

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, November 19, 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. Jones, Mr. Lakey, Mr. Stone, Mr. Suddreth, Mr. Toy and Mr. Turner.

ABSENT: Mr. Ervin, Mr. Hanks and Mr. Ward.

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INVOCATION.

The invocation was given by the Reverend Dr. James F. Wertz, Pastor of St. Paul's Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, the Minutes of the last meeting on November 12th were approved as submitted.

HEARING ON PETITION NO. 62-55 FOR CHANGE IN ZONING OF STRIP OF LAND ON EAST SIDE OF TODDVILLE ROAD BEGINNING 200- FEET SOUTH OF THE P & N RAILROAD AND EXTENDING ALONG TODDVILLE ROAD APPROXIMATELY 570 FEET.

The scheduled hearing was held on Petition No. 62-55 by the P & N Realty Company, for change in zoning from R-9MF to I-2 of a 200 ft. strip of land on the east side of Toddville Road, beginning 200-ft. south of the P & N Railroad and extending along Toddville Road approximately 570 feet.

The Planning Director advised the property fronts on Toddville Road and is vacant. The property lies a short distance south of the P & N Railway, and the Duke Power Storage Warehouse; directly across Toddville Road the land is essentially vacant, although a portion of the frontage has residential developments across from it, and there are other residential structures extending along Toddville Road south of the property. That the property is adjoined on practically all sides but one by industrial zoning.

Councilman Whittington asked when the property was rezoned for the Company sometime ago, did we not have a buffer along Toddville Road, and if it does not extend all the way back to Highway #27? Mr. McIntyre advised this is the buffer zone that was left, and there is residential zoning along the easterly side going down to Highway #27; that the industrial zoning along Toddville Road goes to a certain point.

Mr. Tom Lynch, representing the P & N Realty Company, which is the real estate subsidiary of the P & N Railway, stated the property in question is 200 feet deep from Toddville Road and extends along Toddville Road 570 feet. That in 1960 they contracted for the purchase of land which overall included 112 acres, and one of the conditions of the sale was that it be rezoned Industrial, as

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it was then zoned Rural. That there was some opposition to the use of the Toddville Road frontage and the Council left out the property in question, however, they went ahead and purchased the land realizing there was only about 3.5 acres involved here. When the first draft of the new zoning ordinance was publicized the land across Toddville was zoned Residential, but in the process of the hearings on the ordinance and its final adoption, the zoning was changed across the street to Industrial, which left them in the odd position of having the property in question zoned Residential here in an Industrial area. That they hope Council will recognize the situation they are in, being in the business of developing land for industrial use, and they need to use the property in question for expansion of the Warehouse Development they have started on Hovis Road. He stated there may be opposition to this change in zoning, however, if there is those persons affected are obliged to be living closer to industrial property than this would be, and their concern should be for the industrial zoning of adjacent property, not that removed from their residences.

No opposition was expressed to the change in zoning.

Council action was deferred for one week.

HEARING ON PETITION NO. 62-56 FOR CHANGE IN ZONING OF A 50-FT LOT ON THE WEST SIDE OF MAY STREET, BETWEEN WAYNE AVENUE AND HERMAN AVENUE.

The public hearing was held on Petition No. 62-56 by The Jim Walters Corp., representing Amanda Thompson, for change in zoning from I-1 to R-6MF of a 50-ft. lot on the west side of May Street, between Wayne Avenue and Herman Avenue.

Mr. McIntyre, Planning Director, advised that May Street is a short street paralleling South Tryon Street, a short distance north of Clanton Road and the proposed site for York Road Senior High School is here, while two other schools are just north of the tract in question. The petition covers one lot in the middle of the block and the property is presently vacant and adjoined on one side by vacant property and other vacant lots fronting on Herman Avenue, and from Herman Avenue toward town the development of May Street is wholesaling, warehouses, etc, and in the opposite direction along May Street the property is vacant, except for a church across from this particular property. He stated the property is adjoined on both sides by industrial zoning out to York Road.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 62-57 FOR CHANGE IN ZONING OF A 53-FT LOT AT 225 BRADFORD DRIVE.

The scheduled hearing was held on Petition No. 62-57 by Mr. Howard Counts and Mr. George White, Jr., for change in zoning from R-6MF to B-1 of a 53-ft lot at 225 Bradford Drive.

The Planning Director advised the petition covers one lot immediately adjacent to the Howard Counts Grocery Store, which is established on the corner property at the intersection of Bradford Drive and Willard Street. That across Bradford Drive there is the Baptist Church; that the development of the adjoining property is residential extending on out Bradford Drive in a north-easterly direction; and is adjoined along another side by Business zoning, in which the Grocery Store is located, and the adjoining property to the south is multi-family zoning and directly across the street is single-family residential zoning.

Mr. George White, Jr., one of the petitioners and a Partner in the Howard Counts Grocery Store, advised that since they had the other change, they have acquired the property in question; that they are taking the front off the Store next week and have the new section of the store completed and their stock moved in and they need the property in question for parking purposes.

No opposition was expressed to the proposed zoning.

Council action was deferred one week.

HEARING ON PETITION NO. 62-58 FOR CHANGE IN ZONING OF TRACT OF LAND AT THE SOUTHEAST CORNER OF DUNN AVENUE AND GENE AVENUE.

The public hearing was held on Petition No. 62-58 by Francis L. Stroupe, for change in zoning from B-1 to B-2 of a tract of land 150-ft. x 140 ft. at the southeast corner of Dunn Avenue and Gene Avenue.

The Planning Director advised the property is very close to the railroad overpass on Monroe Road where Dunn Avenue goes off Monroe Road and the property covers three lots at the intersection of Dunn and Gene Avenues and is vacant. It is adjoined on all sides by vacant property except for one residence at the rear of the property fronting on Gene Street. That there are residential structures extending down Gene Street from the rear of the property. That immediately adjacent to the property is a building material supply establishment, and on the other side there are additional commercial development, and all of the adjoining property is zoned B-1 and beyond the railroad it is zoned industrial.

Mr. Steve Davis advised he has an option to buy the property from Mrs Stroupe and he wishes to construct a wholesale warehouse, which would not affect the character of the neighborhood as there are other wholesale businesses adjoining and in the area.

No objections were expressed to the proposed zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 62-59 FOR CHANGE IN ZONING OF 12 LOTS ON THE NORTHEAST SIDE OF BROWN ROAD, BEGINNING AT ROCKWELL BOULEVARD AND EXTENDING TO WITHIN 100-FT OF PATTON STREET.

The scheduled hearing was held on Petition No. 62-59 by Mr Curtis Cunningham, Mr. Willie Edler and Mr. Jacob A. Davis, for change in zoning from R-6 to B-1 of 12 lots on the northeast side of Brown Road, beginning at Rockwell Boulevard and extending to within 100-ft. of Patton Street.

Mr. McIntyre, Planning Director, advised the petition covers the major portion of a block of property located about one mile from Derita town center, and is vacant except for one building, which is used for church purposes. That it is adjoined by a residential development along Brown Street, while across from the property the land is vacant except for two residential structures.

Mr. Mercer Blankenship, Attorney representing the petitioners, advised that Rockwell Park and Hemphill Heights are colored communities, and Rockwell Park has upwards of 400 lots in it, and when it is developed there will be 400 homes; that whoever planned the development did not plan for any business establishments at all to serve these people. That without an exception everyone in Rockwell Park joined in the petition that they might have a chance

to have something to serve their own particular needs. He advised he represents two persons who wish to erect Service Stations, and another party who wants to build a small Restaurant and another who wants to build a Grocery Store. He stated these people want to identify themselves with their own race and development. He called attention to the newspaper article recently about the Rockwell Park area, where Judge Winifred Ervin of Mecklenburg County Recorder's Court said he was happy to help these people curb juvenile delinquency and congratulated the residents of the Park area for the work they are doing in this connection. Mr. Blankenship stated they think that the development of small businesses is one step in community development.

He called attention to the petition for the change in zoning he has filed with the Planning Board, signed by at least 100 persons in the area, all of whom are home owners, not renters.

No objections were expressed to the proposed change in zoning.

Council action was deferred one week.

RESOLUTION ORDERING CERTAIN IMPROVEMENTS TO ROSEMONT AVENUE, FROM WILKINSON BOULEVARD TO THE DEAD-END AT HARGROVE AVENUE, ADOPTED.

A public hearing was held on Petition No. 38 by 86% of the number of property owners on Rosemont Avenue, from Wilkinson Boulevard to the dead-end at Hargrove Avenue, representing 91% of the lineal feet of frontage abutting upon the proposed improvement for improvements to the street by installing storm drainage facilities, base course and surface course.

No opposition was expressed to the proposed improvements.

Councilman Bryant moved the adoption of the Resolution Ordering the Construction of the Improvements to Rosemont Avenue, from Wilkinson Boulevard to the Dead-end at Hargrove Avenue. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 230.

RESOLUTION ORDERING CERTAIN IMPROVEMENTS TO GALAX DRIVE, LEAFMORE DRIVE, CLINTWOOD STREET AND BRAINTREE STREET, ADOPTED.

The public hearing was held on Petition No. 43 by 67% of the number of property owners on Galax Drive, from Leafmore Drive to existing pavement, and Leafmore Drive, from Galax Drive to Clintwood Street, and Clintwood Street, from Leafmore Drive to Braintree Street, and Braintree Street from Clintwood Street to Galax Drive, representing 74% of the lineal feet of frontage abutting upon the proposed improvement, for improvements by installing storm drainage, roll type curb and gutter and base course and surface course.

No opposition was registered to the construction of the proposed improvements.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the Resolution Ordering the Construction of the Improvements to Galax Drive, Leafmore Drive, Clintwood Street and Braintree Street, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 231.

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RESOLUTION ORDERING CERTAIN IMPROVEMENTS TO TRANQUIL AVENUE, FROM CHELSEA DRIVE TO WESTFIELD ROAD, ADOPTED.

The public hearing was held on Petition No. 47 by 65% of the owners of property on Tranquil Avenue, from Chelsea Drive to Westfield Road, representing 59% of the lineal feet of frontage abutting upon the proposed improvement, for improvements by installing standard curb and gutter.

No opposition was expressed to the construction of the proposed improvements.

Councilman Albea moved the adoption of the Resolution Ordering the Construction of the Improvements to Tranquil Avenue, from Chelsea Drive to Westfield Road. The motion was seconded by Councilman Bryant, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 232.

ENGINEERING DEPARTMENT INSTRUCTED TO REVIEW DRAINAGE PROBLEM IN MYERS PARK MANOR AREA AND MAKE REPORT TO COUNCIL AS TO HOW EFFECTIVE IT WOULD BE TO INSTALL CURBS AND GUTTERS AND STORM DRAINS.

A public hearing was held on a proposed drainage project affecting lots in the Myers Park Manor area, including Fieldbrook Place, Manor Road, Plantation Place, Rocklyn Place and Westfield Road.

Mr. Peter Long, Attorney, stated he wished to speak on the proposal for drainage ditches and improvements of the gutters. He stated they are opposed to the so-called Plan #2, which calls for the cementing of drainage ditches behind this property.

Councilman Dellinger asked Mr. Long where the ditch is he is referring to? Mr. Long replied it runs behind Fieldbrook Place and separates Manor Road and Fieldbrook Place. Councilman Dellinger then asked if the ditch is on private property, and Mr. Long replied that it is.

Councilman Whittington asked Mr. Long if the people he represents approve Phase #1, which would be diverting the water at Chelsea and Wales, but oppose Phase #2, which provides for the City cleaning out the drainage ditches and cementing them in order to take off the water that Phase #1 cannot take off? Mr. Long replied that is correct, that they feel there is nothing to gain by paving the ditch. Councilman Whittington stated he wants to make sure that Mr. Long and those he represents understand this is not one ditch but the majority of the ditches in the area.

Mr. Veeder asked Mr. Long if he has a petition signed by the residents he represents that he wants to file with Council, and Mr. Long stated he does have. Councilman Bryant asked how many people are represented on the petition and Mr. Long stated he represents the residents on Fieldbrook Place and there are only four families on Fieldbrook Place.

Councilman Bryant asked Mr. Long if he thinks cleaning out the ditches and cementing them would harm anything, as Mr. Long said he does not think it will do any good? Mr. Long replied he does not think it would do any harm, and Councilman Bryant then asked if it is not a matter of cost, and Mr. Long replied that is correct.

Mr. James Jones, resident of Westfield Road, stated they only started a defense petition yesterday, and already have 19 families on Plantation Place, Rocklyn Place and four families on Fieldbrook Place who are opposed to the improvement. He stated the proponents of the Plan are the people on Fieldbrook and one end of Manor Road. He advised further they feel that these

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people have a problem but since this is to be by assessment on the entire community, they do not feel they should pay for it, as they do not have a drainage condition to any extent. Mr. Jones stated their reasons for objecting to the improvement are contained in a petition, which he read but did not file with the Clerk, which is as follows:

1. The Plan will benefit only a few residents of the area, at the risk of more water being diverted on the majority of the area.
2. The present conditions do not constitute a health hazard and the people in the area are getting upset about the area being called a health hazard.
3. We feel the solution to the drainage condition lies in another area to be more beneficial to the community.
4. We feel the majority of home owners have been misinformed and misrepresented, as the meeting was held at the Park Road Baptist Church, and the question presented was are the people interested in going before the City Council and trying to do something about the drainage in the area, and, of course, everyone there raised their hands but one.

Mr. Jones advised they feel assessing the residents now for \$300 or more might keep them from getting something in the future that would be of benefit to the whole community. That if they should have more trouble, say with the creek, and had another assessment then the cost would be prohibitive together with this \$300.00. Mayor Brookshire asked Mr. Jones if he would be in favor of the improvement being made if it were not by assessment, and Mr. Jones replied that he would, and it might do them some good, but they are not interested in being assessed.

Councilman Whittington asked Mr. Jones how many people he has on the petition and where they live? Mr. Jones replied he has 19 signatures and they live on Westfield Road, starting at Plantation Place and some live on Rocklyn Place. That the people on Plantation Place have their own petition.

Councilman Smith asked Mr. Jones if it is not true that what the City did to the creek helped him immensely as he lives on the creek? Mr. Jones replied that it did. Councilman Smith then asked if he does not think the other people should be helped, as a community project? Mr. Jones advised he thinks they should be helped but he does not think the people in the area should foot the bill, that he thinks the people affected should do so - or if the people from where the water drains are assessed, then people up on Selwyn Avenue also should be assessed because it starts from there. Councilman Smith pointed out to Mr. Jones that as he lives in this area, as long as this area has a blight, it is going to depreciate his property more than \$300.00, but if the blight is removed from the area, then the property will be more saleable. Mr. Jones stated he may be right, but they think it can be done by curb and gutters and such improvements.

Councilman Whittington stated he thinks Mr. Smith has hit the nail on the head - when the City and County improved Sugaw Creek by dredging it, one section of these people was helped, and it was done with tax money, and he, for one, thinks if one group is helped, we should try and help the other group. Mr. Jones stated they do not feel that the 96 homes in the area should pay for helping out 20 homes. Councilman Thrower called attention that the City is spending \$2800.00 down there for the drains, and Mr. Jones replied this is not for their benefit but for the residents on Chelsea Avenue.

Mr. Jones stated further that all he can say is if Plan #2 is adopted, the Council will have a hornet's nest on their hands from the people in this area.

Mrs Steven Barden filed with the Clerk a revised petition for curbs and gutters on Plantation Place which corrects some technicalities in their other petitions. She expressed their appreciation for the work to be done by the City under Plan #1, and advised they are wondering if it would not be better to wait until Plan #1 is completed, which she understands will take off 60% of the water, and then see what their problem is before deciding about Plan #2, as she also understands the two Plans are not dependent upon the other.

Mr. Michael Masotti, resident of Rocklyn Place, advised he only learned about Plan #2 on Saturday on returning to the City and took around a petition, which he read:

Petition for Curb and Gutters and Storm Drainage
on Westfield Road.

That the cost of the improvements be on the estimates as stated in the letter of October 20, 1961 from the Engineering Department signed by Mr. E. K. Hoffman.

That the signers of this petition disassociate themselves from Proposed Plan #2 or any other petition or plan for this area, as we feel that the improvement called for in our petition will be more beneficial to us from the standpoint of permanent improvements, etc

That the requests in this letter and petition be accepted or rejected in its entirety.

Councilman Jordan asked Mr. Masotti if he was in favor of Plan #1 but not of Plan #2 and he replied that he definitely is in favor of Plan #1 by the City and does not think there is anyone here from the Myers Park Manor area today who is not. He stated he does not have a drainage problem, that the water runs across his property, but once the creek gets 8 to 10 feet high it backs the drain water up in the drain pipes and they overflow, that stands to reason. He admitted that the residents of Manor Road have a real problem but he does not see why he should help Mr. Wiley Shaw and others on Manor Road pay to drain their property. He stated they are willing to spend money to improve the area, but not under the ground, put in curb and gutter where it can be seen.

Councilman Whittington asked Mr. Masotti how many signatures he has on the petition and if they live on Rocklyn Place, and he replied he has 7 signatures and would like to keep the petition and secure other signatures and they are residents of Westfield Road, not Rocklyn Place. He stated he also has a petition for Rocklyn Place where there are ten houses and he has five signatures. Neither of the petitions were filed with the City Clerk by Mr. Masotti.

The City Manager suggested it would be well to ask a member of the Engineering Department to comment on the differences between Plan #2 and the pros and cons of curbs and gutters and storm drains.

Mr. Cheek stated as far as they are concerned they are glad to have the residents interested in the installation of curb and gutter, which will not only improve the appearance and value of the property but will also facilitate the drainage. That Plan #2 was conceived originally as the least expensive thing for taking the surface drainage off the lots in the area. The purpose

of the drains was to intercept as quickly as possible as much surface water as possible and take it by the shortest possible route to the creek at the highest possible elevation, recognizing the fact that any time the creek reaches the level of the drains they will become inoperative and they would function only insofar as they were able to drain into the creek when the creek was below flood stage, which does not happen often. He stated the only comments he would have as to curb and gutter at this point is that the elevation of the curb and gutter would necessarily be fixed by the profile of the existing street and it would be probable that there would be some areas that could not be drained over land to the curb and gutter unless other improvements were made on the backs of these lots. That the only problem that would arise after the installation of curb and gutter would be from those areas on the back lot line which are too low and too flat to drain to the curb. Mr. Cheek stated further he thinks the people would be interested in knowing before they paid for installing curb and gutter, whether it would accomplish the drainage of their entire lot, and this would require a field survey to determine it, which would require about two weeks for the detail survey it would require.

Mr. Cheek stated further in regard to Plan #2, that it has been suggested as the economical solution to the problem of surface drainage, and it can be broken down into at least four separate segments, each of which would benefit a different area without the necessity of doing the entire area.

Mrs Barden asked Mr. Cheek when Plan #1 will be started, and Mr. Cheek advised he hoped to advertise this work not later than next week.

Mr. Wiley Shaw stated he wishes to speak in the affirmative, not against this proposal. That he did not believe in the beginning they would end up in a wrangle like this, that he came before the Council with just a few of his good neighbors asking for Council's help as they were floating and very bad at times, meaning flood water from Chelsea Avenue as well as Plantation Place and from Westfield Road. That the residents of these streets know that their property is some 18 to 24 inches higher than that on Manor Road and the water goes through one channel; that there is a main channel that drains across Rocklyn and drains across all existing streets and yards, on into his and his neighbors yards. That the main channel is a ditch that is used to drain 2/3 of Myers Park Manor Area and little do these people know that this one ditch can cause more havoc than any existing set of ditches in the entire community. He stated he is one of the old settlers of the area having moved there when there were hardly any streets in the area, and he has seen the floods come and go, even up to 42 inches in his own yard. That this situation will continue unless something is done. He stated the petitioners for Plan #2 turned in their petition to the City last week containing 34 names and today he has some additional names, which he filed with the City Clerk. He stated that the people on the upper end of Westfield Road, and on Plantation Place and a few on Rocklyn do not go along with Plan #2, are in this just as deep as the residents of Manor Road and other streets, and for that reason it was brought out just a few minutes ago that they are living in a flood-plain area that is just as bad as anyone could expect. That regardless of what Plan #2 does, he honestly believes it will alleviate lots of this water, up to 95% of it. That the residents in the north and northeast part of the area are not too concerned with this problem, they have said so today, and they are sold only on sidewalks, curbs and gutters; but he says do the underground work first and leave the top dressing for last. However, they know full well their surface water must drain somewhere and that is down the hill, and it is not right for it to drain through their lots. Mr. Shaw stated they find in talking with the residents of the area the biggest factor in their opposition is the \$300.00 and they say the City should pay for the work, which he does not go along

with. That others are upset over the area being termed a health hazard, which he has never heard in the Council Meetings, but he can well see how it is possible to become a health hazard unless something is done to prevent the back flushing. Mr. Shaw read a letter from Miss Nolan, who works with the County and could not be present today, stating she has been a resident of 2821 Manor Road for the past 11 years, advocates Plan #2 as proposed, and stating she has had to replaster her home because of the dampness, and also the paint will not stay on the exterior also because of dampness. Mr. Shaw expressed his appreciation to the Council for the time and effort spent with them on their problem.

Mayor Brookshire asked Mr. Shaw if he feels that the suggestion of the installation of curbs and gutters would be a satisfactory alternative, and Mr. Shaw stated he does not think so.

Mr. F. S. McNeill stated he is not familiar with the details of the proposals for Myers Park Manor area but would like to speak to the question from the standpoint of community development. It is reliably rumored if the work in this area is done by piece-meal, whether it is curb and gutter or whether drainage, the City of Charlotte has capable engineers who know their work, and unless we watch our steps and do the thing that will make the most people happy these residents will move out of Myers Park Manor area and rental people will move in and we will really have a blighted area in one of Charlotte's beautiful residential sections. That he is sure our City Engineers have determined that Plan #2 is the best for the area, and as Chairman of the Citizens Committee for Community Development in our city, he thinks we should be very careful and plan not for next week but for five or ten or twenty years from now.

Mrs James Simpson, 3213 Westfield Road, stated she is not convinced she has a problem, that the creek has not been a problem to them and the water passes over their yard, so perhaps Mr. Shaw drains her land; therefore, she contends it is a city problem and it seems to her the Council has taken care of it with Phase #1.

Mr. Henry Anderson, 312 Plantation Place, stated he signed the petition for curb and gutter and storm drains on his street, and he recognizes the problem that exists on the lower end of the development, and concurs with others here that it would be better to complete Plan #1 and let the Engineering Department come up with an alternate proposal to consider on the storm drains and curbs and gutters and see what that will do, if that does not alleviate the problem completely then go ahead with whatever is necessary. He stated that prior to the dredging of the creek, their property had the lowest elevation on the street and from September until June they always had a large puddle of water in their back yard, but has had no problem since. He feels if a great deal of the water can be diverted, the problem will take care of itself. In regard to the \$300 assessment for Plan #2, that in a previous proposal by the Engineering Department for curbs and gutters, his estimated cost would be around \$700, and if that would take care of the problem, he would be more willing to pay the \$700 to improve his property and take care of the problem than pay the \$300 and have nothing to show for it as far as the appearance of the property is concerned.

Mr. Jack Stalling, Manor Road, stated he has the rest of the petition which Mr. Masotti had with additional names on it. That he, himself, does not have a water problem, and he became interested in the project as the lady who came around with the petition said it was a health problem, and as he has three children naturally he was interested in any health problem in the area. He was asked by the Clerk to attach his part of the petition to the one that Mr. Masotti retained.

Mr. David Hovis, Fieldbrook Road, stated he is quite interested in the area becoming a blight area. That a year or so ago a real estate man made an estimate of his house and told him that because of the appearance of other houses around him \$300 could be knocked off the price of his house right then. That he thinks the curbs and gutters are going to have to be installed, but if they are going to then have to be torn up to lay the drains, it should all be done in the proper order with the drains first, as they are most certainly needed.

Councilman Smith referred to the remarks of Mr. Cheek, City Engineer, regarding doing the drainage work by segments, and asked what the cost estimate would be if the work was done only in section "D" as shown on the engineering map of the area? Mr. Cheek advised it would be about \$500.00. He then asked how it would be determined who would be assessed under the section plan, and Mr. Cheek advised, speaking generally, it would be the lots adjacent to the drain. Councilman Smith then asked if "D" was done, would this do as much for them as if the whole project were done? Mr. Cheek advised it would not do as much as the entire project would do but it would probably do 75%. Councilman Smith stated he thinks the city should explore the idea of doing the worse section and see how that does.

Councilman Bryant asked if the City has a tabulation as to how many are for and how many against Plan #2, and the Mayor replied only as far as the signatures on the petitions. Councilman Bryant then asked that such tabulation be made to give the Council some idea of how it stands, as that will certainly have some bearing on their decision.

Mr. Jack Airheart advised he has lived on Rocklyn Place for the past 15 years and they have not had a water problem, nor do they have a health hazard and he is not in favor of Phase #2. That many statements have been made today that are most misleading and he is looking forward to retiring and continuing to live there.

Mr. Albert Pearson stated he has been very much in the middle on the question; that he has resided in the area for 15 years and has spent several hundred dollars and he is not unaware of Mr Shaw's troubles, had he been he would not have called Mr. Shaw some weeks ago and asked if he would like to see the petition they have been working on for a year, to which he received a negative answer; neither would he have called Mr Shaw some days ago and asked him if he and Mr McDonald and himself could possible sit down and come up with some understanding that might be beneficial to the area as a whole. He pointed out that they have today talked about the water going from particular areas down into Mr Shaw's area, and he explained in detail, from the engineering map, the course the water drains and stated it does not drain onto Mr Shaw's area. He stated he started over a year ago working up interest in the installation of curb and gutter to improve the area.

Mr. McDonald, 317 Fieldbrook Place, stated he is not against curb and gutter and, in fact, he is for it if that is what is needed, however he understands from the Engineering Department that is not what they need nor will it solve their problem. He advised the matter has been discussed by everyone in the area and the people are in a turmoil and he believes the Council has received enough information to make an intelligent decision and he will abide by that decision and agree to it. That he wants to go on record with regard to the health hazard - when the end of the sewerage drain overflows and throws raw waste onto one's yard, to him that is a health hazard.

Mrs Shaw, 3024 Manor Road, stated she would like to straighten out one thing - she does not want Council to think anyone was contacted to sign the petition without knowing what it was all about, as she explained to the best of her

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ability just what the petition was about; that the reason Mr Shaw did not meet with Mr Pearson was Mr. Shaw went along wholeheartedly with the plans devised by the City Engineers and he did not think one man could possibly devise a plan that was more effective that it would be worth spending several hours discussing.

Mrs Goodsby, 3028 Manor Road, expressed her appreciation to the Council for the work the City will do under Plan #1, and stated she has lived on Manor Road for 10 years and has seen the water over the steering wheel of her car and in the house.

Mr. James Jones asked if on the first petition favoring Plan #2 the names of Mr & Mrs J. J. Davis, Jr., 2218 Westfield Road, appears? The City Manager checked the petition and advised the names are on the petition. Mr. Jones advised that Mr & Mrs Davis signed the petition for curb and gutter, and asks that their names be removed from the first petition. Mr. Jones also asked if the name of Miss Carolyn McCready, 319 Rocklyn Place, is on the first petition? Councilman Dellinger suggested that it would be impossible to check the names on the petitions here, and that it be done by the Engineering Department.

Councilman Whittington asked that the City Attorney comment on Phase #2 - he stated we have petitions here from people who apparently do not want the City to do Phase #2, and in lieu of the survey by the Engineering Department for curb and gutter. That his understanding from the City Attorney is the Council cannot go ahead with Phase #2.

Mr. Morrissey advised that Mr Shaw's petition does not have any specific legal effect, it was merely designed to inform the Council the wishes of the residents of the area with regard to Plan #2. Today there have been presented petitions which do have a legal effect as they are specifically for street improvements, curb and gutter et cetera, and these petitions would normally be processed through channels to determine their sufficiency and then brought back to Council for consideration as to whether or not the improvements should be ordered.

The City Manager commented that he thinks everyone will agree that curbs and gutters would improve the appearance of any or all of the property that was involved, but he thinks emphasis should be put on the point made by Mr. Cheek, that a visual inspection of the area would indicate that curbs and gutters are going to have to be installed at an elevation in some cases higher than the low spots at a number of these lots. When this is done these people who have properties at a lower elevation than the curbs and gutters will collect water unless they can do something to raise the elevation of their properties or provide some way of getting the water off their property under the street.

Mayor Brookshire asked if that would make the problem worse for some owners, and Mr. Veeder replied not worse but the impression should not be left that curbs and gutters will solve the problems, along with storm drainage, for that could not be the case.

Councilman Dellinger stated it is evident the City is going to have to do some more engineering work on this, and he moved that the Engineering Department be instructed to review this and bring Council a report as to what effect it would have if we installed the curbs and gutters on these streets. The motion was seconded by Councilman Thrower, and unanimously carried.

Mayor Brookshire stated for the benefit of those residents who have come up here today in the interest of the problem of water in the Myers Park Manor

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area, that he wished to thank them for coming, and he believes that they, with the Council, appreciate the fact that the problem is difficult, and he believes there is a general agreement, however, as expressed by the residents today, that the city is showing a proper concern for the problem and he thinks they have shown the proper appreciation to the City for adopting Phase #1 of the program, and as indicated, the City will continue to work on their problem.

STATE AWARD OF EXCELLENCE PRESENTED CHARLOTTE FOR VEHICLE SAFETY CHECK PROGRAM.

Mayor Brookshire recognized Major Charles A. Speed, Safety Director with the State Department of Motor Vehicles, who stated it is very satisfying to them working in the field of traffic safety to see a community attempt to lift itself by its own bootstraps. That the Charlotte Safety Association, with Mr Ed Pickard as Executive Secretary and Mr. Rommie Terrell as Director, last year at the invitation of the sponsors for the national vehicle check for communities, conducted a voluntary vehicle check program in Charlotte which is conducted in the 34 states that do not have such program, in an effort to sell the citizens in the Charlotte area and in this section of North Carolina on the advantage of periodic mechanical inspection legislation for motor vehicles. This was the second year that the Safety Association has conducted this program, the year before having inspected 2,640 vehicles, and last year they inspected 4,251 vehicles which they did with the excellent cooperation of the Charlotte Auto Dealers Association, and Charlotte Police Department, under the efficient direction of Chief Hord and Captain Porter and the Traffic Engineering Department and the cooperation of the City's newspaper and Radio and T.V. mediums. He commended Judge Beacham and Judge Ervin for the wonderful work they are doing in the field of traffic safety. He stated 45 people have been killed in traffic accidents in Mecklenburg County this year, 750 since January 1, 1945, 1,140 people have been killed in the State as of yesterday morning, which is apt to include one of us present for the year 1962. That on behalf of the National sponsor's, the Auto Highway Safety Committee, Look Magazine, the Association of State and Provisional Safety Coordinators, it gives him a great deal of personal satisfaction to present Mayor Brookshire the State Award of Excellence, presented to Charlotte, for outstanding performance in the national vehicle safety check for communities for the year 1962, and he congratulated the Mayor and Council and citizens of Charlotte on receiving the award.

Mayor Brookshire expressed his appreciation for Major Speed coming and for the award and to the local organizations who have cooperated and made possible the winning of this award. He then presented the award to Chief Hord, Charlotte Police Department, and expressed his congratulations for a job well done.

CHANGE ORDERS AUTHORIZED IN CONTRACTS WITH MYERS & CHAPMAN, INC., POWER ELECTRIC COMPANY, INC., OTIS ELEVATOR COMPANY, INC. AND P. C. GODFREY, INC FOR ALTERATIONS IN AND ADDITIONS TO GOOD SAMARITAN HOSPITAL.

Upon motion of Councilman Bryant, seconded by Councilman Albea, and un-animously carried, the following Change Orders in contracts for alterations in and additions to Good Samaritan Hospital, were approved:

Change Order #G-1 in contract with Myers & Chapman, Inc. for the general construction of the Hospital, amounting to \$4,902.00 addition to their original contract price of \$378,698.00, covering extra grading and filling at Boiler Room, fire escape and installation, rerouting city storm sewer,

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additional beams at two elevators, air duct for Basement Equipment Rooms, modifications in structure of Central Service Roof, other modifications, extra underpinning, extra lintels and bearing columns and addition of lightweight concrete at fresh air supply.

Change Order E-1 in contract with Power Electric Company, Inc. for electrical work to Hospital, amounting to \$300.00 addition to their original contract price of \$55,800.00 covering installation of Kurt Versen bed lights.

Change Order #OE-1 in contract with Otis Elevator Company, Inc., for elevators at Hospital, amounting to \$75.00 addition to their original contract price of \$23,513.00, covering furnishing and installing anchor bolts for elevators 2 and 3.

Change Order P-1 in contract with P. C. Godfrey, Inc., for plumbing work to Hospital, amounting to \$733.00 addition to their original contract price of \$85,426.00, covering installation of temporary water supply and meter, installation of two additional drains in Boiler Room areaways, moving two supplys and connections and rerouting existing sewer to avoid elevator pit.

ISSUANCE OF SPECIAL OFFICER PERMITS AUTHORIZED TO WALTER W. RUSSELL AND JOHN WESLEY PATTON.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, authorizing the issuance of Special Officer Permits as follows:

- (a) Special Officer Permit to Mr. Walter W. Russell, 217 South Cloudman Street, for use on the premises of Hydro Prints, 201 South Hoskins Rd.
- (b) Special Officer Permit to John Wesley Patton, 2414 LaSalle Street, for use on the premises of Johnson C. Smith University.

CLAIMS FOR DAMAGES BY MRS AUDREY E. SMITH AND SHELBY MUTUAL INSURANCE COMPANY, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the following claims were denied, as recommended by the City Attorney:

- (a) Claim of Mrs Audrey E. Smith for \$4.22 for damages to car allegedly caused by a tree limb falling on the car while parked in the 900 block of Lexington Avenue on September 5, 1962.
- (b) Subrogation Claim of Shelby Mutual Insurance Company, in the amount of \$137.63, for damages to car of its insured, Robert Black Long. Damages allegedly caused by tree limbs falling on the car while parked in the 500 block of Lexington Avenue on April 13, 1962.

ORDINANCE NO. 139-X RELATING TO UNIFORMS OF SPECIAL POLICE OFFICERS, ADOPTED.

Councilman Smith moved the adoption of Ordinance No. 139-X Relating to Uniforms of Special Police Officers, which was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 374.

SETTLEMENT OF FALSE ARREST SUIT OF JAMES ARTHUR JEETER.

Councilman Whittington moved that the false arrest suit of James Arthur Jeeter against the City of Charlotte and Police Officer K. D. Jetton, for \$15,000 be settled for \$475.00 and court cost of \$17.00, as recommended by the City Attorney. The motion was seconded by Councilman Bryant, and unanimously carried.

CONTRACT AWARDED PITTSBURG-DES MOINES STEEL COMPANY FOR CONSTRUCTION OF A TWO MILLION GALLON CAPACITY STEEL ELEVATED WATER TANK.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Pittsburg-Des Moines Steel Company, for the construction of a two million gallon capacity steel elevated Water Tank at Craig Avenue and Eastway Drive, on their base Bid no. 2 (spread footing foundation) as specified, in the amount of \$465,150.00.

The following bids were received:

Pittsburg-Des Moines Steel Co., Pittsburg Pa.

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|----------------------------------|---|
| Base Bid No. 2 - | Tank on Spread Footing Foundation |
| Net bid: | \$465,150.00 |
| Base Bid No. 5 - | Tank on Pile Foundations |
| Net bid: | \$556,500.00 |
| Alternate No. 1 - | Alternate on Protective Inner Coating |
| Deduct: | \$ 1,500.00 |
| Unit Price No. 1- | Additional prestressed-precast Concrete Pile |
| 50 ft. long each | \$ 400.00 |
| Unit Price No. 2- | Price per foot for each additional foot of Pre- |
| stressed precast Concrete Pile - | \$8.00 |

R. D. Cole Mfg. Co., Newnan, Ga.

| | |
|----------------------------------|---|
| Base Bid No. 1 - | Tank on Spread Footing Foundation |
| Net Bid: | \$509,400.00 |
| Base Bid No. 4 - | Tank on Pile Foundation |
| Net bid: | \$599,200.00 |
| Alternate No. 1 - | Alternate on Protective Inner Coating |
| Deduct | \$ 9,000.00 |
| Unit Price No. 1- | Additional prestressed-precast Concrete Pile |
| 50 ft. long each | \$ 400.00 |
| Unit Price No. 2- | Price per foot for each additional foot on Pre- |
| stressed-precast Concrete Pile - | \$8.00 |

Chicago Bridge and Iron Co., Atlanta, Ga.

| | |
|---|---|
| Base Bid No. 6 - | Tank on Pile Foundation |
| Net Price: | \$549,200.00 |
| Alternate No. 1 - | Alternate on Protective Inner Coating |
| Deduct | \$ 2,500.00 |
| Unit Price No.1 - | Additional prestressed-precast concrete pile |
| 50 ft. long each | \$ 420.00 |
| Unit Price No.2 - | Additional length of prestressed-precast concrete |
| pile per foot | \$ 8.20 |
| Alternate Foundation Design - Deduct | \$ 1,000.00 |
| Alternate on Horton Spheroidal Tank | |
| Deduct | \$30,000.00 |
| Alternate for sand blasting and priming | |
| in the field | \$ 5,600.00 |

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RESOLUTIONS APPROVING PRELIMINARY ASSESSMENT MAP-ROLL FOR IMPROVEMENTS COMPLETED ON ISENHOUR STREET, ASHLEY ROAD, CHATHAM AVENUE, KILDARE DRIVE, LEWISTON STREET, LYTTLETON DRIVE, PINEHURST PLACE, SHADY BLUFF DRIVE AND SHARON ROAD, AND FIXING DATE OF HEARINGS THEREON ON DECEMBER 10TH.

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, adopting Resolutions Approving Preliminary Assessment Map-Rolls for Improvements completed on the following streets, and fixing the date of public hearings thereon on December 10th:

- (a) Isenhour Street, from Norris Avenue to Rodey Avenue.
- (b) Ashley Road, from Dublin Road to Joy Street and Kempton Place, from Ashley Road to Heywood Avenue.
- (c) Chatham Avenue, from Central Avenue to 1830 and 1827 Chatham Avenue.
- (d) Kildare Drive, from The Plaza to Olinda Street.
- (e) Lewiston Street, from dead end 400 feet across Willard Street and 560 feet to the dead end.
- (f) Lyttleton Drive, from Sharon-Amity Road to Addison Drive.
- (g) Pinehurst Place, from Woodlawn Road to within 200 ft. of Wakefield Drive.
- (h) Shady Bluff Drive, from Doncaster Drive to the dead end.
- (i) Sharon Road, from Harris Road to Wendover Road.

The resolutions are recorded in full in Resolutions Book 4, beginning at Page 233 and ending at Page 241.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON DECEMBER 17TH ON PETITIONS FOR CHANGES IN ZONING CLASSIFICATIONS.

Upon motion of Councilman Whittington, seconded by Councilman Albaea, and unanimously carried, a Resolution Providing for Public Hearings on December 17th on Petition Numbered 62-60 through Petition Numbered 62-65, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 242.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Ethel C. Phipps, for Lot 374, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with James M. Ledford, Trustee, for Perpetual Care on Lot 27, Map 28, Section S, Elmwood Cemetery, at \$201.60.

CONTRACT AWARDED WORTHINGTON CORP FOR PUMP PARTS.

Councilman Dellinger moved the award of contract to the only bidder, Worthington Corporation, for Pump Parts, as specified, for repairing and reconditioning the pump at the Sugaw Creek Disposal Plant, at their bid price of \$4,295.44. The motion was seconded by Councilman Bryant, and unanimously carried.

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CONTRACT AWARDED MARBELITE COMPANY, INC. FOR TRAFFIC CONTROLLER EQUIPMENT.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-
animously carried, contract was awarded the low bidder, Marbelite Company, Inc.
for Traffic Controller Equipment, as specified, at their bid price of
\$1,917.86.

The following bids were received:

| | |
|--------------------------------|-------------|
| Marbelite Company, Inc. | \$ 1,917.86 |
| Automatic Signal Division | 2,039.40 |
| Traffic Engineers Supply Corp. | 2,205.75 |

ACTION DEFERRED ONE WEEK ON BIDS FOR PLANT MIX ASPHALT.

At the request of the City Manager, Councilman Albea moved that action be
deferred for one week on the bids for 9,000 tons and 3,000 tons of Surface
Course and Binder Course Concrete. The motion was seconded by Councilman
Dellinger, and unanimously carried.

JOHN TALBERT & ASSOCIATES APPOINTED CONSULTING ENGINEER FOR AIRPORT
IMPROVEMENTS.

Councilman Dellinger stated he would personally like to see some local con-
cern have the work as Consulting Engineer for the Airport Improvements, but
in view of the fact that the bidding is not competitive and Council has
recommendations from all Government Agencies concerned and the Committee
the Council appointed and from the Airport Manager employed by Council, who
is operating the airport very satisfactorily, he moved that John Talbert
and Associates be appointed Consulting Engineer for the Airport Improvements
as recommended. The motion was seconded by Councilman Bryant.

Councilman Smith stated he has talked with local engineers and local builders
and they do not visualize this work being as specialized as presented. That
he respects our Airport Advisory Committee and our Airport Manager, who is
very competent from all reports, and he does not mean any reflection on
them but he is personally not convinced that a local firm cannot do just
as good job in spite of the people who called him in favor of the Wilmington
group, and the editorial in the paper, and he still thinks that Norman Pease
can do the job just as well and keep the money locally where it is being
assessed.

Councilman Dellinger stated he agrees with Mr Smith on every point and he
thinks we could have local people do the job but in view of the recommendat-
ions from all the persons we have appointed, disregarding the newspaper
editorial this morning, he thinks the Council is bound to give the work to
the person recommended.

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

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

RIGHT OF WAY SETTLEMENTS AUTHORIZED FOR KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Jordan moved approval of the settlement for the following parcels
of land as right of way for the Kenilworth Avenue Extension Project, which
was seconded by Councilman Whittington, and unanimously carried:

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- (1) Payment of \$879.08 to Graham P. Kerr, 2121 Fernwood Drive, for 252.5 square feet of property.
- (2) Payment of \$201.00 to Hetty H. Goodwin, 2004 Fernwood Drive, for 252.5 square feet of property.
- (3) Payment of \$454.00 to Oren K. Hart and wife, Ruby G., 2017 Fernwood Drive, for 252.5 square feet of property.
- (4) Payment of \$100.00 to Charles Reid Brown and wife, Margaret Capps, 2008 Fernwood Drive, for 252.5 square feet of property.
- (5) Payment of \$468.00 to Mrs Virginia S. Hart, 2025 Fernwood Drive, for 252.5 square feet of property.
- (6) Payment of \$150.00 to D. Robert McKay and wife, Bessie D., 2012 Fernwood Drive, for 252.5 square feet of property.
- (7) Payment of \$688.00 to Raymond L. Lavinder and wife, Ona H., 2022 Fernwood Drive, for 252.5 square feet of property.
- (8) Payment of \$300.00 to C. D. Keith and wife, Louise E., 2205 Charlotte Drive, for 300 square feet of property.
- (9) Payment of \$170.00 to Constance P. Alexander and husband, W. Ross, 2017 Charlotte Drive, for 300 square feet of property.
- (10) Payment of \$133.00 to May H. Holman, 1022 Kenilworth Avenue, for 10 square feet of property.
- (11) Payment of \$500.00 to Mildred G. Lawing, 2123 Fernwood Drive, for 252.5 square feet of property.
- (12) Payment of \$726.00 to Howard E. Adams and wife, Rosa M., 2135 Fernwood Drive, for 252.5 square feet of property.

ORDINANCE NO. 140-X TO AMEND ORDINANCE NO. 107-X, THE 1962-63 BUDGET ORDINANCE, TO TRANSFER APPROPRIATIONS WITHIN THE AIRPORT FUND, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Smith, and un-animously carried, Ordinance No. 140-X to Amend Ordinance No. 107-X, the 1962-63 Budget Ordinance, to Transfer Appropriations within the Airport Fund, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 375.

REAPPOINTMENT OF WILEY OBENSHAIN TO REDEVELOPMENT COMMISSION.

Councilman Albea moved the reappointment of Mr. Wiley Obenshain to the Redevelopment Commission for a term of 5 years from the expiration of his present term on November 27, 1962. The motion was seconded by Councilman Smith, and unanimously carried.

SETTLEMENT OF CLAIM OF BORING & TUNNELING COMPANY OF AMERICA.

The City Attorney asked Council to consider the acceptance of the proposal of the plaintiff, Boring and Tunneling Company of America, of the litigation now pending between the Company and the City of Charlotte. The plaintiff proposes that their claim for relief, in the amount of \$10,653.54, be compromised and settled upon the payment to the Company by the City of the sum of \$5,500.00. He stated this matter has been fully explained to the City Council in its Conference Meeting of today, and it is recommended that this proposal for settlement be approved.

Councilman Smith moved approval of settlement in the sum of \$5,500.00. The motion was seconded by Councilman Thrower, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
 Lillian R. Hoffman, City Clerk