

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, June 12, 1961, at 3 o'clock p.m., with Mayor pro tem Whittington presiding and Councilmen Albea, Bryant, Dellinger, Smith and Thrower present.

ABSENT: Mayor Brookshire and Councilman Jordan.

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INVOCATION.

The invocation was given by Dr. Herbert Spaugh, Pastor, The Little Church on the Lane.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on June 5, 1961, were approved as submitted.

INTRODUCTION OF MISS CAROLYN ANDERSON SELECTED TO PARTICIPATE IN RED CROSS STUDY IN SOUTH AMERICA.

Councilman Thrower introduced Miss Carolyn Anderson of Charlotte who has been selected as one of twenty-six young Americans to take part in a Red Cross Study in South America. He advised that she was chosen because of her ability to speak Spanish, her fine character and delightful personality, high moral standards and interest in human needs and values. He stated further that a group of South American young people will participate in a similar study in the United States.

Mayor pro tem Whittington asked Miss Anderson to carry Greetings from the City of Charlotte to the South American cities in which she works, and that on her return she come back and report on her trip to the Council.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN WESTCHESTER SUBDIVISIONS NO. 3 AND NO. 4.

Councilman Dellinger moved approval of a Supplementary Contract with Ervin Construction Company, to contract dated April 15, 1960, for the installation of 13,560 ft. of additional water mains and 8 hydrants, at an estimated cost of \$45,100.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost. The motion was seconded by Councilman Thrower, and unanimously carried.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUIRING RIGHT OF WAY FOR TENNESSEE AVENUE SANITARY SEWERS ACROSS PROPERTY OF ARTHUR A HAVNER.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, authorizing the start of condemnation proceedings for right of way, 139.02 ft. by 10 ft. across the property of Mr. Arthur A. Havner for the Tennessee Avenue sanitary sewer.

## CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED AT VARIOUS LOCATIONS.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the construction of sanitary sewer mains was authorized at the following locations, with all costs to be borne by the applicants and the refund of their deposits of the said costs:

- (a) Construction of 450-ft. of main in Holloway Street, inside the city limits, at request of Nance-Trotter, Inc., at estimated cost of \$1,405.00.
- (b) Construction of 100 ft. of main in Denson Drive, inside the city limits, at request of Griffin Realty Company, at an estimated cost of \$595.00.
- (c) Construction of 160-ft. of main in Sharon-Smity Road, inside the city limits, at request of Chuckrow Associates, Inc., at an estimated cost of \$470.00.
- (d) Construction of 740-ft. of main in Park Road, inside the city limits, at request of Graham Office Park, Inc., at an estimated cost of \$3,170.00.
- (e) Construction of 225-ft. of main in Olando Street, inside the city limits, at request of Mrs Tinnie E. Freeland, at an estimated cost of \$635.00.

## RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 17TH ON ORDINANCE NO. 34-Z AMENDING THE ZONING ORDINANCE.

Councilman Albea moved the adoption of a Resolution Providing for a public hearing on July 17, 1961 on Ordinance No. 34-Z Amending the Zoning Ordinance to change the zoning from R-2 to B-1 on property located at Tuckaseegee Road and Glenwood Drive, on petition of the P & N Railway Company et al. The motion was seconded by Councilman Dellinger, and un-animously carried. The resolution is recorded in full in Resolutions Book 4, at Page 124.

## ISSUANCE AND RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and un-animously carried, authorizing the issuance of Special Officer Permits to Mr C.O. Hall and Mr Otis McDaniel for use on the premises of Charlotte-town Mall, and the renewal of Permit to Mrs Stella Patterson for use on the premises of J. B. Ivey & Company.

## TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mr Thomas P. Runyan and wife, for Graves 5 and 6, Lot 25-C Section 3, Evergreen Cemetery, at \$120.00.
- (b) Deed with Howard H and Lorraine O. Johnson, for Graves 5 and 6, in Lot 25-D, Section 3, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mr and Mrs Paul J. Prevatte, for Lot 321, Section 4-A, Evergreen Cemetery, at \$189.00.
- (d) Deed with Heirs of Maggie Gaither, for the west half of Lot 35, in Section H, 9th Street Pinewood Cemetery, at \$3.00.

PROPOSED USE OF BACK OF CITY LIMIT SIGNS, PROPOSED REFUSE COLLECTION ORDINANCE, AND CITY COACH LINES BUS SCHEDULES AND SERVICE TO BE CONSIDERED AT NEXT WEEK'S COUNCIL MEETING.

Councilman Smith stated that the proposal of Mr Bob Alander of the Chamber of Commerce that the City make use of the back of the city limits signs will be studied and discussed with the Traffic Engineer, and considered by Council at next week's meeting.

He also advised that the proposed Refuse Collection Ordinance presented by the Supt. of the Motor Transport Department will also be studied, and Mr. Noe will be present again next week to discuss it further.

Councilman Smith stated further that Mr Caze and Mr Morrow of the City Coach Lines will be present at next week's meeting to discuss local bus service, at the request of Council. He suggested that the Council members have ready to present at that time any complaints relative to bus schedules and service.

RESERVATIONS TO ATTEND INSTITUTE OF GOVERNMENT SCHOOL FOR MAYORS AND COUNCILMEN FROM JUNE 25TH THROUGH 27TH.

The following Council members asked that reservations be made for them to attend the Institute of Government School for Mayors and Councilmen on June 25th through 27th. Councilman Bryant, Councilman Albea, Councilman Whittington, and two reservations for Councilman Thrower. The Clerk was requested to contact Councilman Jordan regarding a reservation as he was not present at the Council Meeting.

MAYOR PRO TEM REQUESTED TO ASCERTAIN WHY COUNCIL MEMBERS NOT INVITED TO ATTEND U.S. CONFERENCE OF MAYORS' CONVENTION.

Councilman Dellinger called attention that the U.S. Conference of Mayors' Convention is now in progress in Washington, which is being attended by Mayor Brookshire and the City Manager, and he is wondering why the Council was not invited to attend, as they usually are, and for which funds were budgeted. He asked the Mayor pro tem to find out why the Council members were not invited.

ERADICATION OF SNAKES ALONG CREEK BEHIND PIEDMONT COURT REQUESTED.

Councilman Dellinger requested that the proper department be instructed to have the snakes eradicated along the creek behind Piedmont Court on Seigle Avenue.

CITY ATTORNEY REQUESTED TO MAKE REPORT ON CITY'S POWERS WITH REGARD TO REPAIRS TO DIRT STREETS.

Councilman Dellinger stated that several weeks ago he requested the City Attorney to secure a ruling from the Attorney General as to the City's powers with regard to repairs to dirt streets, and he would like the City Attorney to make the report at next week's meeting.

CITY MANAGER REQUESTED TO MAKE REPORTS ON (1) REQUEST TO STATE HIGHWAY TO IMPROVE STREETS ENTERING THE CITY, (2) ADVISABILITY OF REMOVING ISLAND AT CENTRAL AVENUE AND AMITY ROAD, AND (3) RELIEF FOR LEFT-HAND TURNS AT PARKWOOD AVENUE AND THE PLAZA.

Councilman Dellinger asked that the City Manager report at next week's meeting on his request on May 23rd that the State Highway Department be contacted regarding curbs and gutters on streets entering the city.

Also, on his request on June 1st as to the advisability of removing the island at Central Avenue and Amity Road.

And third, his request on June 1st for relief for persons making left-hand turns at Parkwood Avenue and The Plaza.

CITY MANAGER REQUESTED TO REPORT ON CONDITION OF OLD HEALTH BUILDING FOR USE AS TRAFFIC COURT ROOM.

Councilman Smith stated it is getting close to July 1st, the effective date of the new Recorder's Court Bill, and he would like the City Manager to make a report on his former request as to the condition of the old Health Building with regard to its use for the Traffic Court Room and the estimated cost of putting it into proper condition.

COST OF BOOKLET PUBLISHED BY REDEVELOPMENT COMMISSION REQUESTED.

Councilman Smith called attention to a booklet published by the Redevelopment Commission relative to the Brooklyn area clearance plan, which he stated looks like something a child would make at school to take home to show his parents, with lots of pictures, and it is embarrassing to Councilmen who supported the program. He stated he wants the Commission to know the Council is looking over their shoulder and any foolish expenditure of money will have to be explained, and he wants to know the cost of the booklet.

TRAFFIC COUNT REQUESTED AT MERRY OAKS ROAD AND CENTRAL AVENUE.

Councilman Thrower requested that the City Manager have a traffic count made at the intersection of Merry Oaks Road and Central Avenue.

He also requested that the possibility of purchasing a stump remover be considered, for use in lieu of having stumps dug up by hand.

Mr. Bobo, Administrative Assistant, advised stumps must be dug out by hand, on account of the possibility of water and sewer lines, which could easily be broken unless care is taken.

SUPT. OF MOTOR TRANSPORT DEPT. COMMENDED ON PROPOSED REFUSE COLLECTION ORDINANCE.

Councilman Bryant commended Mr Noe on the proposed Refuse Collection Ordinance he presented in the Executive Session, and stated he thinks it is a good start towards having a workable ordinance adopted.

REPORT REQUESTED OF COST ESTIMATE OF CONVERTING AREA AT LEFT REAR OF CITY HALL INTO PARKING AREA.

Councilman Smith asked that the City Manager make a report on the cost of converting the area at the left rear of the City Hall into a parking area before the budget is presented for consideration.

ORDINANCE NO. 35 AMENDING CHAPTER 20, ARTICLE I, SECTION 20-21 OF THE CITY CODE WITH RESPECT TO WRECKER AND STORAGE CHARGES, ADOPTED.

An ordinance entitled: "Ordinance No. 35 Amending Chapter 20, Article I, Section 20-21 of the City Code with Respect to Wrecker and Storage Charges" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Bryant, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 76.

CONTRACT AUTHORIZED WITH SMITH, POLLITTEE & ASSOCIATES FOR PRELIMINARY DESIGN FOR THE NORTHWEST EXPRESSWAY.

The proposed contract for the preliminary design of the northwest expressway was discussed and explained in detail by the City Attorney, which he stated has been approved by the Federal Bureau of Public Roads and the State Highway Commission. He stated further that the State Highway Department will draw the final plans but by awarding this contract for the preliminary plans, the City will expedite the construction of the expressway by as much as two years, and both the City Manager and City Engineer, who have gone over the contract with the State Highway Department, approve it. Councilman Dellinger expressed objections to awarding the contract without further study and review by the Council; he stated he thinks it is very broad and should be pinpointed further and thinks a few days or weeks postponement would be well worth while. He stated further that he is of the opinion that the City should have a contract with the State Highway Department that they will accept the preliminary design when completed by Smith, Pollittee & Associates. Mayor pro tem Whittington stated he would like to go ahead and approve the contract today, as the City Attorney and Mr Cheek have stated it has been approved by everyone concerned. Councilman Bryant moved that the contract be authorized with Smith, Pollittee & Associates to make the preliminary design for the expressway, on a lump sum basis. The motion was seconded by Councilman Thrower, and unanimously carried.

TRAFFIC SIGNAL AND CROSSWALKS AND MARKINGS AUTHORIZED ON ROZZELLS FERRY ROAD.

Mayor pro tem Whittington asked for a report on his request for a traffic light on Rozzells Ferry Road, where a child was recently killed.

Mr Bobo, Administrative Assistant, presented a report from the Traffic Engineer stating the vehicle volumes do not warrant a traffic signal installation, and recommending that an additional crosswalk be painted at the intersection of Judson and Rozzells Ferry Road; that the word "Slow" be painted on the approach of the intersection of Bungalow Road to the east and west and 40 ft. from the word "Slow" a 30-ft. "X" be applied with permanent plastic markings; that a pedestrian barrier be erected on the north side of Rozzells Ferry Road between the crosswalk at Bungalow and the crosswalk at Judson, leaving openings at the driveway entrances.

The Mayor pro tem stated 12 children have been struck at this intersection and he thinks that Mr Hoose is wrong about a traffic light not being needed and he would like the markings made as proposed and a Signal also erected before another child is killed.

Councilman Dellinger moved that the Traffic Engineer be instructed to also erect a Traffic Signal at the point he thinks it will best serve the need and the funds for this purpose be transferred from the Emergency Fund. The motion was seconded by Councilman Smith, and unanimously carried.

## DEMOLITION OF UNFIT AND UNSAFE HOUSES URGED BY MAYOR PRO TEM WHITTINGTON.

Mayor pro tem Whittington stated he is still anxious that something be done about the demolition of condemned unsafe and unfit houses; that he brought this up sometime ago in connection with a house on Morehead Street, and he knows of several such houses in the City.

The City Attorney pointed out that because a house is unoccupied and allowed to run-down to a certain degree does not mean that it is dangerous, and he does not think in such instances such houses should be torn down. The Mayor pro tem pointed out that the City Attorney had a letter from the Attorney General that the City has the right to go ahead and demolish them, and he feels it will be the City's responsibility if someone is hurt, as the City cannot guard them all the time.

Councilman Dellinger stated he believes the City has gone as far as it can under the present unfit housing code and it is a matter of waiting to see what the new housing code provides for in this connection.

## CITY MANAGER REQUESTED TO CONFER WITH POLICE DEPARTMENT WITH RESPECT TO ENFORCEABILITY OF ANTI-JAYWALKING ORDINANCE BASED ON PAST EXPERIENCE AND SUBMIT RECOMMENDATION TO COUNCIL.

Councilman Smith stated he is of the opinion that the city's Anti-Jaywalking Ordinance should be reconsidered and as it has never been enforced, it should be reworded or taken off the books.

Councilman Dellinger moved that the City Manager be instructed to enforce the ordinance or it will be taken out of the Code. The motion was seconded by Councilman Albea.

Councilman Smith stated he thinks it should be studied and discussed with the Police Department and a recommendation made to Council.

The vote was taken on the motion and lost by the following recorded vote:


YEAS: Councilmen Dellinger, Albea and Thrower.  
NAYS: Councilmen Bryant and Smith.

Councilman Smith then moved that the City Manager confer with the Police Department relative to the ordinance, on the basis of experience to date, and make a recommendation. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

YEAS: Councilmen Smith, Bryant, Dellinger and Thrower.  
NAYS: Councilman Albea.

## ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk