

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 25, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilman Smith.

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INVOCATION.

The invocation was given by the Reverend LaVerne Campbell, Executive Director, Youth for Christ.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on June 18th were approved as submitted.

DECISION DEFERRED ONE WEEK ON PETITION NO. 62-23 BY MICHAEL G. PLUMIDES ET AL FOR CHANGE IN ZONING FROM R-9 TO B-2 OF TRACT OF LAND ON THE SOUTH SIDE OF HUTCHINSON-MCDONALD ROAD.

Councilman Whittington moved that the decision on Petition No. 62-23 by Mr. Michael G. Plumides and others for a change in zoning from R-9 to B-2 of tract of land on the south side of Hutchinson-McDonald Road be deferred one week so that he may have an opportunity to look at the property, and it has been his policy in the past to do so before voting. The motion was seconded by Councilman Jordan, who stated he too would like to look at the property before voting, and unanimously carried.

ORDINANCE NO. 105-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 1315 AND 1321 PECAN AVENUE, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 105-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning from O-6 to B-1 on lots at 1315 and 1321 Pecan Avenue, was adopted as recommended by the Planning Board, upon petition of Mr. W. G. and Mrs. Ruby Squires. The ordinance is recorded in full in Ordinance Book 13, at Page 273.

ORDINANCE NO. 106-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT NORTHEAST CORNER OF KELLER AVENUE AND CUSTER STREET, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, adopting Ordinance No. 106-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-6MF to O-6 of land at the Northeast corner of Keller Avenue, as recommended by the Planning Board, upon petition of Dr. Walter Washington, et al. The ordinance is recorded in full in Ordinance Book 13, at Page 274.

PETITION NO. 62-24 BY MRS GERTRUDE FUNDERBURK FOR CHANGE IN ZONING OF PARCEL OF LAND FRONTING ON WEST SIDE OF MCALWAY ROAD, DENIED.

Councilman Whittington moved that Petition No. 62-24 by Mrs Gertrude Funderburk for change in zoning from R-9 to R-6MF of parcel of land fronting on the west side of McAlway Road be denied. The motion was seconded by Councilman Jordan.

The City Clerk called to the attention that the petition filed by residents opposing the change has been checked by the Planning Board staff and it represents more than 20% of the lots adjoining the property in question, and therefore, a 3/4ths affirmative vote of all members of Council is necessary to change the zoning classification.

Councilman Bryant stated he would like to make sure that everyone realizes that the denial of the petition will only mean the reduction in the number of units that will be built, and will not mean the denial of building a certain number of units.

The vote was taken on the motion to deny the petition, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Jordan and Thrower.

NAYS: Councilmen Albea, Bryant and Dellinger.

The City Attorney pointed out that the 3/4ths vote requirement applies only when the Council desires to grant the petition changing the zoning, but only takes a simple majority vote to deny the petition.

Mayor Brookshire broke the tied vote and cast his vote in favor of the motion.

DECISION DEFERRED ONE WEEK ON PETITION NO. 62-17 BY W. J. MCARTHUR FOR CHANGE IN ZONING FROM R-6MF TO I-1 AND I-2 OF PROPERTY NORTH OF FREELAND LANE.

The City Attorney advised that the petition filed at the Hearing last week on the request of Mr. W. J. McArthur for change in zoning from R-6MF to I-1 and I-2 of property north of Freeland Lane, has been checked by the Planning Board staff against the original petition protesting the change, and the protest petition represents 20% of the lots adjoining the property in question, and a 3/4ths affirmative vote of all members of the Council is necessary to affect the change.

At the request of Council, Mr. Devaney of the Planning Board staff explained in detail the property in question, the location of the proposed Drive-In Theatre Screen and the recommendation of the Planning Board that the change in zoning with an 80-foot residential buffer strip be approved. Mr. Devaney stated what the petitioners are looking for is to have the residential buffer stopped at the point where the I-2 line begins, which will give no protection to the last residential lot.

Councilman Dellinger stated he understood last week the Theatre will be built whether or not the zoning change is allowed and the primary purpose of the change is for the location of the Screen. Mr. Devaney advised that the Screen will be over 40-feet high, which will require 100-foot separation in any direction from any residential lot; that the Theatre could be built within the I-2 area between the property and Pineville Road.

Councilman Whittington stated the thing that concerns him about the petition is the people who live on Ellenwood and Yorkshire and Clanton Road were down here and one week they were against the change and the next week they were

for it, and others in the neighborhood said they knew nothing about the new arrangement, and before he votes he wants to know if all the people affected have been contacted.

Mr. Devaney stated he and the City Attorney checked the petitions in connection with the State law regarding the 20% rule, and the result is that two of the owners immediately adjoining the proposed rezoning remain as not having withdrawn the original protest, all the others on Ellenwood Place have withdrawn their original opposition and these two remaining lots make up the 20%. The City Attorney concurred in the statement.

Councilman Thrower asked Mr. Jack Hamilton, Attorney for the petitioner, if these people still object to the change in zoning? Mr. Hamilton stated of the property owners who abut the property affected, all but two have affirmatively signed the petition that they desire the property to be rezoned and of the property owners across the street all but three have signed the petition, and all four of the property owners on Ballard Lane have signed the petition; however, the property owners across the street do not enter into the 20% rule.

Councilman Bryant stated he thinks we have a similar situation here to the one regarding the apartments on McAlway Road; apparently the theatre is going to be built whether the Council votes one way or another and by getting the zoning changed they can more favorably place the Screen as far as the residents are concerned, and it seems to him as far as the residents around it are concerned the change will benefit them from having the 80 ft. strip in their deeds rather than in a zoning proposition, and therefore, it would seem the best vote would be to go along with the Planning Board's recommendation.

Councilman Whittington moved that the decision be postponed one week and the Planning Board staff be asked to go out to the property with the Council and show them on the ground the arrangement for placing the screen and how it will affect the residents on Ellenwood. The motion was seconded by Councilman Thrower who pointed out to Councilman Bryant that it will not be a deed restriction but a zoning matter. The vote was taken on the motion, and carried by the following recorded vote:

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

Councilman Dellinger suggested to Mr. Hamilton that it would be helpful in clarifying the whole situation if he will have the abutting property owners meet with the Council when they go out to the property, and Mr. Hamilton stated he will be glad to do so.

RESOLUTION ORDERING THE MAKING OF CERTAIN IMPROVEMENTS ON LABURNUM AVENUE, FROM WESTOVER STREET TO HANOVER STREET.

Resolution Ordering the Making Certain Improvements on Laburnum Avenue, from Westover Street to Hanover Street, was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Thrower, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 200.

RESOLUTION AUTHORIZING THE EXECUTION OF GRANT AGREEMENT WITH FEDERAL AVIATION AGENCY RELATIVE TO AIRPORT IMPROVEMENTS.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and

unanimously carried, Resolution Authorizing the Execution of a Grant Agreement with the Federal Aviation Agency, obligating the FAA to participate in current year Airport improvements in the amount of \$172,500.00 was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 201.

SETTLEMENT OF CLAIM OF JOHN I. BARRON FOR DAMAGES TO AUTO TIRE.

Councilman Whittington moved approval of the settlement of the claim of Mr. John I. Barron, in the amount of \$28.74, for damage to a tire, caused by a spike used to secure a traffic counter becoming loose and penetrating the tire. The motion was seconded by Councilman Jordan, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the following streets were taken over for continuous maintenance:

- (a) Nancy Drive, from Craig Avenue 600 feet.
- (b) Beresford Road, from Arborway to city limits.
- (c) Warburton Road, from Arborway to city limits.
- (d) Inman Road, from Inverness Road 230 feet east.
- (e) Sayre Road, from Barclay Downs Drive to Inverness Road.
- (f) Inverness Road, from Barclay Downs Drive south to end.
- (g) Farmview Drive, from Sudberry Road to Woodleaf Road.
- (h) Woodleaf Road, from Farmview Drive 280 feet northwest.
- (i) Squirrel Hill Road, from Hidden Valley Road to Log Cabin Road.
- (j) Thornwood Drive, from Squirrel Hill Road to Log Cabin Road.

PILOT FREIGHT CARRIERS, INC. AUTHORIZED TO CONNECT PRIVATE SANITARY SEWERS TO CITY'S SANITARY SEWERAGE SYSTEM.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, granting the request of Pilot Freight Carriers, Inc. to connect their private sanitary sewer lines to the City's Sanitary Sewerage System in Wilkinson Boulevard, outside the city limits.

CONSTRUCTION OF SANITARY SEWER LINE IN AYCOCK LANE.

Councilman Thrower moved approval of the construction of 445-feet of sanitary sewer main in Aycock Lane, at an estimated cost of \$1,210.00. All cost to be borne by the applicant, Mr. David Henderson, whose deposit of the entire cost will be refunded as per terms of the contract. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACTS AWARDED BLYTHE & ISENHOUR AND ELAM ELECTRIC COMPANY FOR CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO MINT MUSEUM OF ART.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded Blythe & Isenhour, the low bidder, for installing acoustical plaster ceilings in all main floor galleries, with the exception of the main gallery, and painting the exterior of the Mint Museum of Art building, at a total price of \$5,300.00, and contract awarded Elam

Electric Company, the low bidder, for installing new lighting in all main floor galleries, except the main gallery, at a total price of \$5,451.00.

The following bids were received:

Blythe & Isenhour	\$ 5,300.00
Southeastern Construction Compnay	8,960.00
Atlantic Building Company	9,275.00
Frank H. Conner Company	9,450.00
Elam Electric Company	\$ 5,451.00
Reid Electric Company	5,885.00
Robinson Electric Company	5,966.00
F. E. Robinson Company	6,017.00
Industrial Electric Company	6,997.00

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. Chris C. Harrison, Jr., for Lot B in front of Rows 7 and 8, Section A, North Pinewood Cemetery, at \$189.00.
- (b) Deed with Mr. Rufus B. Jones and wife Helen, for Graves 3 and 4, Lot 99, Section 2, Evergreen Cemetery, at \$3.00 for transfer from Dr. V. K. Hart and wife.
- (c) Deed with Dr. V. K. Hart and wife, Noel, for Graves 1 and 2, Lot 99, Section 2, Evergreen Cemetery, at \$3.00 for new deed.
- (d) Deed with Mrs R. H. Dunbar, for Perpetual Care on north half of Lot 22, Section I, Elmwood Cemetery, at \$70.00.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR REPLACEMENT OF CONCRETE SIDEWALKS IN CENTRAL BUSINESS DISTRICT.

Councilman Jordan moved that contract be awarded the low bidder, Crowder Construction Company, for the replacement of concrete sidewalks in the Central Business District as specified, on a unit price basis, at their bid price of \$84,510.00. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Crowder Construction Company	\$84,510.00
Rea Construction Company	89,295.00
Blythe Brothers Company	90,250.00

The following bids did not meet the specifications:

Spearman Construction Company	\$26,720.00
L. A. Armstrong	71,350.00

CONTRACT AWARDED BLYTHE BROS COMPANY FOR IMPROVEMENTS TO SOUTH BOULEVARD, AND THE TRANSFER OF FUNDS FROM SENECA PLACE BRIDGE PROJECT TO SOUTH BOULEVARD PROJECT.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, contract was awarded Blythe Bros. Company, the low bidder, for

the construction of improvements of South Boulevard, as specified, on a unit price basis, at their bid price of \$76,020.00, and \$8,688.43 was authorized transferred from the Seneca Place Bridge Project to the South Boulevard Project.

The following bids were received:

Blythe Bros. Company	\$76,020.00
Rea Construction Company	77,934.00

CONTRACT AWARDED THE SOUTHERN COMPANY FOR VITRIFIED CLAY PIPE.

Councilman Whittington moved the award of contract to The Southern Company, Inc., the low bidder, for 15-inch Vitrified Clay Pipe in 3-foot lengths, as specified, at their bid price of \$2,027.07. The motion was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

The Southern Company, Inc.	\$ 2,027.07
Georgia Vitrified Brick & Clay Co.	2,045.25
Doggett Lumber Company	2,102.06

The following bids did not meet the specifications:

Tucker-Kirby Company	\$ 1,829.36
Pomona Terra Cotta Company	1,829.36

BID FOR CONSTRUCTION OF STEEL BUILDING AT IRWIN CREEK DISPOSAL PLANT PROPERTY AND SOUTHERN RAILROAD CROSS LINE REJECTED AND READVERTISEMENT AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and un-animously carried, the only bid of Frank H. Conner Company for the construction of a steel building at Irwin Creek Disposal Plant property and Southern Railroad Crossline, in the amount of \$2,374.00 was rejected and the re-advertisement for bids was authorized.

PAY PLAN PRESENTED COUNCIL TODAY ACCEPTED WITH CERTAIN EXCEPTIONS, AND METHOD FOR PAYMENT OF LONGEVITY APPROVED.

At the suggestion of Councilman Whittington, the Pay Plan presented by the City Manager today in Conference was discussed further.

Councilman Thrower stated he thinks some of the Department Head's salary increases are rather high and he asked for an explanation of the difference in Pay Range 33 and 34; Mr. Veeder, City Manager, stated that Pay Range 33 is from \$9,420.00 to \$11,760.00 and Pay Range 34 is from \$9,840.00 to \$12,300.00. He then asked from what Step in Pay Range 33 the Personnel Director was moved to Pay Range 34, and the City Manager replied he went to Step C in Pay Range 34. Councilman Dellinger stated that according to the Budget recommendations to Council the Personnel Director went from \$9,280.00 to \$10,835.00, which was a \$1,556.00 increase in salary.

Councilman Dellinger moved that the Personnel Director job be kept this year on the old schedule of \$9,840.00. The City Manager advised it is the prerogative of the Council to change what has already been done, but he disagrees

with it completely. Councilman Dellinger advised he objected to the increases in salaries prior to Budget time and did not support the move, and said at that time that he was opposed to it, and voted against it. That the Personnel Director is doing a good job in his opinion but he has not been here long enough to have the increases he has received during the past two years. Mr. Veeder stated the length of service is not always the best criteria to use to determine a person's value to an organization. Councilman Dellinger stated if the length of service is not going to enter into it, then the Job Classification might as well be discarded.

At the request of Councilman Whittington as to the present salary of the Personnel Director, Mr. Veeder advised as of May 15th it is \$10,800. Councilman Whittington called attention that the Department Request in the Budget is for \$9,420.00 and the Manager's recommendation is for \$10,836.00, while Mr. Veeder now states the salary is already \$10,800.00 as of May 15th. Mr. Veeder called attention that the Budget requests were submitted by the Departments prior to May 15th. Councilman Thrower stated the point he is trying to make is when salary recommendations are presented Council, they are extremely hard to understand and he requests that in the future it be clearly stated what the present Pay Range is, what Pay Range the person is recommended for, and what the Step is he will be moved from and to.

Councilman Dellinger called attention that the Fire Chief has been here 32 years and he is getting a \$450.00 increase, while the Personnel Director has been here 2 years and gets a second increase of \$1,556.00. Councilman Thrower stated he does not want to cut anyone's salary after it has been given but when recommendations are made if Council was shown they are raising a man six or seven steps at one time, they would consider it differently, and such mistakes as this would not be made.

Councilman Whittington asked what the Personnel Director is making now, and Mr. Veeder stated the rate is \$10,800.00 as of May 15th. Councilman Dellinger asked what salary he was making when he came here and Mr. Veeder advised around \$8,400.00. Councilman Whittington asked what salary the next step beyond his present salary would be and Mr. Veeder replied it would be \$11,280.00, but he is recommending that it stay at \$10,800.00 for this year. That the present Plan provides for merit increases for the position if granted, for four years.

Councilman Jordan stated he does not see how Council can do anything about cutting down the increase in salary given the Personnel Director, that he did not realize the increase was so large when it was given.

Councilman Dellinger stated he thinks Council should consider seriously the department heads status in the Job Classification and that no job should be protected if he stays in the Classification unless it is at Budget time. That it is confusing and he does not propose going along with any more such changes.

Councilman Whittington moved that the Pay Plan as presented be accepted with the following exceptions which were agreed on today:

- Increase Detectives from Range 17 to Range 18
- Increase the Assistant Clerks of City Recorder's Court from Range 15 to Range 16
- Continue the Right of Way Agent's salary at Range 22.

The motion was seconded by Councilman Thrower, and unanimously carried.

The Manager advised that the changes will be put in proper form and he will have a formal document to act on at next meeting.

The City Manager stated he thinks what has been submitted with regard to Longevity Awards for persons who might retire during the year accomplishes what Council wishes but would like to make sure.

Councilman Dellinger stated his comment when this was brought up was if a man comes of age a month or two ahead, that he be paid the entire amount. He asked if Council understood if a man becomes 65 or older three weeks or 30 days prior to the end of the period he will not get the full amount of the longevity? Mr. Veeder stated he would get 11/12ths of it if he were 30 days short. Councilman Dellinger stated then the man should be allowed to stay on the 30 days. That his understanding was that longevity was over and above Job Classification. The City Manager stated the only point is, as he understands it, to take care of the situation where an employee retires during the year, and may preserve some element of the longevity award, that they should not have to stay on the payroll until December in order to be eligible for the award; that they should be able to get it even if they leave before the date of presenting the awards, on a prorated basis. Councilman Dellinger stated he is of the opinion unless the employee elects to retire prior to that time he should get the full amount of the longevity for the year.

The City Manager stated the language for the Longevity retirement allowances has not been fully discussed, and he would like to present it and say that he thinks it is fair and equitable:

"Payment to eligible retiring employees shall be made at the time of retirement, as a part of final compensation, and shall be computed at 1/12th of the total annual allowance which would otherwise accrue, for each full month of service for which no allowance has been paid."

Councilman Dellinger stated he will go along with the majority on this but it is not what he wanted.

REQUEST THAT STREET LIGHTING PROGRAM IN THOMASBORO AREA BE SPEEDED UP.

Councilman Dellinger asked that the street lighting program be speeded up in the Thomasboro Area, on Hovis Road and other streets; that this is annexed area where we were supposed to give service a long time ago and they report they still do not have street lights.

CITY ATTORNEY ADVISES COUNCIL ACTION MUST STAND WITH REGARD TO THE REZONING OF PROPERTY OF E. P. NISBET COMPANY.

Mr. Morrisey, City Attorney, stated that last week he advised Council that Attorneys for Mr. Brevard Myers had raised a question concerning the action of the Council in rezoning the E. P. Nisbet property; that he has studied the matter after receiving briefs from them, and from the other side, and the action of the Council must stand in that the Telegram that was discovered after the action was taken is still deemed insufficient to require a 3/4th majority vote of the Council.

Councilman Bryant asked if Mr. Morrisey anticipates any further action, and Mr. Morrisey stated undoubtedly there will be further action of some nature.

JOINT MEETING WITH COUNTY COMMISSIONERS FOR ACTION ON JOINT ACTIVITIES SCHEDULED FOR 10 A.M. THURSDAY, JUNE 28TH.

The City Manager advised he discussed with the County Commissioners the matter of a joint session with them for acting on joint activities of the two governments, and it is acceptable with them to meet at 10 a.m. on next Thursday, June 28th, if satisfactory with the Council.

Council concurred in the date, and Councilman Whittington suggested that we meet with the Commissioners in their Chambers in the Court House.

STREETS TAKEN OVER FOR CITY MAINTENANCE.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following streets were taken over for continuous city maintenance:

Brooktree Drive, from end of present maintenance to 280 ft. west of Grovewood Drive.
Grovewood Drive, from end of present maintenance to Brooktree Drive.
Tanglebriar Drive, from Grovewood Drive to Grovewood Drive.
Woodway Place, from Grovewood Drive to Grovewood Drive.
Westcrest Drive, from Grovewood Drive to Grovewood Drive.
Lanewood Place, from Grovewood Drive 400 ft. south of Westridge Drive.
Greenview Place, from Westridge Drive south 175 feet.
Westridge Drive, 600 ft. east of Lanewood Place 425 ft. west of Lanewood Place.

ADJOURNMENT UNTIL 10 A.M. THURSDAY, JUNE 28, 1962.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned until 10 o'clock a.m. on Thursday, June 28th, in the Commissioners Room, Mecklenburg County Court House, to meet in joint session with the County Commissioners to adopt jointly operated City and County activities.



Lillian R. Hoffman, City Clerk