

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, March 20, 1961, at 2 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Myers and Smith present.

ABSENT: Councilmen Hitch and Whittington.

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

ABSENT: Messrs Craig, 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 March 13th were approved as submitted.

APPRECIATION OF BAR ASSOCIATION EXPRESSED FOR USE OF OLD HEALTH BUILDING SPACE FOR COURT ROOM DURING RENOVATION OF COURT HOUSE.

Mr. Joe Grier and Mr. Fred Hasty, representing Mecklenburg County Bar Association, appeared before Council and Mr. Hasty expressed the appreciation of the Association for the use of space in the Old Health Building as a temporary Court Room while the Court House was being renovated.

Mayor Smith stated the City was glad to have the space available and to accommodate them.

HEARING ON ORDINANCE NO. 727 AMENDING THE ZONING ORDINANCE.

The public hearing was held on Ordinance No. 727 Amending the Zoning Ordinance to amend the Building Zone Map by changing zoning on property on the south side of Interstate 85, at Starita Road, from Rural to Industrial, on petition of Sara, Agnes and Thomas W. Hawkins.

The Planning Director stated the property is located between Derita Road and Statesville Avenue; contains about 20 acres fronting on the Bypass and the land is vacant. That it adjoins vacant property; across the Bypass the property is also vacant, is adjoined by all Rural zoning, with an Industrial area across Highway 85.

No opposition was expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 728 AMENDING THE ZONING ORDINANCE.

The scheduled hearing was held on Ordinance No. 728 Amending the Zoning Ordinance to amend the Building Zone Map by changing zoning on property on both sides of Eastway Drive, south of Central Avenue, in Charlotte area, from B-1 and R-2, to B-1 and O-I, on petition of Houston Properties, Inc. and Morris Investment Company.

Mr. McIntyre, Planning Director, presented a plat of the area and stated the property is undeveloped, is adjoined at the rear by residential property fronting on Carolyn Drive; that north of the property is a shopping center and Service Station, with other business nearby; it is adjoined on the north by B-1 and B 1-A zoning, on the east the property is partially zoned B-1, otherwise it is adjoined by R-2 zoning.

Mr. Claude Freeman, representing the petitioners, stated their present Eastway Shopping center contains a super-market, cleaning establishment, beauty-barber shop, dress shop, drug store and 5 & 10 store, with a total square footage of 38,100 ft and they wish to expand it by the construction of a hardware store, hobby shop and nine service units, such as a bakery, florist etc, totaling 24,400 square feet. That they anticipate constructing within the next two years further expansion to consist of a post office, bank, department store, etc, and the entire development will total 102,000 square feet. He advised that 11 acres of their property is zoned B-1 and B 1-A, and of the property in question 20 acres is zoned R-2 which they are requesting changed to B-1 and 4 acres zoned B-1 and R-2 which they request zoned O-I. Mr. Freeman stated they are endeavoring to upgrade the property so that it will be committed to its highest and best use. That both economic and growth studies of this section of the city give a clear indication there is a need for a well planned Retail and Commercial district within this area. That they are leaving a corridor of B-2 on Biscayne Drive as a proper barrier.

No opposition was expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 729 AMENDING THE ZONING ORDINANCE.

The public hearing was held on Ordinance No. 729 Amending the Zoning Ordinance to amend the Building Zone Map by changing zoning on property on the south side of Herrin Avenue, near Tappan Place, in the Charlotte area, from R-2 to B-1, on petition of Farmers Dairy Co-op, Inc., and E. Alvin and Ruby L. Mull.

The Planning Director stated the property is L-shaped, fronting 110 feet on Herrin Avenue and 299 feet southeast of Plaza Road running back with that width 167 feet, together with an adjoining parcel 50 feet wide running towards Plaza Road to the present B-1 zoning line; that a portion of the property is in use by Farmers Dairy and part by a 2-family residential structure. That the property at the rear is vacant and across the street it is being developed for business.

Mr. Robert Perry, Attorney for Royster Development Company and Farmers Dairy, stated one of his clients now owns the property back to the beginning of the new zoning application; that the A & P Store is located at the back of the property and he understands the zoning in the area is B-1 with one B 1-A zoned property. That they are asking that 85 feet be left as R-2 as a buffer for Wriston Drive. That Mr. Royster wishes to

remodel the A & P Store by increasing its size and improving its appearance, if the rezoning is granted. That the property in question is contiguous to a B-1 zone and surrounded by B-1 usage and he knows of no opposition to the change.

Mr. Basil Boyd, Attorney representing the co-petitioners, Mr. and Mrs. E.A. Mull, stated they own an old residence on adjoining property and the owners of the A & P Store wish to purchase the Mull property to be used in the store expansion and to provide a rear service entrance, together with a buffer zone. He stated the neighbors have been canvassed as to their feeling regarding the rezoning of the Mull property and only one, a Mr. Williams whose residence faces the buffer zone, objects to the change in zoning, as he feels trucks will be making deliveries at night to the rear entrance and disturb the neighborhood, however, they do not believe this will be the case. Mr. Boyd stated his clients feel their request is fair and the change in zoning will tie in with the area and it will bring in more taxes.

Mr. Williams stated deliveries are now made to the A & P Store from 3 to 5 o'clock in the morning and if the property is opened up for business, the Dairy trucks will also use it as an outlet to The Plaza and Tappan Place. That at present there is a duplex that cuts off some of the noise, which would be torn down. He stated he lives in the third house from the corner. He asked that Council consider his request.

Council decision was deferred one week.

NAME OF EDGEWOOD AVENUE CHANGED TO LEDGEWOOD LANE.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the name of Edgewood Avenue, from Charlotte Drive to Dilworth Road West, was changed to LedgeWood Lane, upon petition of the residents of the street and the recommendation of the Planning Board.

AGREEMENT WITH STATE HIGHWAY DEPARTMENT FOR RIGHT-OF-WAY IN NORTH SERVICE ROAD FOR INSTALLATION OF WATER MAIN.

Councilman Smith moved approval of an agreement with the State Highway Department for right-of-way in the North Service Road paralleling Interstate Highway 85, for a distance of 400 feet, for the installation of a 12 inch water main to serve Carver College. The motion was seconded by Councilman Myers, and unanimously carried.

PAYMENT AUTHORIZED TO DAVIS & DAVIS REALTY COMPANY FOR OBTAINING RIGHTS-OF-WAY FOR TRUNK LINES.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, authorizing payment of \$100.00 to Davis & Davis Realty Company, Inc., for obtaining rights-of-way in connection with the McAlway Road Trunk Line, Sharon Road Trunk line, Northerly Road Trunk line and the appraisal of lot at the southeast corner of Independence Boulevard and South Caldwell Street.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) 570 feet of main in Chicago Avenue, inside the city limits, at request of Mrs Elizabeth Harkey, at an estimated cost of \$2,075.00. All cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) 50 feet of main in Yeoman Road and 150 feet in Sarah Street, inside the city limits, at request of the City Engineer, at a total estimated cost of \$550.00. All cost to be borne by the City from the old Bond Fund previously approved for use in Area III Perimeter Sewer Construction.

RENEWAL OF SPECIAL OFFICER PERMIT TO FRANK W. HAAS ON PREMISES OF CITY CEMETERIES.

Councilman Dellinger moved approval of the renewal of Special Officer Permit to Mr. Frank W. Haas for use on the premises of the City's cemeteries. The motion was seconded by Councilman Babcock, and unanimously carried.

A BILL TO BE ENTITLED "AN ACT AMENDING G.S. 165-27, WITH RESPECT TO THE APPOINTMENT OF COMMISSIONERS OF THE VETERANS RECREATION AUTHORITY OF THE CITY OF CHARLOTTE".

The following Bill to amend the state-wide Veterans Recreation Authorities Act, to apply to the Veterans Recreation Authority of Charlotte only, was presented for Council consideration and upon motion of Councilman Albea, seconded by Councilman Smith, was unanimously approved to be sent to the Mecklenburg Legislators with request that they secure its passage by the General Assembly:

A BILL TO BE ENTITLED AN ACT, AMENDING G.S. 165-27
WITH RESPECT TO THE APPOINTMENT OF COMMISSIONERS
OF THE VETERANS RECREATION AUTHORITY OF THE
CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That, G. S. 165-27 of the General Statutes of North Carolina, be, and the same is hereby amended by inserting at the end thereof, the following:

"provided, that with respect to any vacancies occurring in the Commissioners of the Charlotte Veterans Recreation Authority by expiration of office or otherwise, such vacancies shall be filled by the Mayor of the City of Charlotte, and should such Mayor fail to fill such vacancies within sixty days after the same occur, such vacancies shall be filled by the Senior Resident Judge of the Superior Court for the District in which the City of Charlotte is located."

Section 2. This Act shall apply to the Veterans Recreation Authority of the City of Charlotte only.

TRANSFER OF CEMETERY LOTS:

Upon motion of Councilman Babcock, seconded by Councilman Dellinger, and

unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs Edna Smith Pope, for Graves 5 and 6, Lot 123, Section 2, Evergreen Cemetery, at \$80.00.
- (b) Deed with J. P. Swindler, for Lot 285, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with James W. Pressley for Lot 367, Section 4-A, Evergreen Cemetery, transferred from Mrs Evelyn C. Rusch and husband, at \$1.00 for transfer.
- (d) Deed with Beverly Hawkins, for perpetual care on south half of Lot 64, Section L, Elmwood Cemetery, at \$75.60.

CONTRACT AWARDED AVERETTE-LEDBETTER TO REROOF OLD HEALTH BUILDING ANNEX.

Councilman Smith moved that contract be awarded the low bidder, Averette-Ledbetter to remove the roof on the Old Health Department Annex and apply a Barrett 20-year bonded roof, as specified, at a total price of \$1,395.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following net bids were received:

Averette-Ledbetter	\$ 1,395.00
City Roofing & Sheet Metal Co.	1,397.00
Interstate Roofing & Asphalt Co.	1,500.00

CONTRACT AWARDED LOWE'S CHARLOTTE HARDWARE COMPANY FOR 3,500 BAGS OF PORTLAND CEMENT.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, contract was awarded the low bidder, Lowe's Charlotte Hardware Company for furnishing 3,500 bags of Portland Cement, on a unit price basis of \$1.27 per bag, representing a total price of \$4,445.00.

The following net bids were received:

Lowe's Charlotte Hardware Company	\$ 4,445.00
McGee Lumber Company	4,454.54
Tucker-Kirby Company	4,630.50
Doggett Lumber Company	4,686.20
McClure Lumber Company	4,939.20

CONTRACT AWARDED INTERNATIONAL BUSINESS MACHINES FOR IBM CARDS.

Motion was made by Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, awarding contract to the low bidder, International Business Machines for furnishing 610,000 IBM Cards, as specified, at a total price of \$1,456.90.

The following net bids were received:

International Business Machines	\$ 1,456.90
Globe Ticket Company	1,502.50
Electronic Accounting Card Co.	1,808.00

ACQUISITION OF EAST THIRD STREET RIGHT OF WAY AUTHORIZED.

The City Manager advised that deeds have been obtained for the East Third Street opening project, from Providence Road to Independence Boulevard at a cost of \$135,642.00, and he recommends that the right of way be purchased. He advised further that it appears the right of way across four pieces of property at Shorter Avenue and Independence Boulevard cannot be negotiated and condemnation may be necessary; however, this is not needed for the present improvement phase and the State Highway Department is agreeable to deferring its acquisition at the present time. Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the purchase of the right of way, as recommended, was authorized from the following owners:

Mrs Frank Yost	\$ 900.00
Eben Nye Hutchinson Estate	46,500.00
F. Warren Rees and wife	34,242.00
Thies Realty & Mortgage Company	1,399.20
Mrs Daisy H. Lassiter	40,000.00
Fred Lowder and wife	9,000.00
E. A. Owens and wife	1,200.00
Total	<u>\$133,242.00</u>
Plus removal of Hutchinson house and garage not to exceed	<u>2,400.00</u>
Total	<u>\$135,642.00</u>

OPTION TO THE ISABEL IRWIN GRAHAM ESTATE PROPERTY ON WEST FIFTH STREET AUTHORIZED EXECUTED FOR PURCHASE BY CITY FOR NS EXPRESSWAY IN NEXT FISCAL YEAR.

The City Manager advised that the Isabel Irwin Graham Estate property on West Fifth Street has been appraised, confirming the \$12,000 offer as being a fair price for the property, and he recommended that the option be executed to hold the property until the next fiscal year for the City's purchase for the North-South Expressway. Councilman Smith moved that the option be executed and the \$100 binder be placed on the property. The motion was seconded by Councilman Dellinger, and unanimously carried.

PURCHASE OF PROPERTY AT SOUTHEAST CORNER OF INDEPENDENCE BOULEVARD AND SOUTH CALDWELL STREET AUTHORIZED FOR USE IN INDEPENDENCE BOULEVARD EXPRESSWAY.

Mr. Veeder, City Manager, advised that the property at the southeast corner of Independence Boulevard and South Caldwell Street, needed for the Independence Boulevard Expressway, has been appraised and its purchase negotiated with the owners at \$7,500.00, which he recommends accepted. Councilman Dellinger moved that the property be purchased at \$7,500.00, which was seconded by Councilman Smith, and unanimously carried.

AGREEMENT AUTHORIZED WITH TRUSTEES OF OAKLAWN MAUSOLEUM ASSOCIATION TO AFFECT CHANGES IN CHARGES AND METHODS OF KEEPING RECORDS AND ACCOUNTING.

The City Manager recommended approval of a new agreement with the Trustees

of Oaklawn Mausoleum Association, instigated by the City to affect changes in the charges for opening and sealing the crypt and the method of keeping records and accounting. Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, the proposed agreement was approved.

CITY EMPLOYEES RESIDING OUTSIDE MECKLENBURG COUNTY TO BE ALLOWED UNTIL SEPTEMBER 1, 1961 TO ESTABLISH RESIDENCE IN COUNTY IN CONFORMITY WITH PROVISIONS OF THE CITY CHARTER.

The City Manager advised that a survey by the Personnel Department shows that fifty city employees in seven departments are residing outside of Mecklenburg County, which is contrary to the Charter requirement that all city employees must reside within the County. He recommended that these employees be notified they will be allowed until September 1, 1961 to establish their residence in Mecklenburg County, otherwise they cannot be retained in the City's employ.

Councilman Dellinger moved approval of the recommendation, and suggested that employees residing on Routes be checked, as frequently Routes extend into an adjoining county, and the Charter requirement should definitely be adhered to by all employees. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk