Veeder suggested that the lease be approved and he will see if the Park and Recreation Commission is interested in this type activity and this site, and if so the lease can be cancelled. Councilman Myers offered a substitute motion that the lease be approved subject to Mr. Veeder's suggestion. The motion was seconded by Councilman Hitch.

Councilman Albea offered a second substitute motion that the matter be deferred one week for Mr. Veeder to contact the Park & Recreation Commission. The motion was seconded by Councilman Babcock and unanimously carried.

OLD HEALTH DEPARTMENT BUILDING ANNEX AUTHORIZED REROOFED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, \$1,460.00 was authorized transferred from the Contingency Fund to Central Services for reroofing the Old Health Department Building Annex, which is being remodeled for Fire Department Headquarters offices.

STREET LIGHTS TO BE INSTALLED ON SIDE STREETS OFF BEATTIES FORD ROAD.

The City Manager reported that Duke Power Company has been authorized to install twenty-six street lights on side streets off Beatties Ford Road.

POLICY GOVERNING SANITARY SEWER EXTENSIONS INSIDE CITY LIMITS, AMENDED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the City's Policy governing Sanitary Sewer Extensions Inside the City Limits was amended as follows:

"When the installed sewer mains and trunks shall produce a revenue equal to ten (10%) per cent of the combined total cost of the sewer mains and the assignable proportional cost of connecting trunks and excess size of mains during any twelve (12) months continuous period, the City of Charlotte shall refund to the applicant, or depositor, the actual cost of construction not to exceed the amount of the original deposit, without interest or depreciation, including that portion of the cost of trunks and oversized mains which is not assignable to the applicant's property."

POLICY GOVERNING SEWER EXTENSIONS OUTSIDE CITY LIMITS, ESTABLISHED.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, establishing a Policy Governing Sewer Extensions outside the City Limits, as follows:

"No property located outside the corporate limits of Charlotte may be connected to the City's sewage system until the following criteria have been satisfied:

- (a). A formal application for the connection of property located outside the City limits to the City's sewage system shall be filed

with the City Engineer. This application must show the exact location and total acreage of the property, the number and size of lots to be served, the type of development contemplated, the total daily volume and type of sewage expected when development is complete, and shall be accompanied by a plat, or subdivision map of the property.

- (b). Sanitary sewer extensions into new subdivisions shall comply with all applicable requirements of the Subdivision Ordinance.
- (c). The City Engineer shall verify the expected volume of sewage and the feasibility of the requested connection, and shall certify that the City's sewage collection system is adequate to accommodate the expected volume of sewage from the property, and taking into consideration the future expansion anticipated inside the city.
- (d). The Superintendent of the Water Department shall verify the type and special characteristics of the sewage insofar as is possible, and shall certify that adequate treatment plant capacity is available to accommodate and effectively treat the expected volume of sewage from the property.
- (e). The application for connection, along with maps and the certifications hereinbefore required, shall be submitted to the City Council for consideration.

If the application for outside connection is approved by the City Council, the applicant must submit to the City Engineer a complete set of construction plans, profiles, and specifications for the proposed sewer lines, manholes, lift stations, and other appurtenances, the same to be prepared by an engineer registered in the State of North Carolina. All proposed installations shall comply with the standards of the North Carolina State Board of Health and the Engineering Department of the City of Charlotte.

After approval of the plans and specifications by the City Engineer, the applicant will be required to execute a contract with the City of Charlotte for the connection of outside sewer lines to the City system. This contract shall stipulate the conditions under which construction work may proceed, when actual connection to the City system can be made, the limits of the area to be connected, and shall specify the conditions under which future extensions may be made.

When the contract for connection has been executed, the applicant may award a construction contract for the work. All construction work must be performed under inspection of the City Engineer, and no connection will be permitted until all construction has been completed and accepted as satisfactory by the City Engineer. All costs of right of way, engineering, and construction shall be borne by the applicant. It shall be clearly understood that all sewer lines, manholes, force mains, lift stations, and other related appurtenances automatically become the property of the City of Charlotte without any action or payment on behalf of the applicant, upon annexation of the property into the corporate limits of the City of Charlotte."

ORDINANCE NO. 735 AMENDING CHAPTER 17 OF THE CITY CODE CONTROLLING THE ERECTION AND MAINTENANCE OF PROJECTING SIGNS ON TRYON STREET, FROM MOREHEAD TO TENTH STREET, AND ON TRADE STREET, FROM MCDOWELL TO THE MAIN LINE TRACT OF THE SOUTHERN RAILWAY, ADOPTED.

An ordinance entitled: "Ordinance Amending Chapter 17 of the City Code

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Controlling the Erection and Maintenance of Projecting Signs on Tryon Street, from Morehead to Tenth Street, and on Trade Street, from McDowell to the Main Line Tract of the Southern Railway" was presented by the City Attorney, who advised it was inadvertently omitted from the new Code and should be adopted effective March 1st, the date the new Code goes into effect.

Councilman Whittington expressed the opinion that the ordinance should be city-wide instead of affecting only the downtown area, and had this been done originally the reaction of some downtown merchants would not have been such as to result in the court action now pending. Councilman Babcock asked if an ordinance may be expanded that is in litigation and the City Attorney stated only the provision requiring the removal of existing signs is under attack in the courts. The City Manager advised that the new Zoning Ordinance now in preparation will contain a Signs section and it would be well to consider it.

Councilman Hitch moved that the Amendment be adopted as presented, which was seconded by Councilman Whittington and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, beginning at Page 42.

Councilman Myers requested the City Manager to confer with the Planning Board when they meet on next Friday as to whether they wish Council to go ahead and make the ordinance city-wide before the Zoning Ordinance is ready, and if so, then to advise the City Attorney.

**STREETS IN PERIMETER AREA DAMAGED BY TRUCKS REQUESTED REPAIRED AT LEAST BY FILLING UP HOLES.**

Councilman Dellinger requested Council to consider making repairs to streets in the perimeter area where trucks have damaged them. He stated he thinks the City should at least fill up the holes in the streets with rock and gravel.

**PURCHASE OF 255 FOOT RIGHT-OF-WAY ALONG WEST 5TH STREET RECOMMENDED AND CITY MANAGER REQUESTED TO HAVE SKETCH MADE OF AREA.**

Councilman Smith suggested that it would be well to purchase 255-foot right-of-way along West 5th Street, all the way back to Harding High School, which can now be purchased for \$12,000.00. That as there are no funds presently available, a binder could be put up and the right-of-way paid for when the new budget is adopted. He requested the City Manager to have a sketch made of the area for Council to view.

**DISCUSSION OF ELECTRICAL, MECHANICAL, PLUMBING AND HOUSING CODES NOW BEING PREPARED.**

The City Manager advised he is hopeful the Electrical, Mechanical, Plumbing and Housing Codes will be ready at an early date. That he thinks the Building Standards Board is the proper agency to iron them out before coming to Council, at the same time he realizes there is much work involved in their preparation.

Councilman Whittington asked the City Attorney what his recommendation will be concerning horizontal separation in the housing code, and Mr. Shaw

stated the Attorney General says it is not concerned with the Building Code but is included in the Zoning and Unfit Housing Ordinances. Councilman Whittington stated he thinks the Committees working on these codes should know what the Attorney General rules, and the City Attorney suggested that the Committees and each member of Council should get a copy of the Attorney General's opinion.

#### INVESTIGATION OF CONDITIONS ON PEACE STREET REQUESTED.

The City Manager was requested by Councilman Whittington to have an investigation and report made on conditions on Peace Street, where it is reported open privies exist and chickens are permitted to run at large. He stated he has been advised this condition has been reported to the Health Department twice without results.

#### BOND ATTORNEYS AUTHORIZED REQUESTED TO ADVERTISE GOOD SAMARITAN HOSPITAL BONDS FOR SALE.

Councilman Hitch asked the City Attorney if he has any new information on the status of the transfer of Good Samaritan Hospital to the city, and the City Attorney replied he does not have anything new, and he wonders if it would not be in order to ask the Bond Attorneys to advertise the Good Samaritan Hospital Bonds for sale.

Councilman Myers moved the adoption of the suggestion, which was seconded by Councilman Babcock, and unanimously carried.

Councilman Hitch recommended if the City Attorney runs into any complications on this, that he go up and talk with the Bond Attorneys. Council concurred in the recommendation.

#### PROPOSED ORDINANCE RESTRICTING PICKETING IN DOWNTOWN AREA REQUESTED STUDIED BY CITY ATTORNEY AND CHANGES DEEMED IN BEST INTEREST OF CITY BE SUBMITTED BY HIM.

Councilman Hitch stated that some downtown merchants want a clarification of the City's ordinance on picketing; that the proposed ordinance to restrict picketing, which has been presented Council members, was prepared by the City Attorney and Chief of Police, and he requested Council to consider it. He stated further that one thing that focused the Chief's attention on the fact that a stronger ordinance is needed, was the complaint of some downtown merchants that persons could not enter their stores because of what appeared to be picketing in front of the store.

Councilman Albea expressed objections to taking action on the ordinance before time has been allowed to study it. Too, he objected to the use of the word "picketing", which is associated with a strike in the minds of most people, when this is apparently not the intent of the ordinance.

Councilman Hitch stated he has not requested the adoption of the ordinance today but wishes the Council members to study it; he requested the City Attorney to study it and suggest whatever changes he deems to be in the best interest of the city.

#### REPORT ON PROPOSED PURCHASE OF VOTING MACHINES BY CRAIG LAWING, MECKLENBURG COUNTY COMMISSIONER, ACCEPTED AS INFORMATION.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the report of Mr. Craig Lawing, Mecklenburg County Commissioner, relative to the proposed purchase of Voting Machines, was accepted as information.

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