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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, December 17, 1962, at 2 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Board Members present during the hearings on Petitions for changes in Zoning Classifications were Mr. Sibley, Chairman, Mr. Ervin, Mr. Jones, Mr. Lakey, Mr. Stone, Mr. Suddreth, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Hanks.

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INVOCATION.

The invocation was given by the Reverend George C. Peterson, Pastor of Resurrection Luthern Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on December 10th were approved as submitted.

HEARING ON PETITION NO. 62-60 FOR CHANGE IN ZONING OF LOT AT THE SOUTHEAST CORNER OF FREELAND LANE AND HERIOT AVENUE.

The scheduled hearing was held on Petition No. 62-60 by Mr. Arthur L. Daniels for a change in the zoning from R-6MF to B-1 of a lot at the southeast corner of Freeland Lane and Heriot Avenue.

The Planning Director stated the petition covers one small lot at corner of Freeland Lane and Heriot Avenue, a short distance removed from South Tryon Street. The property is across Heriot Avenue from the Clanton Memorial Presbyterian Church. That directly across Freeland Lane is a large plot of vacant land that extends about to South Tryon Street and diagonally across Freeland Lane from the property in question is a residential development that fronts on Ellenwood Place. Adjoining the property on the easterly side are two additional houses and two other houses on acreage going across over towards the railroad. The property is adjoined on two sides by R-6MF zone and across Freeland Lane is zoned B-1 and behind the property in question the zoning is Light Industrial.

Mr. William L. Woolard, Attorney of the firm of Robinson, Jones and Hewson, representing the congregation of Clanton Memorial Presbyterian Church who oppose and resist the petition for a change in zoning of the property in question, filed a petition signed by more than 20% of the owners of the adjoining property opposing the rezoning, secondly, a petition signed by 21 owners of property on Freeland Lane and Ellenwood Place, opposing and protesting the change and thirdly, a petition signed by 74 members of the Congregation of Clanton Memorial Presbyterian Church opposing the rezoning. In reply to the question of Councilman Smith if the people next door to the

property in question are opposed to the zoning change, Mr. Woolard stated they are opposed to it and have signed the petition to that effect. Mr. Woolard explained from a map the location of the property and of the properties of those opposing the change and circulated four photographs showing the adjoining residences and the church. He stated he does not know what use Mr. Daniels, the petitioner, proposed to make of the property but at the present time this is a very settled and quiet neighborhood, with some fine homes and the residents have large investments in the property. He advised that Mr. Daniels, the petitioner, has a Plumbing business at the present time off South Tryon Street, and he is informed by members of the congregation of the Church that Mr. Daniels has indicated to them he plans to sell his property on Tryon Street and move it to the house on the property in question, which he could do if the property were rezoned B-1; he circulated a photograph of this Plumbing Business on Tryon Street and called attention to the unsightly condition of the premises, and advised if this Business were moved to his property on Freeland Lane, it would be a big detriment to the community. That Mr. Daniels has said he is unable to use his property, but as a matter of fact the property was rented until about two weeks ago when the tenants moved; Mr. Daniels also says the zoning situation prohibits his making the full use of the property, however, he acquired the property in February of this year and the zoning was the same as today. In summary the situation is this - this is a community of established homes, all along Ellenwood Place and Freeland Lane and they all oppose the petition for the change in zoning because they realize if business is allowed to come in and encroach on this nice neighborhood, the property values will go down, and they will be affected and troubled by the additional traffic because of business; while on the other hand, Mr. Daniels has nothing to lose by keeping the property in its present zoning, as the property can be rented or can be sold for residential purposes, therefore, it appears to be purely and simply spot zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 62-61 FOR CHANGE IN ZONING OF TRACT OF LAND FRONTING ON THE EAST SIDE OF DONALD ROSS ROAD, IMMEDIATELY SOUTH OF MOUNT HOPE MACHINERY COMPANY PROPERTY.

The public hearing was held on Petition No. 62-61 by Mrs Louise W. Dunavant for change in zoning from R-6MF to O-15 of tract of land fronting 288.33 feet on the east side of Donald Ross Road, immediately south of Mount Hope Machinery Company property.

Mr. McIntyre, Planning Director, advised this is a small tract of land located a short distance off West Boulevard up from Donald Ross Road, and the Carolina Golf Course is nearby; the property is presently vacant and is adjoined on the north by property developed with the New Hope Industrial establishment; immediately to the rear the land is essentially vacant; towards West Boulevard the land is also vacant until you reach the houses fronting on West Boulevard; and on the other side it is adjoined by an I-1 zoning district towards the railroad tracks.

Mr. Paul Ervin, Attorney representing the petitioner, advised the property is desired by an American Legion Post for a recreation center both inside the building they propose to erect and outside, and this cannot be done under the present zoning. He advised the owners of the property feel it is an appropriate zoning and a desirable use for the property. That this is an industrial area and if the R-6MF zoning is retained, it is going to be difficult to have residential property here. It is felt that a Recreational Center here would act as a natural buffer between the industrial area and residential area. He called attention that just across Donald Ross Road,

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there is the Carolina Golf Course property, which of course is a recreational area, and so it would be a natural setting for the Legion Recreation Center, and they believe it is in the interest of the residents of the area and in the proper development of the entire area.

Mr. Ervin called attention that the Carolina Golf Course property, which covers a substantial area, is, of course, open land; across Donald Ross Road there is a large area of land, which has never been put to use and is practically a wilderness, and the property has available fine highway and railway facilities and all of the area is destined to become shortly a very fine industrial section; however, there is a difficulty involved, eventually there will be a major arterial street connecting Interstate 85 with Interstate 77, and under the City's 5-year plan for thoroughfares the street comes right through this area. He urged that the Council bestir themselves about this, as it will cost much more money to do it 3 to 5 years from now than at the present time, while the property is vacant. He stated he believes he could prevail upon the owners of the land to give the rights of way but if buildings and large industrial warehouses are built all over the area, it will cost millions of dollars for the city to get the street through there.

Mayor Brookshire thanked Mr. Ervin for the suggestion relating to the thoroughfare program.

No objections were expressed to the property change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 62-62 FOR CHANGE IN ZONING OF PROPERTY AT 118 AND 124 SOUTH BALDWIN AVENUE AND AT 119, 123 AND 127 SOUTH TORRENCE STREET.

The scheduled hearing was held on Petition No. 62-62 by Mrs Vivian B. Gettys, Mr W. E. Jones, Mrs Etta D. Bassett and O & O Realty Company, for change in zoning from O-6 to B-1 of property at 118 and 124 South Baldwin Avenue and at 119, 123 and 127 South Torrence Street.

The Planning Director advised the petition covers several lots extending along Shorter Avenue, which is now a part of the 3rd Street Extension into Providence Road, and several lots in that block of Shorter Avenue, between Torrence and Baldwin. At the present time it is primarily occupied by residential usage and on one of the properties there is a Photographic Establishment. He stated the property is adjoined across Torrence Street by other residential properties, extending from the alley between 4th and Shorter Avenue out to Shorter Avenue itself. Across Baldwin Avenue from the property in question there is a large home on one large piece of land consisting of a city block, and directly across Shorter and extending down Torrence and Baldwin the property is zoned residentially.

Mr. O. W. Clayton, Attorney representing O & O Realty Company, one of the petitioners, advised this entire subdivision, known as Craighead Park was developed in 1903 and the restrictions and titles provide for 20 foot setback, no members of the colored race and no hogs on the premises, which shows the Council how long the property has been divided into 30 foot lots as now; that the homes in this section are old and the character of the entire neighborhood is changing rapidly. He stated the O & O Realty Company owns the property at the corner of Baldwin and what used to be Shorter Avenue, now 3rd Street Extension; the property which the Planning Director mentioned as being partly used commercially adjoins the O & O Realty Company on Baldwin and is the place of business of the Photographer and adjoining him just off 4th Street is Tompkins-Johnston Plumbing Plant with all their pipe

etc in the backyard and across Baldwin Avenue is the Lassiter property. At the present time the B-2 zone, one block away from the property in question on the other side of Shorter Avenue, is the future home of Winchester Surgical Company, and he is advised this property was rezoned not too long ago or was involved in the new zoning ordinance. That he understands the new zoning ordinance was adopted before 3rd Street Extension was actually put in. He called attention that the petition represents all of the owners of the property that is not already zoned business in this section; two of the houses facing on Torrence Street to the back of the O & O Realty Company property, are rental units. He submits that Shorter Avenue being a 60 foot street, parking on neither side, that the 60 foot extension of 3rd Street is as good a monumental buffer between the B-2 and R-6MF zones as any possible zoning ordinance could obtain, and they submit in the consideration of this and consideration of the use to which the property there can be put in the next few years, it is thought that no harm can be done to the zoning plan by reworking this entire block between Torrence and Baldwin down to Shorter. That it is not spot zoning because the other side of Shorter has been cut down and you still have the buffer on the southerly side of Shorter that will give the buffer Council likes to consider. Therefore, they submit that the proper use of the property in question is B-1 or B-2 for light retail type of trade and ask that the petition be granted.

No objections were expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 62-63 FOR CHANGE IN ZONING OF TRACT OF LAND AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND SAINT PAUL STREET.

The public hearing was held on Petition No. 62-63 by Mrs Beatrice S. Wilson for change in zoning from R-6 to B-1 of tract of land at the southeast corner of Beatties Ford Road and Saint Paul Street.

The Planning Director advised the petition covers property a short distance removed from North-West Junior High School, located on Beatties Ford Road, and consists of about 200 feet of frontage along Beatties Ford Road and along Saint Paul Street, and is partially occupied by a single family structure; directly across Beatties Ford Road there are residential structures extending to the north; the property immediately behind the subject land is vacant and there are residential structures along Saint Paul Street, south of the property in question there is a power line easement. The property is presently adjoined by single family dwellings and O-I zoning starts on Beatties Ford Road on the opposite side of the power line right of way.

Mr. T. H. Wyche, Attorney representing the petitioner, stated the request for the change in zoning is for the specific purpose of constructing a Drug Store; that the petitioners husband, who is now deceased, operated a Drug Store on South Brevard Street and the building has been taken over by the Redevelopment Commission and all of the occupants of the building have had to vacate. For sometime Mr & Mrs Wilson were negotiating for the building of a Drug Store on the vacant land next to their home at the corner of Beatties Ford Road and Saint Paul Street, which she now occupies and the vacant lot is next door. A few years ago they petitioned the Commission to change the zoning of a portion of Beatties Ford Road from business to residential and it was done down to the corner, the remaining portion left business. This block has three zones, Residential, Industrial, where the power line is established and Business, and they feel with the block being zoned as it is and the fact they had to vacate the property on South Brevard Street, that the vacant

tract adjoining her residential lot should be rezoned. That Beatties Ford Road being a truck route is not conducive to residential developments, therefore this rezoning would not be a hardship on property owners on the street, and there is already business opposite her corner lot. That Council is aware that it is very difficult to relocate business from the Brevard Street area and any location they can find must be utilized. He stated that Mrs Wilson has had this property for many years for the express purpose of using it for business purposes, and it was only January of this year that the zoning was changed from business to residential, and it is most important to her that she use this property to continue carrying on the drug store business, which was excellent on Brevard Street, and this is her only source of income.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 62-64 FOR CHANGE IN ZONING OF TRACT OF LAND BEGINNING ABOUT 520 FEET WEST OF SHARON ROAD AND 250 FEET SOUTH OF FAIRVIEW ROAD.

The scheduled hearing was held on Petition No. 62-64 by McKee Realty Company for change in zoning from O-15 to B-1 of a tract of land beginning about 520 feet west of Sharon Road and 250 feet south of Fairview Road.

Mr. McIntyre, Planning Director, advised this is a small tract of land comprising the rear portion of a lot that is now used residentially; the property adjoins the Shopping Center property at Fairview Road and Sharon Road; the property is otherwise adjoined by residential property; to the west of the property the land is vacant.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 62-65 FOR CHANGE IN ZONING OF 3.8 ACRE TRACT OF LAND FRONTING 454 FEET ON BELLHAVEN BOULEVARD (HIGHWAY 16) AND 315 FEET ON CROSS STREET.

The public hearing was held on Petition No. 62-65 by Mr. L. W. and Mr. Ralph Coppala, for change in zoning from R-6MF to B-1 Shopping Center District, of a 3.8 acre tract of land fronting 454 feet on Bellhaven Boulevard (Highway 16) and 315 feet on Cross Street.

The Planning Director advised the petition is for a Special Business District based on a specific plan for development which plan is in their hands. The property is located about one block from Hoskins Road, that the land is vacant and is adjoined to the rear by one residential structure and vacant land extending along an unopened street, and on the east is adjoined by a scattering of residential structures; that the present zoning of the property is R-6MF and is adjoined on all sides by R-6MF zoning.

Mr. Charles Henderson, Attorney representing the petitioner, stated this matter has been here several times before and for the reason that it was the wishes of the Planning Board that there be a specific, rather than a nebulous plan in effect before this change in zoning took effect, it has been delayed until now. That this is a large area of land, and only a very few residences can be seen from the property; that Bellhaven Boulevard is

the highway that goes from Charlotte out towards Rozzells Ferry Bridge on towards Blowing Rock, and the property is located substantially at the intersection of Highway 85 and Bellhaven Highway in the vicinity of the railroad; that this area is beginning to be of a run-down nature, a number of businesses have been vacated and the houses are very old. That the property in question is ideal for a Shopping Center site, and as he pointed out once before, if you look at each of the highways going out of Charlotte you will find a principal shopping center located on them, and this is the one they thought would be appropriate on this highway out of Charlotte. He advised that the property has been in the hands of Mr. Coppala's family since 1959, and an investigation was made to see if the property could be used residentially and it was turned down by the FHA for residential usage.

No objections were expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

RESOLUTION CONFIRMING THE ASSESSMENT MAP-ROLL FOR LOCAL IMPROVEMENTS ON 35TH STREET, FROM NORTH DAVIDSON STREET TO THE PLAZA, ADOPTED.

The public hearing was held on the preliminary assessment map-roll for improvements completed on 35th Street, from North Davidson Street to The Plaza, a distance of approximately 3,000 feet, improved by installing storm drainage facilities, constructing standard curb and gutter and paving with base course and surface course, at a total project cost of \$49,440.52, of which amount \$22,104.25 will be assessed against the properties abutting upon the improvements, and the City's portion being \$27,336.27. The cost per front foot for storm drainage being \$1.16, of which total amount the City will pay \$11,857.16; the cost per front foot for curb and gutter being \$2.47 and the cost of the base course and surface course being \$15,479.11, which will be paid by the City.

Mr. W. L. Brightwell, resident of 35th Street, stated he owns two pieces of property on the street, 285 feet. That he understood they would pay for the curb and gutter and it would be in the neighborhood of \$2.25, but he does not understand why they would pay for the storm drain, and in fact he does not need a storm drain as he lives up a hill near The Plaza. The City Manager advised that the petition which he and his neighbors signed requesting the work to be done, includes curb and gutter and storm drainage. Mr. Brightwell stated he did not read the petition which he signed, and it is alright.

Councilman Bryant moved the adoption of the Resolution Confirming the Assessment Map-Roll for local Improvements on 35th Street, from North Davidson Street to The Plaza. The motion was seconded by Councilman Thrower, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 254.

CONDITION OF IMPROVEMENTS TO PROPERTY OF R. F. POSTON, 1019 EAST 35TH STREET TO BE CHECKED.

Mr. R. F. Poston, 1019 E. 35th Street, stated he has a double driveway with a neighbor and the gutter is sunken about $1\frac{1}{2}$ inches in the driveway, and there were two 8-inch pipes from the ditch from the back of his house to empty the water into the street, and in the construction of the improvements only one pipe was relaid and made a hole down in the gutter and when a big rain came, the water over runs into the yard. Therefore, he wants the other drain put in as it was before; also he wants someone to look at the driveway. Councilman Dellinger moved that the City Manager have the Engineering Department check into the matter. The motion was seconded by Councilman Whittington, and unanimously carried.

RESIDENT OF EAST 35TH STREET REQUESTS THAT DRIVEWAYS BE CONSTRUCTED TO HER TWO LOTS IN THE LOCAL IMPROVEMENTS TO THE STREET JUST COMPLETED.

Mrs Lefler, 733 East 35th Street, advised that she lives on the corner and when the improvements were made to the street, driveways were put in at all other lots on the street but not at hers, and she would like to know why. She stated she did not have driveways before the improvements were made, but would like to have them, particularly on the lot on which she resides, the other lot being vacant. The City Manager advised he would check into the matter and would do his best to work out something with Mrs Lefler. She asked for information as to the amount of the assessment and how it can be paid, as she knew nothing about the improvement. She was advised that the assessment on each of her lots is \$181.50 and told as to the methods of payment. Mrs Lefler asked what the Council would do if she doesn't pay it, as she is a widow and it is hard to meet all these things. The City Manager advised the Council would not do anything, that it would be a lien against her property if not paid, but she can discuss it with the Tax Collector and see what can be worked out.

SEASONS GREETINGS EXTENDED BY JOHN SHAW, FORMER CITY ATTORNEY.

Mr. John D. Shaw stated it has been his pleasure to serve with the City for many years. This year is a different year, and things will happen in the spring. That this has been a very efficient City Council, with the interest of the City of Charlotte at heart, and they have also dealt kindly with city employees; therefore, in behalf of the present and the prior employees, he brings wishes from the hired help for a very Merry Christmas and Happy New Year.

Mayor Brookshire stated that Mr. Shaw was a distinguished and valuable city employee and now he is happy to recognize him as a distinguished and important citizen.

CHANGE ORDER NO. 1 IN CONTRACT OF BRYANT ELECTRIC COMPANY FOR CONSTRUCTION OF AIRPORT APRON LIGHTING AND TAXIWAY LIGHTING, APPROVED.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, payment of Change Order #1 in the contract of Bryant Electric Company for the construction of the Airport Apron Lighting and Taxiway Lighting, increasing the original contract price of \$52,289.60 by \$221.00 for cutting through an abandoned underground concrete drainage trench wall, which was not shown on the original plans, to allow conduit to pass through, was authorized paid.

AGREEMENT AUTHORIZED WITH SEABOARD AIRLINE RAILROAD COMPANY WITH REGARD TO THE PEDESTRIAN WALKWAY UNDER TRACKS ON OLD MONROE ROAD.

Councilman Jordan moved approval of an Agreement with the Seaboard Air Line Railroad Company to save them harmless from any and all liability and responsibility for damages which might occur as a result of the faulty construction and maintenance of the pedestrian walkway by the City, under the tracts on Old Monroe Road. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINE AUTHORIZED IN BENTLEY PLACE.

Motion was made by Councilman Whittington, seconded by Councilman Dellinger,

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE CHASSIS AND CAB WITH TANK AND PUMP.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, International Harvester Company, for One Chassis and Cab with Tank and Pump, as specified, at their bid price of \$5,288.52.

The following bids were received:

International Harvester Company	\$ 5,288.52
Hutton-Scott Company - did not meet specifications	2,679.63

CONTRACT AWARDED YOUNG MOTOR COMPANY FOR ONE CHASSIS AND CAB.

Councilman Albea moved the award of contract to the low bidder, Young Motor Company, for One Chassis and Cab, as specified, at their bid price of \$2,561.66. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Young Motor Company	\$ 2,561.66
Courtesy Motors, Inc.	2,597.69
International Harvester Company	2,646.91
Hutton-Scott Company	2,801.02
GMC Truck Div - Gen. Motors Corp.	2,830.48

CONTRACT AWARDED YOUNG MOTOR COMPANY FOR ONE 3/4 TON PICKUP TRUCK WITH CANOPY BODY.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, Young Motor Company, for One 3/4 ton pickup truck with Canopy Body, as specified, at their bid price of \$2,259.79.

The following bids were received:

Young Motor Company	\$ 2,259.79
Courtesy Motors, Inc.	2,261.32
LaPointe Chevrolet Company	2,322.40
Hutton-Scott Company	2,363.91
International Harvester Company	2,446.31

CONTRACT AWARDED COURTESY MOTORS, INC. FOR THREE 1/2 TON PICKUP TRUCKS WITH SPECIAL SERVICE BODIES.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Courtesy Motors, Inc., for three 1/2 ton pickup trucks with special service bodies, as specified, at their bid price of \$6,173.58.

The following bids were received:

Courtesy Motors, Inc.	\$ 6,173.58
Young Motor Company	6,219.26
International Harvester Company	6,453.18
LaPointe Chevrolet Company	6,570.55
Hutton-Scott Company	6,861.18

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CONTRACT AWARDED COURTESY MOTORS, INC. FOR ONE 1-TON PICKUP TRUCK WITH EXPRESS BODY.

Councilman Dellinger moved that contract be awarded the low bidder, Courtesy Motors, Inc., for One 1-ton pickup truck with express body, as specified, at their bid price of \$2,086.97. The motion was seconded by Councilman Whittington and unanimously carried.

The following bids were received:

Courtesy Motors, Inc.	\$ 2,086.97
Young Motor Company	2,124.22
LaPointe Chevrolet Company	2,210.73
Hutton-Scott Company	2,288.46
International Harvester Company	2,292.14

CONTRACT AWARDED COURTESY MOTORS, INC. FOR ONE 17,000 G.V.W. DUMP TRUCK.

Councilman Bryant moved the award of contract to the low bidder, Courtesy Motors, Inc., for one 17,000 G.V.W. Dump Truck, as specified, at their bid price of \$3,675.01. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Courtesy Motors, Inc.	\$ 3,675.01
International Harvester Company	3,700.92
LaPointe Chevrolet Company	3,717.45
Young Motor Company	3,725.45
Hutton-Scott Company	3,776.79

CONTRACT AWARDED COURTESY MOTORS, INC., FOR ONE 1/2 TON PICKUP TRUCK.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and un-animously carried, contract was awarded the low bidder, Courtesy Motors, Inc., for one 1/2 ton pickup truck, as specified, at their bid price of \$1,620.90.

The following bids were received:

Courtesy Motors, Inc.	\$ 1,620.90
LaPointe Chevrolet Company	1,630.41
Young Motor Company	1,654.60
International Harvester Company	1,694.46
Hutton-Scott Company	1,717.06

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR ONE 3/4 TON PICKUP TRUCK WITH SPECIAL SERVICE BODY.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and un-animously carried, awarding contract to Hutton-Scott Company, the low bidder, for one 3/4 ton pickup truck with special service body, as specified, at their bid price of \$2,344.39.

The following bids were received:

Hutton-Scott Company	\$ 2,344.39
LaPointe Chevrolet Company	2,374.28
International Harvester Company	2,395.02
Courtesy Motors, Inc.	2,450.82
Young Motor Company	2,455.18

CONTRACT AWARDED MILL-POWER SUPPLY COMPANY FOR 15,000 FEET OF TRAFFIC AND SIGNAL CABLE.

Councilman Albea moved the award of contract to the low bidder, Mill-Power Supply Company, for 10,000 feet, three conductor #14 Traffic Signal Cable and 5,000 feet, four conductor #14 Traffic Signal Cable, as specified, at their bid price of \$1,133.14. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Mill-Power Supply Company	\$ 1,133.14
Westinghouse Electric Supply	1,332.50
Graybar Electric Co., Inc.	1,336.09
Superior Cable Corporation	1,336.43

CONTRACT AWARDED MILL-POWER SUPPLY COMPANY FOR 8,000 FEET TRAFFIC SIGNAL CABLE.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Mill-Power Supply Company, for 8,000 ft. 36 Conductor #18 Traffic Signal Cable, as specified, at their bid price of \$2,279.60.

The following bids were received:

Mill-Power Supply Company	\$ 2,279.60
Superior Cable Corporation	2,579.12
Graybar Electric Co., Inc.	2,581.30
Westinghouse Electric Supply	2,779.80

CONTRACT AWARDED AMERICAN CYANAMID COMPANY FOR ALUMINUM SULPHATE.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, contract was awarded American Cyanamid Company, the low bidder, for 360 tons of aluminum sulphate, as specified, at their bid price of \$18,354.60.

The following bids were received:

American Cyanamid Company	\$ 18,354.60
General Chemical Company, Div Allied Chemical Corp.	18,866.30
Southern States Chemical Co.	19,504.08

CONTRACT AWARDED MORELAND CHEMICAL COMPANY FOR HYDRATED LIME.

Councilman Whittington moved the award of contract to Moreland Chemical Company, the local distributor, one of the low tied bidders, for 480 tons of Hydrated Lime, as specified, at their bid price of \$10,782.86. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Moreland Chemical Company	\$ 10,782.86
Martin-Marietta Corporation	10,782.86
Tucker-Kirby Company	10,861.97

(continued)

Tesco Chemicals, Inc.	\$ 10,861.97
Southern States Chemical Co.	10,861.97
Longview Lime Corporation	10,861.97
Asher-Moore Company	10,876.80
National Gypsum Company	11,005.34
Howerton Cowen Chemicals, Co.	12,854.40

The following bids did not meet specifications:

National Gypsum Company	\$ 10,540.61
Martin-Marietta Corporation	10,738.37
Moreland Chemical Company	10,787.81

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR ACTIVATED CARBON.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, awarding contract to the only bidder, Southern States Chemical Company, for 40 tons of activated carbon, as specified, at their bid price of \$7,210.00.

CONTRACT AWARDED JONES CHEMICALS, INC. FOR ANHYDROUS AMMONIA.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Jones Chemicals, Inc. for 13 tons of Anhydrous Ammonia, as specified, at their bid price of \$2,276.30.

The following bids were received:

Jones Chemicals, Inc.	\$ 2,276.30
Southern States Chemical Co.	2,370.03
Moreland Chemical Company	2,404.84
Tesco Chemicals, Inc.	3,990.22
Henry Bower Chemical Mfg. Co.	5,356.00

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR LIQUID CHLORINE.

Bids on 105 tons of Liquid Chlorine were considered, the City Manager, Supt. of the Water Department and Purchasing Agent recommending the award of contract to the low bidder, Southern States Chemical Company, at \$10,815.00.

Mr. Bob Romas, representing Jones Chemical Company, advised he has been supplying the city's chlorine requirements for the last three or four years by truck delivery, and this year they are the low bidder by truck delivery; however the specifications ask for delivery by rail; that they feel when they are saving the City approximately \$1,000.00 on the purchase it does not make a lot of difference how the City gets it so long as they get it. That theirs is the largest company in the country and they feel they should be considered.

Councilman Whittington asked if we did not have this same thing to come up last year, and Mr. Veeder replied that we did.

Councilman Thrower asked Mr. Franklin, Supt. of the Water Department, to reply to the statement of Mr. Romas that Jones Chemical Company were not awarded the contract because of the way in which they were delivering the chlorine.

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The City Manager stated to Mr. Franklin that he realizes that he is of the opinion that the truck deliveries you have had from this company have not been satisfactory, so let's call a spade a spade and explain why they were unsatisfactory.

Mr. Franklin stated Jones Chemical Company came into town 3 or 4 years ago and set up a plant and the City tried getting our chlorine from them but were not happy with the service as he could not keep the inventory up; in other words, we have been accustomed to getting a definite quantity at a definite time, not string it out over a period of time. The business was awarded them again on the promise they would keep the deliveries up, but they did not do so, and last year this came up again and the Company promised they would render the desired deliveries and the contract was awarded them, and again they have not done so. He advised he does not like to have this product get down too low, and he prefers deliveries of 15 cylinders, and our specifications so explain, but they did not do so, they will catch up eventually but we do not like to operate in that fashion. Their bid was on truck delivery and did not meet our specifications calling for rail delivery of car lots.

Councilman Whittington moved the award of contract to the low bidder, Southern States Chemical Company, at their bid price of \$10,815.00, as recommended by the Supt. of the Water Department and the Purchasing Agent. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Southern States Chemical Company	\$ 10,815.00
Solvay Process Division Allied Chemical Corp.	10,815.00
Moreland Chemical Company	11,031.30
Tesco Chemicals, Inc.	12,978.00
Jones Chemical Co. (Bid did not meet specifications)	9,884.91

CONTRACT AWARDED AMERICAN AGRICULTURAL CHEMICAL COMPANY FOR SODIUM SILICO-FLUORIDE.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded American Agricultural Chemical Company, the low bidder meeting specifications, at their bid price of \$13,426.05, for 75 tons of Sodium Silicofluoride, as specified.

The following bids were received:

American Agricultural Chemical Co.	\$ 13,426.05
Tesco Chemicals, Inc. (Did not meet specifications)	13,426.05

BIDS ON TWO INSECTICIDE FOG GENERATORS REJECTED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, all bids received on two insecticide fog generators for the Health Department were rejected as recommended by the Health Officer who advised he did not have sufficient funds in the budget for this purchase.

BIDS ON ONE 3/4 TON STAKE BODY TRUCK REJECTED.

As recommended by the Health Officer who advised that he did not have sufficient funds in his budget for the purchase of One 3/4 ton stake body truck, all bids were rejected upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried.

TRAFFIC SIGNAL AUTHORIZED INSTALLED AT WOODLAND DRIVE AND INDEPENDENCE BOULEVARD AT ENTRANCE TO AMITY GARDEN SHOPPING CENTER.

The requests for the installation of a Traffic Signal at Woodland Drive and Independence Boulevard at the entrance to Amity Garden Shopping Center was discussed, and Mr. Hoose, Traffic Engineer, submitted a detailed, written digest of traffic surveys, correspondence and traffic controls installed at this location. In summary, he stated since the original request in September 1959 by Ervin Construction Company, developer of Amity Garden Shopping Center, for the installation of a Traffic Signal at this location, and requests of Clark's Department Store, Winn-Dixie Super Market and Mecklenburg County ABC Stores located within the Center, and July, 1962, four surveys were made of the traffic at this location and need for a Traffic Signal; the original survey in 1959 having shown that only 123 vehicles entered Independence Boulevard from Woodland Drive and 898 vehicles from the Shopping Center, and the last survey showed that 365 vehicles entered the Boulevard from Woodland Drive and 915 from the Shopping Center, an increase of only 242 vehicles from Woodland Drive and 17 from the Shopping Center, which at no time has justified the installation of the traffic signal. That following the original request in 1959 he asked the State Highway Department to construct left-turn slots at this location, which was done and completed in March 1960, and a flasher was also installed and 4 ft x 5 ft reflectorized "slow congested area" signs installed in advance of the intersection. That in November 1961 he advised Mr. Ervin that the City Council on November 6th had refused his request for the installation of the Signal at that time subject to trying out a recommended plan to relieve the situation by the Traffic Engineer, for a 90 day period. That Mr. Ervin complied with some of the suggested traffic control measures, and in addition erected a sign "Use Other Exit If Necessary", which was not included in the plan and which confused and mislead the motorist entering Independence Boulevard; that in December 1961 he met with Mr. Ervin's representatives and advised them that signs alone would not do the job and other steps, which he outlined should be taken to channelize the traffic from the Shopping Center entering Independence Boulevard.

Mr. Hoose stated at the request of Council in October 1962 he reported on the accident rate at this location, which showed for the years 1959, 1960 1961 up to October 1, 1962, a total of 30 accidents had occurred. That an analysis of Mr. Ervin's recent report to the Council of accidents occurring at this location, the one on December 20, 1958 was prior to the survey requested by Council in 1962; the accident of October 24, 1960 happened within the parking lot; the one on March 20, 1960 happened mid-block, 300 feet west of the intersection; the one on October 19, 1961 happened mid-block 400 feet east of the intersection and the one on November 28, 1961 occurred mid-block 410 feet west of the intersection; therefore, they were not included in his report of accidents to the Council as they were not applicable.

Mr. Hoose advised further that safety alone seldom justified the installation of traffic signals, as every intersection of two streets is a potential traffic accident location. That a thorough analysis of traffic data and careful study of each location should be undertaken to determine whether signs, markings or islands, or a combination of them, will help solve the problem instead of signal installations.

Mr. Hoose stated further that on yesterday there was another accident at Woodland and Independence Boulevard and a total of 5 accidents in the city at signalized intersections, which shows that signalization does not solve the problem. That it is still his recommendation that a Traffic Signal not be installed at Woodland and Independence Boulevard at the entrance to the Shopping Center.

Councilman Whittington asked if a survey has been made at this location at the peak time of the year, such as now during the Christmas rush or around Easter time? Mr. Hoose advised one was made in April; that traffic controls on a 12-months basis are not set up for peak conditions for a few days time.

Councilman Dellinger stated that Mr. Hoose does not agree with him that the Council is charged with the safety of all traffic within Charlotte whether it be on a highway, side street or coming from private industry; that it seems to him a case like this on busy Independence Boulevard warrants some attention. Mr. Hoose replied that actually the volume of traffic from Woodland does not warrant a Signal. Councilman Thrower asked what capacity would warrant a Signal and Mr. Hoose stated that it varies and he can get the schedule from his office and give the exact figures. Councilman Dellinger asked if Woodland were a dedicated city street would it warrant a Signal? Mr. Hoose replied it would not on the present traffic volume, that if it were a city street he would recommend to Council that the median be closed.

Councilman Bryant asked what intersection in that general area has the most accidents - for a mile on either side of the location in question. Mr. Hoose stated he cannot say, as an accident analysis all along this area has not been made; however, the highest rate of accidents are at signalized intersections. Councilman Bryant asked if the accident rate at Woodland - Independence Boulevard is high for the Boulevard, and Mr. Hoose stated the 3 years 9 months rate of 30 accidents is right many, so he would say it is highly unusual that this many accidents occur at one location, but he thinks there are other measures than a Signal that can be used to correct it.

Councilman Dellinger stated he has made several trips out to this location and observed the traffic situation and from the reports he has he believes this intersection warrant a traffic signal and he moves that one be installed to control traffic in all four directions. The motion was seconded by Councilman Whittington.

Councilman Whittington stated that Mr. Hoose is an Engineer and he would not argue with him about traffic, but he does not see how he figures he is going to unload the Amity Garden Shopping Center Parking lot, onto one street, which is Pierson Drive, without putting a big burden on the Lot itself, as there are only two Exits, one at Pierson and one at the rear of the Parking Lot; also what it would do to the Amity Garden residential neighborhood. Mr. Hoose stated he does not think the street has its capacity, there are 2,000 in the parking lot and only 800 leave by this exit, therefore, they must leave by someother way. Councilman Dellinger asked Mr. Hoose if he does not agree that the Council is responsible for the traffic whether it comes from a Parking Lot or the Street, and Mr. Hoose replied he thinks the developer also has a responsibility to his customers since he generates the traffic. Councilman Bryant commented it is distasteful to him to vote for a Signal at this location, and he does not want to say "I told you so" but this is the first in a long, long series of similar requests Council will have because of the fact that we have zoned this all the way out and in another 10 or 15 years we will have to do away with this street and build another at a million dollar cost because you will have to have more traffic signals for convenience if nothing else; he certainly would defer to Mr. Hoose

as far as the engineering part is concerned, and he has had from 12 to 14 calls from people inconvenienced trying to get in or out of the Center and he would go along with the Signal on a trial basis and if it did not show at the end of 9 months or a year that it is cutting the accident rate, then he would vote to take it out if he were still here. Councilman Albea stated he is one who did not vote for the Boulevard being zoned for business from one end to another, that he could see this coming then; also, it has been stated here from time to time and reiterated today that we have a Department Head who is an expert and knows what he is doing and he should be backed up by this Council, and somewhere along the line someone is coming up with loose ends.

Councilman Thrower asked Mr. Hoose what he thinks about a temporary Signal, and Mr. Hoose replied he recently had to bring in a survey in order to get a temporary signal removed, and as a rule once they are installed they are hard to get removed. Councilman Bryant asked if it would be necessary in order to make this legal to take advantage of Mr. Ervin's offer to dedicate a portion of that street in order to put the trip in and would that not have to be included in the motion?

Mr. Morrissey stated that he does not think a dedication of a portion of the driveway to facilitate the installation of a trip would make it any more of a public street than it is now. That we cannot go onto private property and install the trip. That a trip can be installed on public property, of course. Councilman Dellinger stated then we will let the property owner dedicate the street to the city and the trip can be installed, and Mr. Veeder advised that the street does not have the requirements and would need a tremendous amount of modification to meet the requirements that would probably not be in the best interest of the Shopping Center.

Councilman Albea offered a substitute motion that a four-way traffic signal be installed on a six months trial basis and if it does not improve the condition, that it be removed at that time. The motion was seconded by Councilman Thrower, and lost by the following recorded vote:

YEAS: Councilmen Albea, Bryant and Thrower.

NAYS: Councilmen Dellinger, Jordan, Smith and Whittington.

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

YEAS: Councilmen Dellinger, Jordan, Smith, Thrower and Whittington.

NAYS: Councilmen Albea and Bryant.

PROVISION OF ZONING ORDINANCE RELATIVE TO PARKING LOTS IN DOWNTOWN AREA BEING FENCED REFERRED TO CITY MANAGER, CITY ATTORNEY AND TRAFFIC ENGINEER FOR REPORT AND RECOMMENDATION.

Councilman Smith stated our new Zoning law, Section 23-70 relative to parking lots, especially in downtown areas like the ~~City Chevrolet Company~~ ^{LaPointe Chevrolet Company} where they have a Used Car Lot, provides that "curbs, walls, fences or similar devices shall be located along the perimeter of parking lots, garages and storage areas, except at entrances and exits" - which means if you have a parking lot downtown regardless of size, this goes further than providing sidewalk protection, if the lot borders on an alley, the lot has to be fenced along the alley. He called attention to the Lot behind the First Citizens Bank, which is small and they have to go out into the alley at various angles in order to utilize the lot; he stated he is wondering if it is the intention of Council to make these people build a wall around the entire Lot or whether the purpose is to keep the bumpers off the sidewalk. That he thinks we will

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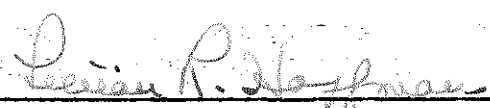
get lots of conversation about this requirement because in some instances if you are not allowed to maneuver in the alleys it will cut down the parking from 20% to 30%, and he is afraid some people will say all this Council is doing is trying to hurt the downtown area by making all of these restrictions, instead of helping it. Councilman Smith stated further he agrees that bumpers of cars should not protrude onto the sidewalk, but he is in doubt as to fencing along a private alley - and he is talking about the interpretation of the ordinance, and what its intent was. He asked Mr. Hoose for his remarks on the subject. Mr. Hoose stated that the ordinance further provides under (b) "such barriers to be so designed and located to protect public right-of-way and adjoining properties from damaging effects from surface drainage from parking lots". Councilman Smith stated he thinks Council has a prime consideration of the sidewalk but he does not know that they should protect the private property, as they have the Courts to protect them.

Mayor Brookshire asked if Councilman Smith would like to refer this to the City Attorney and Mr. Hoose for study? Councilman Smith stated he brought the matter up because Mr. Hoose is ready to send out some letters notifying the Parking Lot people they must comply with this provision, and before Council is deluged with telephone calls and letters he thought best for them to become better acquainted with the law, because in some cases it is going to work a real hardship.

Mayor Brookshire suggested that the matter be left with Mr Veeder, Mr. Morrissey and Mr. Hoose to bring back their recommendations.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk