

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, January 23, 1961, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers and Whittington present.

ABSENT: Councilman Smith.

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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 un-animously carried, the Minutes of the last meeting on January 16th were approved as submitted.

HEARING ON ORDINANCE NO. 725 AMENDING THE BUILDING CODE BY REPEALING ARTICLE XXII DEALING WITH WARM AIR HEATING AND ADOPTING NEW MECHANICAL REQUIREMENTS REFERRED TO BUILDING STANDARDS BOARD FOR STUDY AT THEIR REQUEST.

Mr. R. C. Hicks, Chairman of the Building Standards Board, requested that the hearing be deferred on the New Mechanical Requirements Code and that it be referred back to the Building Standards Board for further study. Councilman Dellinger moved that the Ordinance be referred back to the Board as requested, which was seconded by Councilman Albea, and unanimously carried.

HEARING HELD ON PROPOSED WIDENING OF KINGS DRIVE FROM BRUNSWICK AVENUE TO EAST BOULEVARD AND ACTION DEFERRED FOR TRAFFIC COUNT.

Mr. R. M. Dowd, 1237 Kings Drive, representing residents of the street and adjoining streets, presented a petition signed by some 111 residents of the neighborhood requesting that no change be made in the width of Kings Drive as now laid out, which would cause the removal of trees in the planting strip along each side of the street; that the street is one of the most desirable residential neighborhoods with residences valued up to \$40,000, and a part of the value and desirability is the tree-lined avenue and the destruction of the trees will vitally affect not only the beauty of the street but the value of properties; that Kings Drive as originally laid out was designed with a width greater than most avenues in Charlotte, as are most of the streets in Myers Park, and due to the tremendous growth and increased population, our streets are burdened with traffic; that through-ways and by-passes should be developed to eliminate congestion, but piecemeal widening of residential streets, resulting in deflating property values and destroying the aesthetic values that make residential areas desirable, is not the solution to any traffic problems; that Kings Drive project, as proposed, is a piecemeal, temporary project, and as such should not be approved in view of the extreme damage it will do to the petitioners and their properties.

Mayor Smith asked if the objections are based primarily on the destruction of the trees, and Mr. Dowd replied that the traffic problem would not be helped by the widening of this 5/10 of a mile stretch, as the real problem lies at the ends of the street.

Councilman Hitch stated the matter was discussed in executive session prior to the formal meeting and there is a question in the minds of some of the Council as to whether this is the time for the widening, that a more recent traffic count should be made on Kings Drive and the count considered in proportion to the traffic on other streets, and he moved that action be deferred until the traffic count is received and weighted against other streets. The motion was seconded by Councilman Albea, and unanimously carried.

Mrs. Frank Barr suggested that Blythe Avenue be opened; that a lot of money has been spent on the street to only serve the Health Department. That if Kings Drive is widened it will only mean more traffic pouring into the intersection at Queens Road West and East Boulevard, and as parking is allowed on Queens Road West at all times, there is only the one traffic lane to receive the increased traffic.

Mayor Smith suggested that parking could be taken off of Queens Road West.

Councilman Albea suggested that Queens Road West could also be widened.

Mr. Tom Collins, resident of Coniston Place, stated if the street is widened they will have a problem, and they would like to have two lanes going out in the morning and two in the afternoon.

Mr. Lewis Ayers stated there is a 30-ft. right-of-way along Sugaw Creek which belongs to the city that is going to waste, which will have to have something done to it because of the erosion.

Dr. A. R. Black stated he has lived on Kings Drive for a long time and the new Nalle Clinic is causing much congestion, and he suggested that it would help if two lanes of traffic going south was extended pass Nalle Clinic.

Mayor Smith stated in defense of Council actions, that there are not sufficient funds to do everything that is needed and only those that are most needed can be done. That the Council must depend on our experts for recommendations; that that which is best for the city must be carried through. That Council will consider this matter from the standpoint of all concerned and try to have an answer next week.

ORDINANCE NO. 708 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PROPERTY ON EAST SIDE OF KINGS DRIVE, FROM NEAR EAST 4TH STREET TO BAXTER STREET, FROM R-2 TO B-1, ADOPTED.

Councilman Myers called attention that action was deferred on the change in zoning on the east side of Kings Drive, from near East 4th Street to Baxter Street, from R-2 to B-1, sixty days ago to see if the new Zoning Ordinance would be completed. He asked Mr. McIntyre, Planning Director, for a statement.

Mr. McIntyre advised the Ordinance is in the final stages of work by the office staff; that it must be referred to the proper Committee of the Board for review and much depends on how quickly they can get together;

then the Planning Board must make a preliminary report to Council, then hold two public hearings, give the final report to Council and Council must then hold at least one hearing before adopting the ordinance.

Councilman Myers stated the original petitioner for the change has long since lost his tenant, so the pressure is off; that his only alternative is to sell the property to send his boy to college.

Councilman Hitch stated that nothing can be done with the property as it is and it cannot be sold as it is presently zoned; and his fee of \$100.00 for filing the petition is lost; that if the property is rezoned and he could obtain a prospect, he would be able to sell it. Mr. Shaw, City Attorney, stated if the property is rezoned B-1 when the building requirements for a B-1 zone under the new ordinance are adopted, they would apply to this property and all B-1 zones wherever they are located.

Councilman Hitch moved that the property be rezoned B-1, which was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Hitch, Dellinger and Myers.

NAYS: Councilmen Albea, Babcock and Whittington.

Mayor Smith casting the deciding vote in favor of the motion to break the tie vote.

The ordinance is recorded in full in Ordinance Book 13, at Page 28.

ORDINANCE NO. 713 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PORTION OF THE BLOCK BOUNDED BY EAST MOREHEAD STREET, EDGEHILL ROAD AND BRUNSWICK AVENUE, FROM R-2 TO O-I, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Myers, and unanimously carried, Ordinance No. 713 Amending the Zoning Ordinance by changing zoning on portion of the block bounded by East Morehead Street, Edgehill Road and Brunswick Avenue, from R-2 to O-I, on petition of J.B. Rowe, Annie L. Shepherd, et al was adopted, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 29.

ORDINANCE NO. 714 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PROPERTY AT 1323 THE PLAZA, FROM R-2 TO O-I, ADOPTED.

Upon motion of Councilman Babcock, seconded by Councilman Dellinger, and unanimously carried, Ordinance No. 714 Amending the Zoning Ordinance changing zoning on property at 1323 The Plaza, from R-2 to O-I, on petition of Miss Jo Ann Jaeger, as recommended by the Planning Board, was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 30.

ORDINANCE NO. 715 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PROPERTY ON THE EAST SIDE OF STATESVILLE ROAD, NORTH OF KOHLER AVENUE, FROM R-2 TO B-1, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, adopting Ordinance No. 715 Amending the Zoning Ordinance changing zoning on property on the east side of Statesville Road, north of Kohler Avenue, from R-2 to B-1, on petition of Domar Corporation, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 31.

ORDINANCE NO. 716 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PROPERTY ON THE SOUTHEAST CORNER OF STATESVILLE AND NIVEN ROADS, FROM RURAL TO B-1, CONTINUED TO FEBRUARY 27, 1961.

Mr. Brock Barkley, attorney for the petitioners John S., Marion C. and Fannie O. Dellinger, stated if the recommendation of the Planning Board to deny the requested change in zoning from Rural to B-1 is going to be upheld, they request that the decision be continued in order that they may have time to contact Mr. John Howell, owner of the adjacent property which is partially zoned Rural, to see if he will not join in the petition for the zoning change, in order to fill the gap by extending the B-1 zoning to the presently zoned B-1 area adjoining Mr. Howell's property on the opposite side.

Mr. McIntyre, Director of the Planning Board, explained that the position of the Planning Board is that a business district was established in the area some five years ago and has not developed; that further zoning for business of scattered lots up and down this section of Statesville Avenue will create a disorganized development plan, leading only to scattered business and residential development contrary to the objectives of zoning.

Councilman Myers questioned the advisability of keeping a person from using his property to the best advantage just because someone else has not done so.

Councilman Dellinger stated he has been familiar with the area since living there some years ago and there has been no residences built on Statesville Avenue in five years, and it is not suited for residential purpose.

Councilman Dellinger then moved that the matter be continued until February 27th, which was seconded by Councilman Whittington, and unanimously carried.

It was pointed out by the City Attorney that because of a minimum of 40% usage of his property, Mr. Howell has the right to ask the Zoning Board of Adjustment for authority to also use the 18 to 25 ft. strip presently zoned Rural, for business purposes.

ORDINANCE NO. 717 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON PROPERTY ON THE NORTH SIDE OF INTERSTATE HIGHWAY #85, FROM R-2 TO INDUSTRIAL, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 717 Amending the Zoning Ordinance to change zoning on property located on the north side of Interstate Highway 85, west of Seaboard Airline Railway property, from R-2 to Industrial, on the petition of Fannie L. Keistler, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 32.

PAYMENT OF FEE AUTHORIZED TO MCDUGLE, ERVIN, HORACK & SNEPP FOR LEGAL SERVICES IN CONNECTION WITH RIGHTS-OF-WAY FOR SANITARY SEWERS IN THE 1960 CITY LIMIT AREA.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and unanimously carried, payment of \$194.00 was authorized to McDougale, Ervin, Horack & Snapp, Attorneys, for legal services in connection with securing rights-of-way for sanitary sewers in the 1960 city limits area.

RENEWAL OF LICENSE AUTHORIZED TO GOODWILL EXTERMINATING & INSULATING, INC., GASTONIA, TO OPERATE A BUSINESS IN CHARLOTTE.

Councilman Whittington moved the renewal of privilege license to Goodwill Exterminating & Insulating, Inc., Gastonia, N. C. to operate a business in Charlotte. The motion was seconded by Councilman Albea, and unanimously carried.

SICK LEAVE EXTENSION OF PATROLMAN JOHN C. GORDAN AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, authorizing a 30 day extension of sick leave to Patrolman John C. Gordan, Police Department.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) Two 30-ft. and One 20-ft. entrance at 1025 East 36th Street.
- (b) One 35-ft. entrance on North Graham Street and One 19½-ft. entrance on Sylvania Avenue, all for 1616 N. Graham Street.
- (c) Two 35-ft. entrances at 2666 E. Independence Boulevard.
- (d) Three 24-ft. entrances at 4421 Central Avenue.

TWENTY-FIVE PERCENT FIXED AS MAXIMUM PENALTY ON CITY PRIVILEGE LICENSES FOR FISCAL YEAR 1960-61.

Councilman Whittington moved that 25% be fixed as the maximum penalty on city privilege licenses for the fiscal year 1960-61. The motion was seconded by Councilman Hitch, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Hitch, seconded by Councilman Dellinger, and unanimously carried, the construction of sanitary sewer lines was authorized at the following locations:

- (a) Construction of 2,841-ft. of sewer line in Heathwood Road and McAlway Road, inside the city limits, at the request of the City Engineer, at an estimated cost of \$5,935.00. All costs to be borne by the City and paid from the new Sewer Bond Fund.
- (b) Construction of 612-ft. of sewer trunk from Sugaw Creek Outfall to North Tryon Street, inside the city limits, at request of Mr. C. L. Pasour, at an estimated cost of \$4,770.00. All costs to be borne by Mr. Pasour, whose deposit of the entire amount will be refunded as per terms of the contract.
- (c) Construction of 100-ft. of sewer line in Bank Street, inside the city limits, at request of Charlotte Lumber & Mfg. Company, at an estimated cost of \$375.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (d) Construction of 300-ft. of sewer line in Herrin Avenue, inside the city limits, at the request of Nance-Trotter, Inc., at an estimated cost of \$1,400.00. All costs to be borne by the Applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mr. Frank Harrison, Sr. for Lot No. 60-A, Section I, Oaklawn Cemetery, at \$810.00.
- (b) Deed with Mrs. C. L. Decker, for Grave #3, in Lot No. 103, Section 3, Evergreen Cemetery, at \$40.00.

REAPPOINTMENT OF W. T. COVINGTON TO FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Councilman Whittington moved the reappointment of Mr. W. T. Covington to the Firemen's Relief Fund Board of Trustees for a term of two years, to expire on January 18, 1961. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF CHARLOTTE, NORTH CAROLINA, ESTABLISHING THE SAME: PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, ADOPTED.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, an ordinance entitled: "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF CHARLOTTE, NORTH CAROLINA, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE" was adopted, effective March 1, 1961, and ordered published one time in The Charlotte News. The ordinance is recorded in full in Ordinance Book 13, beginning at 33.

RECOMMENDED CHARTER AMENDMENT RELATIVE TO PERMANENT PUBLIC IMPROVEMENTS PRESENTED COUNCIL BY CITY MANAGER.

Mr. Veeder, City Manager, presented the Council copies of a preliminary draft of an amendment to the Charter relative to permanent public improvements, which he stated was prepared by and received from the Institute of Government today. He stated it is designed to broaden the city's powers to make public improvements, and contains the best features of charter provisions of other North Carolina cities. Mr. Veeder stated that the City Engineer and Planning Director have reviewed the amendment with him today. He requested Council to study the draft prior to the meeting with the Legislative Delegation on Wednesday night, at which time it should be discussed. Mr. Veeder then discussed the amendment by sections in detail as to its provisions.

GRADE SEPARATION PROGRAM URGED STARTED.

Councilman Dellinger asked the status of the Grade Crossing program and if an agreement has been reached with an Engineer? The City Manager

stated the suggested contract submitted to Council has been negotiated with Mr. Ralph Whitehead of Whitehead & Zeikel, Engineers, and he is now waiting to hear the reaction from Southern Railway. Mr. Veeder submitted a breakdown of expenditures in the total amount of \$2,892,272.95 and available funds in the total amount of \$2,371,713.62, which includes the \$870,000.00 pledged by Southern Railway. He advised we are short of needed funds; that the program is something that cannot be done in part as it all ties together. Councilman Whittington asked why something could not be done about the West Trade Street crossing, that Southern Railway will never do anything until the City starts; why not go ahead and sign the contract with Mr. Whitehead and tell him where to start, as part of the money has been available for 12 years. He challenged the Council to do something about West Trade Street crossing without further delay. Mr. Veeder stated if the contract meets Council approval, the engineer could be turned loose on the first phase of the work, which would be a recheck of what has been done today and Mr. Miller's estimates. Councilman Myers expressed the opinion that the first work of the engineer would be to reappraise what has been done and possibly new overall estimates for new project for expressway; with this information we would be in a better position to talk with the State Highway Commission about funds, that he understands the State will participate in structures. Councilman Whittington stated he cannot see what the expressway plan has to do with West Trade Street, nor the bridges at West 12th and East Morehead Street, and he again urged that the engineer be put to work now.

Councilman Myers stated their Committee was appointed to select an Engineer and another Committee should be appointed to go to Raleigh and try to get a commitment from the State Highway Commission.

COUNCILMAN HITCH DEPLORES THE DELAY IN THE TRANSFER OF THE DEED TO GOOD SAMARITAN HOSPITAL TO THE CITY AS PATIENTS AT HOSPITAL ARE NOT RECEIVING PROPER MEDICAL CARE.

Councilman Hitch asked the City Attorney if any progress has been made on the transfer of Good Samaritan Hospital to the city? Mr. Shaw, City Attorney, stated he is doing everything possible, and believes it is proceeding in an orderly fashion; that he can only proceed through the Attorney for the Diocese, who has advised him he has taken the matter up in the proper order through the Bishop. That he has offered to go anywhere, at any time and meet with anyone but has had no reply from the Attorney to this. Councilman Hitch deplored the delay and stated the Council will be criticized soon if nothing is done; that he does not think such criticism is deserved but the people at Good Samaritan are not getting proper medical care; that he, personally, is willing to do anything to hasten the transfer of the hospital to the city but does not know what to do, but feels there is always a way if there is will enough to do it. It was suggested that probably Councilman Myers, who is an Episcopalian could get some action, and he stated he would be glad to do what he could, that probably the local clergy can help.

REQUEST THAT OPINION OF SMALL WATER USERS BE HEARD RELATIVE TO THE ESTABLISHMENT OF WATER AND SEWER CHARGES.

Mr. Albert Pierson appeared before Council and stated he and others feel that the water and sewer charges question before Council is being badly handled; that the Council employed a non-partisan group from out-of-town to make a survey and recommendations, and instead of accepting the recommendations of these rate experts designed to eliminate present

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inequities, the opinion of local higher-ups was asked. He stated he thinks it would pay to have some of the little people down here and ask their opinion. That they just think the pressure on the Council in favor of the big user is getting out of proportion.

Councilman Dellinger stated the Council has certainly tried to represent all citizens in their deliberations on the subject.

ADJOURNMENT.

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

  
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Lillian R. Hoffman, City Clerk