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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, March 5, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Father Edward Biss, Pastor, St. Peter's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the Adjourned meeting on February 20th and regular meeting on February 26th, were approved as submitted.

PROTEST CITY COACH COMPANY REROUTING BUS ON NORTH HARRILL STREET, REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT AT NEXT MEETING.

Mr. Wm. C. Hedrick, Jr., 1304 North Harrill Street, filed a protest against the City Coach Company rerouting a Bus on North Harrill Street, which he stated is a narrow street, is badly needed for parking and they fear parking will be taken off one side if the street is made a Bus route. He advised that the Busses have been routed on Seigle Avenue and Pegram Street, which are wider streets and able to accomodate both a Bus route and parking on both sides of the street. He stated the Bus now has to make two sharp turns which adds to the traffic hazards. Mr. Hedrick stated further he has talked with Mr. Turner of the Coach Company, who advised there were not sufficient passengers to justify the continuance of the two Busses that have been operated on Seigle Avenue and Pegram Street. He stated it appears to the residents of the street that a better routing would be over Seigle Avenue one time around and over Pegram Street the next time.

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Mr. Hedrick stated that Mr. L. K. ^{Farrar}~~Fowler~~ and Mr. Isenhour have businesses at the corner of Belmont and Harrill and Mr. Isenhour also has a Service Station at this corner and the lack of parking could badly affect them.

Mr. L. K. ^{Farrar}~~Fowler~~ stated he has a business at 1035 Harrill Street and this will not only create a traffic hazard but one of the gentlemen owns a business on the street and the front of his business has restrictions as to parking, and he only has a side area in which to park; that Mr. Isenhour has restrictions on the side and the added traffic hazard caused by the Bus will mean a loss of business to all of them.

Councilman Smith suggested that the matter be referred to the City Manager for a report at the next meeting, in which the Council concurred.

REQUEST THAT THRIFT ROAD BUS #8 BE RESTORED TO FORMER ROUTE TO SERVE CHILDREN OF GLENWOOD, BEECHWOOD AND ENDERLY PARK TO THOMASBORO SCHOOL, REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mrs Ralph C. Hayes appeared before Council and requested that Thrift Road

Bus #8 be changed back to the old route or changed to the extent that the children of Glenwood, Beechwood and Enderly Park area have transportation to and from the Thomasboro School. She stated they are not allowed to ride the school bus as they are supposed to live too close to the school for that and it is entirely too dangerous for them to walk as they have to cross Interstate 85-Bypass and many of the families do not have cars and the school will not let the children from the 3rd grade down ride bicycles. She stated further that before the bus route was changed, it went by the Thomasboro School in the morning but did not come back by the same route and they could not ride it in the afternoon. That the Mt. Holly Road bus is supposed to serve the children to school now but it does not come nearer than a mile and does not go up to the School. That the Thrift Road Bus, which previously served the area, goes right by the School house.

Mayor Brookshire advised that the matter will be referred to the City Manager for investigation and report.

REQUEST THAT DIVERSION OF WATER FROM STREET ONTO PROPERTY AT 109 CRIGLER STREET BE CORRECTED REFERRED TO ENGINEERING DEPARTMENT FOR DETAIL REPORT TO COUNCIL NEXT WEEK.

Mr. Craig Lawing appeared before Council with Miss Nell Ingle, 109 South Crigler Street, whom he stated has resided at this address for some forty-six years; that she was delighted when the area was annexed to Charlotte and that the street in front of her house would be paved. However, when the Engineers came out about the paving she saw the hazard it might create. That this hazard has materialized, and it is a man-made one, not a creek overflowing or something of that nature. That Miss Ingle called him last week to ask if he, as a real estate man, could find a purchaser for her home, as the paving of the street at a higher elevation than her property has diverted the water onto her property until each rain backs the water up in her basement, and last January when there was an extra heavy rain, the water was waist high in the basement, and the furnace had to be taken out and repaired and she was without heat for over two weeks. That the Fire Department has been nice enough to go out and pump the water from the basement on three different occasions. He stated Miss Ingle is unemployed and the only income she has is being a Registrar in her Precinct at the Hoskins Box. Mr. Lawing stated he has no idea what can be done but he was glad to come with her today and told her he knew the members of the Council would not allow such a situation to continue when it was caused by something that could be remedied by some branch of the City.

Miss Ingle stated she is of the opinion with proper drainage that condition can be corrected. That she contacted the Engineering Department and their only offer was to dig an open ditch coming off the street onto her property and take the water through a pipe line which has been in the ground there since about 1915 and she knows it is not the correct size for the great amount of water that is coming off the street.

Councilman Dellinger asked the City Manager to have the Engineering Department give the Council a detail report on this next Monday, that he feels that it can certainly be remedied.

RESOLUTION ORDERING THE MAKING OF LOCAL IMPROVEMENTS ON THIRTY-FIFTH STREET, FROM NORTH DAVIDSON STREET TO THE PLAZA, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, a Resolution was adopted ordering local improvements made

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on 35th Street, from North Davidson Street to The Plaza, on petition signed by 55% of the number of owners, representing 62% of all the lineal feet of frontage, of the land abutting upon the proposed improvement. A total distance of approximately 3,000 feet to be improved by installing storm drainage facilities, by constructing standard curb and gutter and by paving with base course and surface course; the cost of the storm drainage materials and curb and gutter construction, estimated at \$21,737.00 to be assessed upon the properties abutting the improvements according to the extent of the respective frontage by an equal rate per foot of such frontage and the cost of the base and surface course, estimated at \$38,000.00 to be borne by the City.

Councilman Smith stated he thinks the people on 35th Street are to be commended for their action.

Councilman Thrower stated it just goes to show that the people are willing to help themselves provided they can get some help from the City.

The resolution is recorded in full in Resolutions Book 4, at Page 182.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 19TH ON PETITION FOR CHANGE IN ZONING CLASSIFICATION.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, a Resolution Providing for a Public Hearing on March 19, 1962 on a petition to change the zoning from R-9 to R-9MF on the Methodist Home property on the south side of Shamrock Drive, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 183.

CLAIM OF C. EUGENE MCCARTHA FOR DAMAGES TO PROPERTY DENIED.

Councilman Whittington moved that the claim of Mr C. Eugene McCartha for replacing a hot water heater in his residence at 1288 Chandler Place, alleged to have been damaged when the water serving the residences in the area was shut off by the City to repair a leak in the main in Rutledge Avenue, be denied as recommended by the City Attorney who stated that the investigation of the claim shows there was no gross negligence on the part of the City. The motion was seconded by Councilman Thrower and unanimously carried.

CONSIDERATION OF ACQUISITION OF LAND FROM E. C. GRIFFITH COMPANY ON NORTH SIDE OF WEST MOREHEAD STREET, AS RIGHT OF WAY FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT, DEFERRED ONE WEEK.

Councilman Jordan moved approval of the acquisition of a strip of land on the north side of West Morehead Street, between South Cedar and Warner Streets, containing 611 sq. feet at a total price of \$1,833.00, representing a unit price of \$3.00 per sq. foot, for right of way for extending West Morehead Street near the Southern Railway adjacent to the West Side Grade Crossing Elimination Project. The motion was seconded by Councilman Whittington.

In the discussion of the property, it was stated that the price of \$3.00 per square foot is higher than has been paid for other properties, and the City Manager pointed out this is the same price being paid for other property in the general area of this location. Mayor Brookshire asked if there are any buildings involved and Mr. Veeder stated there are not. Councilman Dellinger called attention that some of the property has been purchased at

\$1.00 and \$1.50 a sq. foot. The City Manager advised that Mr. Barrentine and Mr. Kinney state this is the price in this area.

Councilman Albea offered a substitute motion that the matter be deferred one week and Mr. Veeder see if he can negotiate a better price. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

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

CONSTRUCTION OF P & N RAILWAY SERVICE TRACKS AUTHORIZED ACROSS TAR HEEL ROAD.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and un-animously carried, the construction of the Piedmont & Northern Railway service tracks across Tar Heel Road was authorized.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, authorizing taking over of the following streets for city maintenance:

- (a) Hildebrand Street, from Bellair Drive 850 feet to end.
- (b) De Paul Court, from Hildebrand Street to end.
- (c) Marbetta Lane, from Tipperary Place south to end.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and un-animously carried, the construction of sanitary sewer mains in the following streets was authorized:

- (a) Construction of 290-ft of main in Brownstone Street, inside the city limits, at request of Helms Construction Company, at an estimated cost of \$1,645.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (b) Construction of 785-ft. of main in Silabert Street, inside the city limits, at request of Mr Morris Speizman, at an estimated cost of \$2,070.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

RENEWAL OF SPECIAL OFFICER PERMIT TO ARTHUR L. MCHAM ON PREMISES OF MECKLENBURG HOTEL.

Councilman Albea moved the renewal of the Special Officer permit to Mr. Arthur L. McHam for use on the premises of Mecklenburg Hotel. The motion was seconded by Councilman Thrower, and un-animously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and un-animously carried, the Mayor and City Clerk were authorized to execute a deed with Mr and Mrs. A. B. Sizemore for Lot 130, Section 2, Evergreen Cemetery, at \$240.00.

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CONTRACT AWARDED SAM M. EFIRD PAINT CONTRACTOR FOR PAINTING INTERIOR AND EXTERIOR OF FIRE STATION #6, AND EXTERIOR ONLY OF FIRE STATION #8.

Councilman Albea moved the award of contract to Sam M. Efird Paint Contractor, the low bidder, for painting the interior and exterior of Fire Station #6 and exterior only of Fire Station #8, at a total price of \$1,712.85. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Sam M. Efird Paint Contractor	\$ 1,712.85
T. D. Smith Paint Contractor	3,396.64

CONTRACT AWARDED TRAFFIC ENGINEERING CORPORATION FOR 21 OVERHEAD LANE CONTROL SIGNALS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded Traffic Engineering Corporation, the low bidder, for 21 Overhead Lane Control Signals, at their total bid price of \$1,292.39.

The following bids were received:

Traffic Engineering Corporation	\$ 1,292.39
Eagle Signal Company	1,351.88

AIRPORT ADVISORY COMMITTEE RECOMMENDATIONS RELATIVE TO IMPROVEMENTS TO THE AIRPORT ACCEPTED AND APPROVED.

Councilman Thrower moved that the Airport Advisory Committee Report and Recommendations relative to improvements to the Airport be accepted and approved. The motion was seconded by Councilman Whittington.

Councilman Bryant stated he would say for the record what he said in the conference with the Committee, that in spite of the fact it is a very fine report and recommendations, all of his study up to now has been on the Buckley Report because that was all he had to go on as he did not have the Committee's recommendations and he would be constitutionally opposed to passing anything as quickly as this not having had an opportunity to study the report in more detail and giving it more thought, and as a result since it will not work any hardship on applying for federal funds, which incidentally for this he is for, he would very much like to see any action postponed until next meeting, since the Committee has stated it will give sufficient time in which to apply.

The vote was taken on the motion, which carried by the following recorded vote:

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

The recommendations of the Advisory Committee are as follows:

We recommend that the following improvements be commenced at the earliest possible date and financed by the issuance of bonds which we will discuss hereafter.

- (1) Extend the present 5,200 ft. North-South runway approximately

2,000 ft. to the South on property presently owned by the City. Provide appropriate taxi ways, with by-passes, run-up pads and lighting.

(2) Repair and resurface the present 5,200 ft. length of the North-South runway.

(3) Extend the present 7,500 ft. Northeast-Southwest runway 1,500 ft. to the Southwest on property presently owned by the City. Provide appropriate taxi ways with by-passes, run-up pads and lighting.

(4) Acquire the land to provide the necessary clear zone at the North end of the North-South runway. (approximately 16 acres)

(5) Acquire the land to provide necessary movement of the avigation aids at the Southwest end of the Northeast-Southwest runway. (approximately 2 acres)

(6) Acquire avigation rights as necessary to permit proper utilization of these improved runways.

(7) Provide for expansion and extension of the present concourses.

Planning estimates received by us indicate that the above improvements can be accomplished for a total cost of \$2,490,000.00. Of this amount Federal funds should be sought for approximately 50%. This will result in a necessary outlay by the City of \$1,245,000.00.

We recommend that the City utilize general obligation bond financing. We are informed that the anticipated revenues from the operation of the Airport will be sufficient to retire these bonds and to continue the operation of the Airport at a first class level. We do not, however, recommend the use of revenue bonds for this project as the cost in interest to the City would be substantially lower for general obligation bonds than for revenue bonds.

CONSIDERATION OF WIDENING OF RADCLIFFE AVENUE, FROM QUEENS ROAD TO SELWYN AVENUE, REFERRED TO TRAFFIC ENGINEER FOR STUDY AND REPORT.

Mayor Brookshire stated that the proposed widening of Radcliffe Avenue, from Queens Road to Selwyn Avenue, which was discussed by the Council in conference prior to today's meeting, was referred to Mr. Hoose, Traffic Engineer, for further study and report to Council.

IMPROVEMENTS TO NON-SYSTEM STREETS IN THE 1960 ANNEXATION AREA DISCUSSED AND CITY MANAGER REQUESTED TO PROVIDE COST ESTIMATES OF GRADING AND GRAVELING AND MAINTENANCE OF THESE STREETS.

Improvements to the 19.5 miles of non-system streets in the area annexed to the city in January 1960 and consideration of the plan proposed by the City Engineer on October 13, 1961 were discussed.

Councilman Dellinger began the discussion stating he and Councilman Albea were on the City Council when the annexation of the perimeter area was pending and four regional meetings were held with the residents of the area relative to the benefits to be derived under annexation, and the residents were promised that all city services and facilities would be provided, except in some isolated cases, sewer service could not be given because of the elevation of the city's system. That at the time the City

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was working under an agreement where Powell Bill funds were used on secondary streets, but with the election of a new City Council the majority changed the policy. He stated he has found in the last few years that a part of these funds have been used for the purchase of equipment, tools, lighting on streets, etc, which is all legal, but at the same time the promises to the residents who were annexed have not been kept with regard to street improvements and he feels the City should grade and gravel these 19½ miles of streets and get these people out of the mud. Further, that Powell Bill funds should be used all over the city in secondary work, for which the funds were originally intended, and let all the people have some benefit from the tax they pay on gasoline. That these annexed people have paid taxes for two or three years and gotten no service. That he thinks equipment and tools should be purchased from the General Fund and not Powell Bill funds, as this equipment is used on all streets. That he thinks the Council should allocate a certain amount of money to put these streets in passable condition, but not pave them.

Mayor Brookshire asked if Councilman Dellinger is opposed to the proposed plan which would enable the streets to be paved? Councilman Dellinger replied he is opposed to this as the City had no such program when these people were annexed; that had this been the policy at that time and the people told of it, he would go along with it. However, he will go along with such program for the people who were then residents of the city but it is contrary to the promises made to the annexed residents. That around \$600,000 in Powell Bill funds were received last year, and it will no doubt be more this year, and he thinks by spending \$75,000 to \$100,000 of these funds that these streets can be fixed in a manner acceptable to the residents.

Mr. Veeder, City Manager, stated he, personally, does not subscribe to the approach suggested by Councilman Dellinger, and he believes it would be helpful to review what has happened in the past, both from the point of view of the City and State. That many years ago the Council decided it was in the best interest of Charlotte to go ahead and put in what is referred to as 'mat' surfaced streets, rather than assess the cost of the streets to the abutting property owners. That these streets have been a source of difficulty for the Council and the operating departments. That they are cheap streets but here again the property owner only recognizes whether the street is in good condition or not. As a result we have a number of miles of these mat surfaced streets that are expensive to maintain and result in many complaints to both the Council and city. That in contrast to this policy, other cities - Greensboro and Winston-Salem - who were faced with a similar problem at the same time as we, assessed the cost of the streets against the abutting property owners, and as a result their streets are better built and not a constant source of difficulty and not a constant problem maintenance wise.

He stated further, the problem now is the 19.5 miles of street that came into the city under annexation; that when they were annexed they had not been put in shape to be acceptable to the State Highway Commission; had they been, the City would have automatically taken them into the city system along with those streets that were under State maintenance. The question suggests itself as to why they were not under the State System? A portion of the answer lies in the fact that the property owners did not see fit to avail themselves of the State program to pave streets on a cost basis with the property owner paying the cost.

Mr. Veeder stated further the City has been talking about the desirability of evolving an assessment program for streets, and some work has been done on streets on an assessment basis, which was done on the basis of quality streets similar to that required under our subdivision ordinance. However,

recognizing there is perhaps a special problem with regard to the streets within the annexed area, they have evolved a plan of assessment which would not be as expensive as the quality street with curb, gutter, pavement and base and underground drainage, at a cost of between \$8.50 to \$10.50 per front foot, and the approach has been to scale down the level of these annexed streets on an assessment basis which would bring the cost down to \$2.50 per front foot. And he suggests this is a desirable approach to consider property owner participation in the cost of improvements to these streets.

Councilman Dellinger stated he will go along with the assessment on the streets within the city prior to annexation, but 99% of the calls he receives today are from the perimeter area and he thinks the City should do a minimum of grading work and haul in some gravel on these 19½ miles of streets and the people will be happy, and this can be done with the Powell Bill funds now being used to buy equipment and tools.

At the request of Councilman Whittington as to the amount of Powell Bill funds available, the City Manager stated we received \$620,000 as our share for this fiscal year and had \$41,000 plus on hand on July 1, 1961; that a total of \$704,000 was available to work from this year, and of that \$330,000 was spent through January 1st and we have commitments outstanding of \$138,000 and anticipated commitments of \$260,000, which results in the amount available being short what the City would like to be able to do. At the question of Councilman Dellinger as to whether any new streets have been programmed with this money, Mr. Veeder advised that \$97,000 plus was spent on resurfacing and \$102,000 is required to cover the next resurfacing contract; that \$88,500 was spent for materials for resurfacing permanent type streets and \$60,000 spent for materials to improve stone stabilized streets and by the end of the year there will be another \$98,000 spent for those two types of things, and \$30,000 has been spent on materials for patching and another \$20,000 will be used for this work. That equipment has been rented on a lease-purchase basis, \$15,900 having been spent for this to January 1st and another \$10,000 is anticipated for this; that \$8,000 has been spent for materials for increasing radii at intersections, with another \$7,000 to be spent on this before the end of the fiscal year; and \$40,000 has been provided as the city's share of street improvements on a petition basis and an additional amount will be necessary as the City's share of assessments before the end of the year. That \$2,900 has been spent on a pair of bridges and it is anticipated another \$3,500 will be necessary for this. He stated none of this money has been spent on State streets.

Councilman Smith asked if a 50-foot right of way is necessary, as the County requires only 40 feet. That he is trying to reach a middle ground whereby something can be done on the 19 plus miles of streets referred to. Mr. Veeder advised that it would be in the future best interest of the city to have a 50 ft. right of way in every instance where it is feasible, recognizing at the same time there may be legitimate hardship situations which, because of the placement of existing structures, would necessitate some consideration of less than 50 ft. He stated that of the 50 ft., 26 ft. is taken for pavement, 7 ft. shoulders on either side and a utility area must be left on either side. He stated further that the best way to approach narrow pavement is not to have it to start with. That our subdivision ordinance requires a minimum of 26 feet of pavement, and the Highway Department requires 26 feet and a number of cities require 30 ft. and some 34 ft. to allow two moving lanes and two parking lanes on the pavement.

Councilman Jordan asked for a rough estimate of the cost of grading and surfacing a road per mile? Mr. Veeder stated the cost they are suggesting on an assessment basis takes into consideration minimum storm drainage, that

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is side ditches not piping, pregrading and shaping of a 24-foot roadway, 4-inches of compacted base, which is still a standard below that required in subdivision, and surfacing the entire 24-foot roadway with stone mat surface, which produces a much lower quality of street than a subdivision street, but will end up with a paved street with some resemblance of a base - and no street is better than its base. In answer to Councilman Jordan's further question if the City does not realize an additional appropriation from the Powell Bill for each mile of street the city takes over, Mr. Cheek, City Engineer, stated that predicated on the mileage and population, it means the city will get 20 cents per lineal foot.

Councilman Whittington stated it seems to him that some type of policy could be arrived at, on a priority basis, to get the proper right of way width and proper ditch for excess water to run off on streets where they connect with another street, which would be sufficient grounds to pave the streets in the annexed area. That Councilman Dellinger appears to be taking about improving the streets whether they serve one house or 50 houses and he thinks it would be unfair to the man who is now living on a paved street in a subdivision who is paying for his street through his monthly payments - for he will be paying twice, both for his own street and for the other man's street. That the policy should be based on whether the state paved the adjoining street, in which case it would be fair for the City to pave the next street, and too, the City would be justified in paving a street if it were a connecting street because it would take care of vehicular traffic.

Councilman Bryant stated with regard to the promises made, if they were definitely made that something be done that has not been done, then the Council has an obligation; if promises were definitely made that the City would do thus and so to certain streets, it looks to him as if the City is hog-tied. That he has read the proposed plan fairly well and given it some study, and although he does not have the experience Councilman Dellinger has, it seems to him to be an equitable policy or plan to the City and the people who have the property from every point of view; therefore, he moves that the Council go along and offer this particular plan to those people who might be interested for the next 18 months. The motion was seconded by Councilman Whittington for discussion.

Mayor Brookshire commented that his chief objection to Councilman Dellinger's position is that to take over the maintenance of these dirt streets will probably require rather high maintenance cost from now on and is not necessarily the answer the property owners are looking for. That the plan proposed is reasonable for paving and that paving is the ultimate answer. That the cost to an owner with a 50 foot lot would be only \$125.00 or a 100 ft. lot \$250.00 and he thinks this is a better answer and also the value of the property will be enhanced to that extent or more.

Councilman Dellinger stated he agrees with the Mayor, but the people out there are not going to be receptive to that. That he thinks if some effort is made to get them out of the mud, they would be in a frame of mind then to go along with the City's program.

Councilman Thrower commented that some type of program is going to have to be set up but there are streets without a single residence on it like Connecticut Avenue, with a resident living on the corner of this and an adjoining street, and it certainly would not be logical to assess this one man, and he doubts the City could get the required 51% from the property owners, but certainly something must be done as it is an open street and people driving down it get stuck in the mud. That he is in complete agreement with everyone as far as paying for the street when a person buys a lot, but a policy is going to have to be worked out if it is going to fit

the whole situation and of course there will be exceptions; therefore, he recommends that the City Engineer and City Manager get together and come up with some kind of policy.

Mr. Veeder asked if the suggested plan is not acceptable, that he be given some general ideas of what type of policy Council would like and he will, of course, evolve such a policy in writing for consideration. That he has some reservations about anyone's ability to define various types of residential streets for purposes of deciding what type of treatment they would get as these streets all fall in the general category of residential purpose streets. On the other hand, he can see some types of circumstances as discussed by Councilman Whittington, that would justify doing something for the traffic advantage which would accrue to the whole area.

Councilman Whittington asked the City Engineer what it would cost to level and gravel the $19\frac{1}{2}$ miles of unimproved annexed streets and Mr. Cheek stated he does not think the City has enough money anywhere available to do this, and these mat surfaced streets cost about four times as much to maintain as permanent type streets.

Councilman Thrower asked if the City can spend money on these streets unless they are taken over legally? Mr. Morrisey, City Attorney, stated he believes the State law is that if you perform active maintenance on a street then that amounts to the acceptance of the offer of dedication. That to perform acts of maintenance on a street, it must be under the city's system or else you would not have authority to spend the money on it.

Councilman Bryant stated in support of his motion, that in spite of all these exceptions that may have to be made for one reason or another, it is still a good basic plan to begin with and he thinks it is well worth passing in order to have something to work on for those not involved in the exceptions, and the exceptions can be heard later.

Councilman Jordan stated he knows some of these streets that have been brought up here, he has brought some and others have also, and it is possible that the majority of the Council does not know where all of these streets are, therefore, he suggests that a list of these streets be made and the Council go out and look at them. Mayor Brookshire stated a list of all the streets is included in the proposed plan, copies of which have been distributed to Council.

Mayor Brookshire called for a vote on the motion, stating the motion provides an opportunity to have paving put down on these streets at a minimum cost but the owners do not have to do so unless they want to.

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

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

Councilman Albea stated he wishes to go on record that he is not opposed to the plan but he wants to go further as this does not do anything for the people in the annexed area.

Councilman Thrower stated he certainly does not want to think this is the end of a street program, and as far as he is concerned it is not. That he is for something being done to the streets in the annexed area, and a system must be worked out, since the City Engineer says there is not sufficient money available to fix the streets in the annexed area.

Councilman Whittington stated for the record that his thoughts are that the use of public funds to improve these streets annexed in 1960 is inequitable

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to the people who have paid for their streets and sidewalks in front of their homes. That he thinks those people who are being required to pay twice is unjustified and unfair and the Council all agrees that these public funds are Powell Bill funds and should be used for streets that will take care of a large amount of vehicular traffic.

Councilman Albea stated the annexed residents tell them they are paying heavy taxes and all they have gotten out of being annexed is garbage collection and it is not as satisfactory as what they paid \$18.00 a year for before they came in.

Mayor Brookshire asked the City Manager if it would be possible to have a survey made of these streets to determine the approximate cost of grading, graveling and for continuous maintenance, as at present it is not known whether it would be \$10,000 or \$100,000, and it can then be considered again? Mr. Veeder stated he will be glad to do so.

Mr. Veeder called attention that the City does not realize any Powell Bill money by virtue of the mileage represented on these non-city system streets. That the people living on these streets pay a gasoline tax, as does everyone in the State, but he thinks it should be recognized that we are not taking their money and using it somewhere else.

CITY MANAGER REQUESTED TO ADVISE THE ZONING OF THE FIRST BLOCK OF COTTAGE PLACE OFF PROVIDENCE ROAD.

Councilman Dellinger requested the City Manager to ascertain and advise him the zoning of the first block of Cottage Place off Providence Road.

CITY MANAGER REQUESTED TO ADVISE IF IMPROVEMENTS HAVE BEEN MADE TO ARNOLD DRIVE.

Councilman Dellinger asked the City Manager to check with the Engineering Department and advise if the repairs have been made to Arnold Drive that he requested a few weeks ago.

CITY MANAGER REQUESTED TO GIVE REPORT ON REQUEST FOR STREET LIGHT AT 3031 SHARON ROAD.

Councilman Dellinger stated he has had a request for the installation of a street light at 3031 Sharon Road, and asked the City Manager to check into it and give him a report.

REQUEST THAT 4439 THE PLAZA BE TAKEN INTO THE DRAINAGE WHERE SEWER LINE BEING INSTALLED, REFERRED TO CITY MANAGER.

Councilman Dellinger referred to the City Manager the request that 4439 The Plaza be taken into the drainage where the sewer line is being installed.

RESIGNATION OF THOMAS PAYNE FROM ZONING BOARD OF ADJUSTMENT ACCEPTED WITH REGRET.

Councilman Albea moved the acceptance of the resignation of Mr. Thomas Payne from the Zoning Board of Adjustment with regret. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF C. C. MCGINNIS TO ZONING BOARD OF ADJUSTMENT.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, Mr. C. C. McGinnis was appointed to the Zoning Board of Adjustment for a term of two years.

REPORT OF COMMITTEE APPOINTED TO DETERMINE THE FEASIBILITY OF IMPLEMENTING THE RECOMMENDATIONS OF THE SPECIAL COMMITTEE OF THE DISTRICT BAR RELATIVE TO EQUALIZING CASE LOADS BETWEEN THE CITY RECORDER'S COURT AND COUNTY RECORDER'S COURT.

The City Manager submitted to Council the following report of the Committee appointed to determine the feasibility of implementing the recommendations of the Special Committee of the District Bar relative to the equalization of case loads between the City Recorder's Court and the County Recorder's Court, the Committee being composed of Judge P. B. Beachum, Solicitor William Scarborough, City Attorney, John Morrisey, City Manager, W. J. Veeder, Judge Winfred Ervin, Solicitor Joseph Travis, County Attorney Thomas Ruff, County Auditor Walker Busby and Mr. Warren Stack, Chairman of the Bar Committee.

"The full committee met on two occasions, February 14, 1962, and February 27, 1962. After exhaustive discussions the Committee concluded that it was not feasible to equalize the case loads between the two courts because of the opinion of certain members of the committee that such action would impair the operation of the County Recorder's Court and interfere with its present and planned program of treatment of traffic offenders. Therefore, any decisions to be made with respect to the handling of the anticipated increase in the case load in the City Recorder's Court should be made by City officials."

Councilman Smith stated he still thinks we should set up a traffic court with a separate judge and separate solicitor, using the same court room. That he thinks it is high time we pass on this as it has been delayed long enough. Councilman Albea stated he agrees with that.

Mayor Brookshire requested the Manager to include this on the Council Agenda for the next meeting for consideration.

WALLACE GIBBS APPOINTED AS APPRAISER FOR AIRPORT WORK.

The City Manager advised that Mr. Willis Henderson who was appointed last week, together with Mr. J. H. Carson, to appraise the work at the Airport, has advised he is unable to accept the appointment, and therefore someone should be appointed in his place.

Councilman Smith moved the appointment of Mr. Wallace Gibbs which was seconded by Councilman Dellinger, and unanimously carried.

COMPENSATION IN THE CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF GREEN WILLIAM HOLSEY FOR EAST 5TH STREET CONNECTION RIGHT OF WAY AUTHORIZED PAID TO CLERK OF MECKLENBURG COUNTY SUPERIOR COURT.

Councilman Smith moved that \$14,706.00 be paid to Mr. J. Edgar Stukes, Clerk of Mecklenburg County Superior Court, as acceptance of the Commissioners' Report as just compensation in the condemnation proceedings for the acquisition of the property of Green William Holsey for East Fifth Street Connector right of way. The motion was seconded by Councilman Jordan, and unanimously carried.

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CONTRACT AWARDED DICTAPHONE CORPORATION FOR RECORDER, TRANSCRIBER AND MICROPHONES.

The City Manager advised that a number of different makes of Recording equipment have been tried here in the Council Chamber for the past several weeks for recording Council Meetings and the City Clerk is of the opinion that the Dictaphone equipment is best suited for our needs and funds are available in the Clerk's budget to cover the total cost of \$1,095.00, and the purchase is recommended.

At the question of Councilman Whittington if the equipment is needed if the Clerk intends to continue taking the Minutes in shorthand, the City Manager advised that the Recorder will supply a verbatim record on tape that will be permanently filed and may be referred to at any time in the future, and it will be necessary for the Clerk to take only essential notes to identify voices so as to tie them in with the tape and write a summary of the meeting.

Councilman Thrower moved the award of contract to the low bidder, Dictaphone Corporation, on their Alternate Bid for One Recorder, Model A2-TC, One Time-Master Transcriber and Two Microphones #31705, at their total bid price of \$1,095.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Dictaphone Corporation	Alternate Bid	\$1,095.00
Dictaphone Corporation		\$1,320.00
Thomas A. Edison Industries, Voicewriter Division		\$1,341.15

Councilman Thrower commended the City Clerk for having the money within her budget with which to make the purchase and we did not have to transfer money from the Contingency Fund for it.

RESOLUTION PROVIDING FOR THE PUBLICATION OF NOTICE OF SESSION OF THE CITY COUNCIL ON MARCH 19TH TO CONSIDER THE PETITION OF JOHN CROSLAND COMPANY FOR THE ANNEXATION OF 60 ACRES OF LAND TO THE CITY OF CHARLOTTE.

Upon motion of Councilman Alba, seconded by Councilman Smith, and unanimously carried, a resolution was adopted providing for the publication of a notice of a session of the City Council on March 19th to consider the petition of John Crosland Company for the annexation of 60 acres of land to the City of Charlotte. The resolution is recorded in full in Resolutions Book 4, at Page 184.

PAYMENT FOR FILL ENCROACHMENT RIGHTS TO J. L. ABERNATHY AND WIFE IN EAST FIFTH STREET CONNECTOR RIGHT OF WAY.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the payment of \$893.00 was authorized to Dr. J. L. Abernathy and wife, for fill encroachment rights in the East 5th Street connector project.

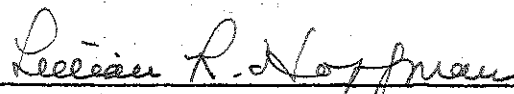
Councilman Whittington asked when contracts would be started for the work on the East 5th and East 6th Street Connector? Mr. Veeder stated they would be started immediately after the General Mills matter is settled. At the further questioning if the work could not be started on the property already acquired, Mr. Veeder stated the City Attorney would no doubt tell us that we would not have the authority to start a project on which a portion of the property was not yet in the City's possession. Mr. Morrisey, City Attorney, concurred in this.

PARKING RESTRICTIONS ON KINGS DRIVE AUTHORIZED LEFT AS AT PRESENT.

The City Manager distributed copies of the Report of the Traffic Engineer relative to the request that the parking restrictions on Kings Drive be lifted except during peak hours, in which he recommended that the restrictions remain as at present. Councilman Whittington moved that the parking restrictions on Kings Drive be left as they are. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk