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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, November 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 Councilman Gibson L. Smith.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and un-animously carried, the Minutes of the last meeting on October 22, 1962 were approved as submitted.

SCHOLARSHIP FOR ADVANCED STUDY OF FIRE ADMINISTRATION PRESENTED CAPTAIN HERBERT E. BLACKMON, CITY FIRE DEPARTMENT, BY RAEFORD WORSTED DIVISION OF BURLINGTON INDUSTRIES AND PLAQUE BY INTERNATIONAL ASSOCIATION OF FIRE CHIEFS.

Mayor Brookshire recognized Chief Donald S. Charles, Charlotte Fire Department, who introduced Mr. J. C. Cowan, Jr., Vice-Chairman of Burlington Industries, Greensboro, which has made available a scholarship through the International Association of Fire Chiefs to be awarded to Captain Blackmon of the Charlotte Fire Department.

Mr. Cowan stated it is his pleasure to appear on behalf of the Raeford Worsted Division of Burlington Industries whose pleasure it is to honor Captain Herbert E. Blackmon of the Charlotte Fire Department as one of the four National Scholarship Winners in a program sponsored by Raeford, and he has been sent a check to be used for advanced study in the field of management in public administration that will enhance his value as an Officer of the Charlotte Fire Department. That Raeford has its principal manufacturing plant in North Carolina and is a major supplier of uniform fabrics to fire departments, law enforcement and other public agencies throughout the Nation. That the Raeford scholarship program was undertaken as a gesture of cooperation, in this instance with the International Association of Fire Chiefs and in recognition of the valuable and often unsung contribution made by Firemen who dedicate their careers to the preservation of life and property from fire. Mr. Cowan then presented Captain Blackmon with a framed Certificate in behalf of the International Association of Fire Chiefs in recognition of his demonstrated proficiency in his profession in receiving the Scholarship Award.

Mayor Brookshire, on behalf of the Council, offered their congratulations to Captain Blackmon on meriting this splendid recognition.

Captain Blackmon stated he feels very humble in accepting the scholarship and hopes that he may be able to use it for the betterment of his city.

Mayor Brookshire expressed his pleasure at the honor of having Mr. Cowan with us today, and presented him the Official Key to the City of Charlotte.

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PUBLIC HEARINGS AUTHORIZED ADVERTISED AND HELD ON NOVEMBER 19TH ON IMPROVEMENTS BY ASSESSMENT TO DRAINAGE CONDITION IN MYERS PARK MANOR AREA AND ON PETITION FOR CURB AND GUTTER ON TRANQUIL AVENUE, BETWEEN CHELSEA DRIVE AND WESTFIELD ROAD.

In connection with the suggestion of Council on October 15th that he secure a petition signed by those property owners who wished to participate in Plan #2 for improvements to the drainage condition in Myers Park Manor area on an assessment basis, Mr. Wiley Shaw presented the petition, signed by 33 property owners representing about one-third of the area. He advised that some streets in the area suffer worse than others, and some of the real estate has gotten into the hands of Real Estate Dealers, who claim they are losing money on the property from flood waters and they do not show the interest of the residents living in the area. He advised that the streets involved in the Petition are Westfield Road, Rocklyn Place, Fieldbrook, Planation and Manor Road.

Councilman Dellinger advised that the Petition for improvements on Tranquil Avenue, from Chelsea Drive to Westfield Road, before Council for action today is the same that Mr. Shaw is requesting, and he would like to postpone action, as the people have not been fully informed and there is a misunderstanding among the residents as to just what is involved, and they should be given an opportunity to be heard and better informed. That he had a call last night from a resident in the area who understands the property will be condemned from a health angle, and he was out of town when the meeting was held by Mr. Wiley and members of the City Engineering Department advising the residents just what was involved. Mr. Shaw stated he and others have gone from house to house calling on the people, telling them exactly what is involved, left notices in their mail boxes, phoned them, and done everything possible to have them informed, and when he was here last on October 15th he was told all they needed to do was secure a petition signed by those who would participate in the assessment, and now they have done that, they beg that it not be delayed further.

Councilman Dellinger stated it has been the Council's policy that residents be offered the courtesy of being heard, and he moved that both the proposed Plan #2 and the Petition for improvements on Tranquil Avenue be postponed one week and a hearing be held at that time. The motion was seconded by Councilman Thrower.

Councilman Whittington asked if the Petition for Improvements on Tranquil Avenue pertains to the proposed drainage plan that Mr. Wiley is discussing? Mr. Veeder replied that they are two different things and the improvements on Tranquil Avenue is not about drainage but curb and gutter. Councilman Dellinger stated it is an interlocking situation and they want to know more about what is involved, as well as about the drainage program, and they are thoroughly confused, and should be allowed to come in and have it clarified, and he is asking for a joint hearing on the two projects.

At Mr. Shaw's request as to his opinion, Councilman Smith stated he thought that Mr. Shaw was filing a petition for Council action. That as he understands it Mr. Dellinger wants a hearing on the petition for improvements on Tranquil Avenue, even though 65% have signed the petition, which is alright in his opinion. That if Mr. Shaw will file his petition with the Clerk, it will be reviewed by the Engineering and Legal Departments as to the percentage of signers, and Council can have a hearing on it also next week.

Councilman Whittington stated for two months Mr. Wiley and these people have been seeking relief, and Council told him to go back and get a signed petition, which he has done, and therefore he thinks his request should be acted on, or a separate hearing will have to be held on each of the petitions.

Mr. Veeder advised that these two items should be separated, as each of them is proceeding under a different statute and there is no similarity between the two as far as the procedural aspects; that the petition from Mr. Shaw is as requested by Council, and the petition submitted by the people on Tranquil Avenue is for curb and gutter only, and it is in order for Council to schedule an informal public hearing to obtain any additional views of the residents as relates to the drainage work, and he thinks in order to give them plenty of notice, it would be well to consider a hearing two weeks from today.

Councilman Dellinger amended his original motion that the hearings on both petitions be held two weeks from today. Councilman Thrower seconded the amended motion.

Mr. Albert Pearson requested Council to take into consideration the area as more or less a private project for low lying areas in the city, and to perfect a procedure for handling them. That he presented some petitions a few weeks ago, which had something to do with this area, which he wanted to have considered along with this, as to whether they could come out with an overall project for the area that would be beneficial to everyone. That he does not think this should be pushed too quickly, but considered from all angles. That the Engineering Department will tell you that with an 8-ft. flood level, you will have the same problem that you have right now, and when it is spoken of from a health point of view you have to go into the sewer system thoroughly and see if the trouble is there, or if it is elsewhere. He stated he appreciates the fact that someone is trying to do something out there but he does think the Council should try to come up with something definite.

Mr. R. S. Douglas, resident of Tranquil Avenue, stated they filed the petition for curb and gutter on Tranquil Avenue, from Chelsea Drive to Westfield Road, as they thought it would be a good time to have it done while the City was putting a sewer pipe down Tranquil Avenue, and he would like to have it go through, and they have about 75% of the residents on the petition.

Councilman Bryant stated he hopes it will be made very clear that the work on Tranquil Avenue is requested regardless of what else is done, and the two projects, while they might be related, are not to be decided one contingent upon the other.

Councilman Whittington asked if the Council does not have all of the cost data on Mr. Shaw's project, and the City Manager stated we do have it.

The vote was taken on the motion to hold separate hearings on the two matters two weeks from today, and carried unanimously.

Later in the meeting, Mr. Pearson asked on what basis the hearings will be held - will it be as the Engineering Department calls for by blocks or streets or will it be a community project with the Council designating the community, or how?

Mayor Brookshire stated on the matter of flood control, he understood the City had the right to go ahead in the interest of the public involved and do the work, but Council evidenced an interest in having a petition and knowing how many were interested before proceeding. On the curb and gutter on Tranquil Avenue, there is a Petition in hand, which represents more than the required minimum, and so he thinks Council is merely going to give the public who are interested an opportunity to come up and be heard before any action is taken.

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Mr. Pearson stated he understands that then Council action will be taken on the basis of the Health Department? That he would like this clarified.

Councilman Dellinger stated this is not correct, and is what has confused the people out in the area

Mr. Morrisey, City Attorney, advised if Council decides to assess the cost of the drainage improvements in the area, they would do so under a statute which provides that the local Board of Health shall first report to the Council that the conditions existing constitute a health hazard, then the City Council is authorized to proceed to abate the nuisance by the construction of the project and the assessment of the cost without any petition.

Councilman Dellinger said to Mr. Morrisey that at this point there is no instigation by the Health Department, and Mr. Morrisey stated that is correct.

Mr. Pearson stated he thinks the further statement could be made that the Health Department at the present time does not have any procedure to handle a complaint of that type.

Mayor Brookshire asked Mr. Morrisey if in that case would Council have any authority for acting under the statute he mentioned unless we hear in the meantime from the Health Department? Mr. Morrisey stated this is the procedure set forth in the Statutes, this initiates the procedure, and Council is in order to have the Hearing and to determine the scope of the problem in the interest of the citizens, then if the Council wishes to proceed with it, we can then initiate the procedure under the Statute.

Mr. Pearson stated what he was trying to find out is whether it is by petition block by block, or something of that type or a community project, and if a community effort is being made out of it, then the community involved would have to be discussed. Councilman Albea stated that is what it is, a community effort. Mr. Pearson stated further he is trying to avoid having to spend any money to prove a point, and he would hate to see it called a health hazard because that brings in the Health Department and he would not like to have them put on the spot, but he thinks, the procedure is worth looking into before the meeting.

PUBLIC HEARING AUTHORIZED ADVERTISED AND HELD ON NOVEMBER 19TH ON PETITIONS FOR STREET IMPROVEMENTS TO BE FINANCED BY ASSESSMENT ON PROPERTY.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unananimously carried, Public Hearings were authorized advertised and held on November 19th on Petitions for the following street improvements, to be financed by assessment:

- (1) Installation of storm drainage facilities and construction of roll type curb and gutter, base course and surface course on Galax Drive from Leafmore Drive to existing pavement; Leafmore Drive from Galax Drive to Clintwood Street; Clintwood Street from Leafmore Drive to Braintree Street and Braintree Street from Clintwood Street to Galax Drive.
- (2) Installation of storm drainage facilities, base course and surface course on Rosemont Avenue from Wilkinson Boulevard to the end of Hargrove Avenue.
- (3) Construction of standard curb and gutter on Tranquil Avenue from Chelsea Drive to Westfield Road.

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ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the acquisition of the following property was authorized for the construction of sanitary sewer lines:

- (a) Acquisition of right of way 10 ft. x 197 ft. in Westchester Subdivision, from John C. Allen, Sr. and wife Teula and Jimmie D. Allen and wife, Margaret, at \$197.00, for the construction of a Sanitary Sewer line from Brooktree Drive to the P & N existing sewer line.
- (b) Acquisition of right of way 10 ft. x 180 ft. in Rutledge Avenue, from Ervin Construction Company, at \$90.00, for the construction of a Sanitary Sewer Line to serve Cotswold Shopping Center.
- (c) Acquisition of right of way 10 ft. x 340 ft. in property off Sharon Amity, between Randolph & Providence Roads, from Earl M. & Clara Thomason Seagraves and M. L. & Betty Thomason Johnston, at \$170.00 for the construction of a sanitary sewer line to serve Cotswold Shopping Center.
- (d) Acquisition of right of way 10 ft. x 50 ft. in Sharon Amity Road, between Randolph and Providence, from John T. Belk, Jr. at \$25.00 for the construction of a Sanitary Sewer Line to serve Cotswold Shopping Center.
- (e) Acquisition of right of way 10 ft. x 970 ft. in property on Sharon Amity Road, from Harry William Kole, at \$485.00, for the construction of a Sanitary Sewer Line to serve Cotswold Shopping Center.

CONSTRUCTION OF SANITARY SEWER LINES APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of sanitary sewer lines, inside the city limits, as follows:

- (a) Construction of 1,460-ft. of sewer line in Larkspur Lane, at request of Green Gardens, Inc., at an estimated cost of \$4,450.00. 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 870-ft. of sewer line in Currituck Subdivision, at request of Howser Development Company, at an estimated cost of \$515.00. All cost to be borne by the applicant whose deposit of the entire cost will be refunded as per terms of the contract.

ACTION DEFERRED ON REQUEST TO COSIGN AGREEMENT BETWEEN STATE HIGHWAY DEPARTMENT AND IDLEWILD UTILITIES FOR RIGHT OF WAY FOR INSTALLATION OF WATER MAIN.

Upon motion of Councilman Smith, seconded by Councilman Thrower, and unanimously carried, action was deferred at the request of the City Manager, on the request for the City to cosign an agreement between the State Highway Department and Idlewild Industries, Inc., for right of way for the installation of water mains under North Independence Boulevard.

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CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contracts were authorized for the installation of water mains, inside the city limits, as follows:

- (a) Contract with Graham Trust for the installation of 1,125-ft. of water mains and one hydrant in Mockingbird Lane and Hedgemore Drive, at an estimated cost of \$3,825.00. All cost to be borne by the applicant. If and when the mains shall produce a revenue equal to 5% of the cost during any 12 months continuous period, the City will reimburse the applicant the first cost of the project without interest.
- (b) Contract with Thomas F. Mains Corporation, for the installation of 1,275-ft. of water mains and two hydrants, in Green Oaks Lane, to serve Williamsburg Village Apartments, at an estimated cost of \$4,600.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the cost.
- (c) Supplementary Contract to contract dated April 2, 1962, with Hidden Valley Builders, Inc., for the installation of 4,550-ft. of water mains and two hydrants, in Hidden Valley Subdivision Section 6, at an estimated cost of \$13,100.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

CLAIM OF MISS CONSTANCE BIBERSTEIN FOR MEDICAL EXPENSES RESULTING FROM PERSONAL INJURY, DENIED.

Councilman Whittington moved that the claim of Miss Constance Biberstein, in the amount of \$20.00, for medical expenses incurred as a result of falling on the sidewalk near her home on September 10, 1962, be denied as recommended by the City Attorney. The motion was seconded by Councilman Bryant, and unanimously carried.

SETTLEMENT OF CLAIM OF MRS WALTER E. KOPITKE FOR MEDICAL EXPENSES RESULTING FROM PERSONAL INJURY, APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the settlement of claim of Mrs Walter E. Kopitke for medical expenses incurred as a result of an injury from falling on the sidewalk in the 100 block of West Trade Street, on July 21, 1962, was approved as recommended by the City Attorney.

SUBROGATION CLAIM OF ALLSTATE INSURANCE COMPANY FOR DAMAGES TO HOT WATER HEATER AND WASHING MACHINE OF GILBERT L. ROSSER, DENIED.

Councilman Thrower moved that the subrogation claim of Allstate Insurance Company for damages alleged to have been incurred to the hot water heater and washing machine of Mr. Gilbert L. Rosser on November 20, 1961, be denied, as recommended by the City Attorney. The motion was seconded by Councilman Whittington, and unanimously carried.

AGREEMENT AUTHORIZED WITH SOUTHERN RAILWAY COMPANY FOR RIGHT OF WAY FOR CONSTRUCTION OF SANITARY SEWER TRUNK ACROSS TRACKS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan

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and unanimously carried, authorizing an Agreement with the Southern Railway Company for right of way for the construction of an 8-inch sanitary sewer trunk across their tracks north of Mile Post 381, to serve a portion of Wilkinson Boulevard and surrounding area.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

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

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>DISTANCE</u>
Connecticut Avenue	175 ft. of Hillard Ave.	Cul-de-sac	720 ft.
Aycock Lane	Scaleybark Road	Southwest	610 ft.
Thera Drive	530 ft. SE of North-	150 ft. SE of	
	haven Dr.	Northaven Dr.	380 ft.
Woodleaf Road	Dunaire Dr.	140 ft. west of	
		Havenwood Dr.	1050 ft.
Bonneville Dr.	Dunaire Dr.	150 ft. west of	
		Havenwood Dr.	690 ft.
Dunaire Dr.	230 ft. N. Bonneville	130 ft. S of	
	Dr.	Woodleaf Road	970 ft.
Senior Dr.	Twinfield Dr.	I-85 Access Road	305 ft.
Twinfield Dr.	Senior Dr.	Kendall Dr.	630 ft.
Kendall Dr.	Twinfield Dr.	I-85 Access Road	970 ft.
Lewiston Ave.	End of paving	130 ft. Northeast	130 ft.
Lewiston Ave.	End of paving	200 ft. Southwest	200 ft.
Woodleaf Rd.	280 Ft. NW of	70 ft. W. of	
	Farmview Drive	Brookview Dr.	1100 ft.
Shady Bluff Dr.	340 ft. W. of Longbow	40 ft. S Charing	
	Dr.	Place	1370 ft.
Longbow Dr.	Shady Bluff Dr.	13 ft. N. Doncaster	
		Dr.	240 ft.
Circlewood Dr.	Shady Bluff Dr.	230 ft. W of Shady	
		Bluff Dr.	230 ft.
Green Oaks Lane	Briar Creek Road	30 ft. W. of East	
		Crest Dr.	1040 ft.
East Crest Dr.	Green Oaks Lane	770 ft. N of Green	
		Oaks Lane	770 ft.

ISSUANCE OF SPECIAL OFFICER PERMITS AUTHORIZED.

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

- (a) To Mr. Luke F. Quinn, 3612 Sudbury Road, for use on the premises of Southern Railway Company, C.D. Yard.
- (b) Renewal of permit to Mr. M. M. Hannah, 3009 Morson Street, for use on the premises of the City's Cemeteries.
- (c) Renewal of permit to Mr. Donald A. B. Yeargin, 1505 Downs Avenue, for use on the premises of the Southern Railway.
- (d) Renewal of permit to Mr. James C. Hart, 118 Martin Street, for use on the premises of Johnson C. Smith University.

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PAYMENT AUTHORIZED TO CLERK OF SUPERIOR COURT FOR SERVICES OF COMMISSIONERS AND ADDITIONAL AWARD TO EARL L. AVANT ET AL IN CONDEMNATION OF LOTS ON FAIRMONT STREET AND PATTON AVENUE.

Councilman Alba moved approval of the payment of \$2,950.00 to Mr. J. E. Stukes, Clerk of Superior Court, for the following cost in the condemnation suit against Earl L. Avant et al, relative to four lots on Fairmont Street and Patton Avenue:

Services rendered as Commissioners in the case of the City of Charlotte against Earl L. Avant et al	\$ 450.00
Additional amount awarded Avant et al by Commissioners	\$2,500.00

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

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed to Mr. H. L. Whitmore and wife Mary Blount, for Lot 384, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed to Mr. William T. Dye and wife Elizabeth for north half of Lot 106, Section D-Annex, Elmwood Cemetery, transferred by Mrs Sue A. Keever, at \$3.00 for transfer deed.
- (c) Deed to Mrs Sue A. Keever, for south half of Lot 106, Section D-Annex, Elmwood Cemetery, at \$3.00 for new deed.
- (d) Deed to Mrs Catherine C. Jenkins, for south half of Lot 171, Section Q, Elmwood Cemetery, transferred by Mrs D. R. Jacobs, at \$3.00 for transfer deed.
- (e) Deed to Mr Charles R. Mac Donald and wife, Jean Harrison, for Graves 1, 2 and 3, Lot 330, Section 2, Evergreen Cemetery, transferred by Mr. James MacDonald and wife Ethyl, at \$3.00 for transfer deed.
- (f) Deed to Mr. James MacDonald and wife Ethyl, for Graves 4, 5 and 6, Lot 330, Section 2, Evergreen Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED F. T. WILLIAMS COMPANY FOR SAND.

Councilman Thrower moved the award of contract to the low bidder, F. T. Williams Company, for 4,100 cubic yards of Sand, as specified, on a unit price basis, at their bid price of \$8,868.30. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

F. T. Williams Company	\$ 8,868.30
Max Shaw Sand & Stone Company	9,924.05
Charlotte Sand Company	10,451.93
Cochran & Ross Construction Co.	10,979.80

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR IMPROVEMENTS TO DALLAS AVENUE, TRESEVANT AVENUE AND TENNEYSON DRIVE.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Crowder Construction

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Company for street improvements on Dallas Avenue, from Kelly Street to Montague Avenue, on Tresevant Avenue from old 1949 city limits to Davenport Street, and on Tenneyson Drive, from Plainview Road west to dead end as specified, on a unit price basis, at their bid price of \$8,622.00.

The following bids were received:

Crowder Construction Company	\$ 8,622.00
Blythe Brothers Company	9,025.00
T. A. Sherrill Construction Co.	9,200.00
Rea Construction Company	9,799.00

CONTRACT AWARDED CYCLONE FENCE COMPANY FOR CHAIN LINK FENCE.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Cyclone Fence Company, for 900 feet of Chain Link Fence, as specified, at their bid price of \$2,169.00.

The following bids were received:

Cyclone Fence Company	\$ 2,169.00
Allison Fence Company	2,291.95
Anchor Fence Company	2,306.59
Allied Chain Link Fence Company	2,587.88

CONSIDERATION OF APPOINTMENT TO FILL VACANCY ON REDEVELOPMENT COMMISSION DEFERRED ONE WEEK.

Councilman Albea nominated Mr. Wiley S. Obershain to succeed himself on the Redevelopment Commission for a term of five years. Councilman Albea advised Mr. Obershain is serving an unexpired term and has not served a full term and his information is that he has made an outstanding member on the Commission. The motion was seconded by Councilman Smith.

Councilman Dellinger called attention that these nominations are usually keep open for one week and he would like this one handled in the same manner.

Councilman Whittington offered a substitute motion that consideration of the appointment be postponed for one week. The motion was seconded by Councilman Dellinger, and unanimously carried.

PORTION OF FIRE STATION NO. 6 PROPERTY AUTHORIZED FOR SALE.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, a portion of Fire Station No. 6 property, consisting of 642 square feet, was authorized advertised for sale at a beginning price of \$500.00.

RIGHT OF WAY SETTLEMENTS FOR KENILWORTH AVENUE EXTENSION PROJECT AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, settlement for the following parcels of land acquired as right of way for the Kenilworth Avenue Extension Project, was approved:

- (1) Payment of \$11,500 to Mamie R. Thomas, 1320 Ordermore Avenue, for 9,900 square feet of property.
- (2) Payment of \$1,500.00 to Mary J. Kerhulas, 123 Harding Place, for 724 square feet of property.
- (3) Payment of \$1,060.00 to Mae Green Lands, 1301 Harding Place, for 677.84 square feet of property.
- (4) Payment of \$270.00 to John Walter Patterson and wife, Ola Warren Patterson, for 300 square feet of property.
- (5) Payment of \$220.00 to Nelson P. Lyles and wife, Janie B. Lyles, for 300 square feet of property.

RESOLUTION ESTABLISHING SETBACK LINES ON SOUTH TRYON STREET BETWEEN INDEPENDENCE BOULEVARD AND WEST MOREHEAD STREET, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, a Resolution Establishing Setback Lines on South Tryon Street, between Independence Boulevard and West Morehead Street, was adopted. Councilman Dellinger stated he is reluctantly voting in the affirmative on this but he believes Council from now on should take a good look at these main thoroughfares before allowing setback lines to be closed at the present right of way. The resolution is recorded in full in Resolutions Book 4, at Page 227.

IMPROVEMENTS TO RUNNYMEDE LANE, BETWEEN BARKLEY DOWNS DRIVE AND SHARON ROAD AND EXPENDITURE OF FUNDS FROM CONTINGENCY ACCOUNT FOR STONE BASE AUTHORIZED PROVIDED OWNERS ON BOTH SIDES OF STREET FROM SHARON ROAD TO ROCKBROOK SUBDIVISION INSTALL THE NECESSARY CURB AND GUTTER.

Councilman Bryant moved approval of improvements to Runnymede Lane, between Barkley Downs Drive and Sharon Road and the expenditure of \$4,800.00 from the Contingency Fund for stone base, provided the owners on both sides of the street from Sharon Road to Rockbrook Subdivision install the necessary curb and gutter. The motion was seconded by Councilman Smith, and unanimously carried.

CITY ATTORNEY ADVISES IN ABSENCE OF ANY ACTION BY COUNCIL, THE BLUE LAWS MATTER WILL BE PURSUED TO AN ULTIMATE CONCLUSION BY SUPREME COURT.

Councilman Bryant asked for clarification if Council needs to authorize Mr. Morrisey to pursue the Blue Law matter through further Court Action? At the Mayor's request Mr Morrisey replied, stating in the absence of any action by the Council, the matter would be pursued to an ultimate conclusion by the Supreme Court.

COST ESTIMATE REQUESTED FOR CONSTRUCTION OF SIDEWALKS AND CURB AND GUTTER ON WHITING AVENUE FROM 35TH STREET TO BEYOND CHURCH ON WHITING AVENUE.

Councilman Dellinger reported a request by residents of Whiting Avenue for sidewalks and curb and gutter from 35th Street to a point beyond the church on Whiting Avenue, and he requested that the City Manager instruct the Engineering Department to bring in a cost estimate of this work.

DISCUSSION OF NEEDS FOR LONG RANGE PLANNING TO MEET CITY AND COUNTY WATER AND SEWER NEEDS.

Councilman Dellinger stated he noticed that the Mayor and City Manager had

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met with Department heads regarding the water situation in case of a national emergency, and he finds there are a number of people concerned about this question and he has been asked if Council has anticipated digging any city wells. He asked if we have plenty of water or if there is any point in digging wells? Mayor Brookshire stated that Mr. Franklin, Superintendent of the Water Department, pointed out that in the event there is fall-out here the water supply would be cut off from the Catawba River, as it would become immediately contaminated and we would have between 22 and 25 millions of gallons of water in the system, which would be contamination free and beyond that as far as the acquisition of water is concerned we would have to rely on wells, perhaps out in the county, and transport the water into town.

Councilman Dellinger asked if it would be practicable for the City to start digging some wells at some future date and if other cities are doing so? Mr. Veeder stated he knows of none who have done so for this purpose; that he would venture there are a number of private wells in operation in Charlotte now, and we have them identified in geological survey reports.

Councilman Dellinger asked if we could not explore this further and give the public some idea what we might do in case of an emergency to find water that is not contaminated, and Mr. Veeder replied that we can do so.

He stated further that he recently heard a comprehensive report by Mr. Herbert Wayne's Chamber of Commerce Committee on the subject of the need for better planning to meet the water and sewer needs for the city and county and he thinks this question is of great importance and we should start making some study in the direction of the consolidation to bring these things into focus and if necessary to ask the Legislature to pass permissive legislation, if we do not already have it, to proceed with this. He stated it will not only be a case of consolidation, but cooperation by private industry and joint planning by the city and county governments. He asked the Mayor if he has any ideas as to what action might be taken?

Mayor Brookshire advised that he has discussed it with the City Manager and they agree that the sewage is the chief problem, water can be more easily pumped to remote locations than sewage. He asked the City Manager to discuss the long range survey that was completed a couple of years ago on sewage requirements.

Mr. Veeder advised that basically with the beginning of work on the plant at Pineville, it is known where sewage can be treated for about two-thirds of the county, which was part of the survey made by J. N. Pease & Company, and by gravity flow we can treat the majority of the county, including Charlotte for many decades to come; that the problem will not be one of plant construction but primarily one of building outfalls to get to the point where we can tie into them to provide service at the new plant site, which will require a cooperative approach between the City and County; that legislation to accomplish this exists at present, having been passed by the last session of Legislature. He stated in a large measure this is going to have to be a joint endeavor, the City has been doing a very creditable job on extending sewer facilities, and there are water facilities within the city limits.

Mayor Brookshire stated long range planning on the subject will certainly be given much thought and he does not think there are any complete, ready answers at this time to the questions raised by Councilman Dellinger, and it is going to mean cooperation between the city and county governments.

Councilman Bryant stated he would like to see the city and county start meeting jointly to discuss these matters or at least a Committee as we do not have meetings with the county scheduled on a regular basis.

Mr. Morrissey stated it would seem to him the Council would need to find out where they are going before planning any particular legislation. Councilman Dellinger stated he understood Mr. Veeder to say the last legislature passed such measures, and Mr. Veeder stated that is correct, they made it possible for cities and counties to cooperate on these types of things but it may or may not be adequate for our joint program, and if not, then serious thought should be given to that which will be adequate.

Mayor Brookshire stated the Chamber of Commerce report made to Council also suggested that a professional study be involved that would anticipate joint city-county needs for water and sewer needs for 25 years, and that brings up the question of the kind of survey and who pays for it, and as soon as possible we should confer with the County Commissioners and discuss these things.

DISCUSSION OF DREDGING OF BRIAR AND SUGAW CREEKS PROJECT AND MEETING REQUESTED WITH COUNTY COMMISSIONERS TO ADVISE THEM OF INCREASE IN AMOUNT OF FEDERAL PARTICIPATION IN THE PROJECT.

The City Manager referred to the memorandum sent Council last week regarding the Dredging of Briar and Sugaw Creeks, in which he advised the preliminary survey cost by the Corps of Engineers indicated the cost of the project at between \$800,000 and \$1,000,000, and federal participation in the project was limited to \$400,000. That a representative of the Corps of Engineers advised him last week the federal participation could now be increased. Now local interests would be responsible for costs of rights of way, bridges and utility relocations and the preliminary cost estimate of these items was \$170,000. He also pointed out in his memorandum that he was advised the County Commissioners informed the Corps of Engineers a few months ago they did not wish to proceed with the project under the old law. However, if the recent change increasing the amount of federal participation has a relationship to a local decision on the project, the Corps of Engineers should be notified at an early date.

Mr. Veeder stated he understands the County's action on this took place last month and when he was advised by Mr. Southworth of the Corps of Engineers last week of the change in the federal participation of the project from a maximum of \$400,000 to a maximum of \$1,000,000 it automatically changed the complexion of the problem and could have an influence on some of the thinking that has gone out on it. That he thinks these changes should be reviewed with the County Commissioners to see if it affects their decision.

Councilman Dellinger asked the Mayor if, after tomorrow's election, he will set up a meeting with the County Commissioners to see if they will now be interested in the project?

Mayor Brookshire stated he will do so, and maybe we should pursue further whether the County Commissioners should deal with the Corps of Engineers on this or if the City could do it, since the project was first made to the County. Mr. Veeder commented that a good portion of the project, of necessity is outside the city limits, and this may have some bearing on who deals with the Corps of Engineers.

Councilman Smith stated he feels the Engineering Department should be emphasized, rather than the Planning Commission because we had a rather negative approach about whether people would pay for it or not, and this relieves that complexion somewhat with \$170,000 to be divided.

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REQUEST FOR INSTALLATION OF TRAFFIC SIGNAL AT US 29 AND EASTWAY DRIVE.

Councilman Smith advised there is a definite need for a Traffic Signal at Eastway Drive and US 29, as a large number of traffic coming into Charlotte on #29 turns off into Eastway Drive and traffic continues in both direction and it is very dangerous, and there have been several bad wrecks.

ENGINEERING DEPARTMENT REQUESTED TO CHECK QUEENS ROAD AT QUEENS TOWERS TOWARD CORRECTING WRONG BANKING OF CURVE.

Councilman Smith called attention to the curve on Queens Road at Queens Towers being banked the wrong way which was established following an accident there last week. He advised he understands there have been several wrecks at this location. He requested that the Engineering Department check the street and see if the curve cannot be corrected.

PROGRESS REPORT ON REAL ESTATE INVENTORY MADE BY COUNCILMAN JORDAN.

Councilman Jordan submitted the following report from the City Engineer on the progress of the Real Estate Inventory:

Last spring your committee recommended that steps be taken to inventory and catalogue all publicly owned property in Mecklenburg County. On May 7, 1962, the City Council authorized the Right of Way Division of the Engineering Department to employ a clerk to work under the supervision of the Right of Way Agent while compiling the property inventory. We were fortunate enough to obtain the services of Miss Carolyn Ann Byrnes, who had valuable previous experience in deed work and also in plat and surveying work, and she began the inventory on June 16, 1962.

We are pleased to report that the inventory is proceeding satisfactorily and at the present time is approximately 25% complete. Properties on which inventory has been completed may be itemized as follows:

1. Charlotte-Mecklenburg Board of Education - This property has been completed researched and catalogued. This required a record search through more than 400 individual parcels ranging from small fractional residuals to tracts of several acres. These parcels combine to form 107 school sites, plus a tract of land between Independence Boulevard and Commonwealth Avenue, and 8 other separated individual lots.
2. Zone I of the City of Charlotte - The city is divided into four quadrants with Zone I bounded by North Tryon Street and East Trade Street. More than 150 parcels of land were searched in order to verify and catalogue the total of 77 tracts of publicly owned land in Zone I, in addition to the property owned by the Board of Education.

The remaining public property to be inventoried is located in Zones II, III, and IV; and those parcels of property situated outside the City Limits. New valuations will be added to all parcels as soon as this information is available from the County Tax Office.

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The inventory sheet which was originally designed to record all vital information has been found to be quite adequate, requiring only minor modifications in order to be complete. Additional space will be provided to indicate the existence of any encroachments such as rights of way for utilities.

Continued good progress is expected to be maintained in this important work, and we estimate completion of the entire project by the end of the calendar year 1963. We will be pleased to provide more detailed information regarding public properties as this information becomes available.

INQUIRY REGARDING COURT CASE REGARDING OPERATION OF ICE CREAM TRUCKS.

Councilman Albea asked the City Attorney if the case regarding the operation of Ice Cream Trucks has been settled by the Supreme Court, and Mr. Morrissey advised the arguments were held on the case but the decision has not come back as yet.

CONNECTION OF PROPERTY AT FAIRVIEW ROAD AND PARK ROAD TO CITY'S SANITARY SEWERAGE SYSTEM AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, Younts Realty & Insurance Corp. was authorized to connect property located outside the city limits at the intersection of Fairview and Park Roads to the City's Sanitary Sewerage System.

CITY MANAGER AUTHORIZED TO SELECT REALTOR FROM LIST TO ASSIST IN ACQUIRING 90 PARCELS OF SANITARY SEWER RIGHTS OF WAY.

The City Manager advised that because of the work load on the City's Right of Way Agent because of the Kenilworth Avenue project, he is requesting Council to authorize the retention of an assistant to help in acquiring some 90 parcels of sanitary sewer rights of way, on three major projects upcoming for sewers, in order that these easements be acquired within a reasonable time schedule. He advised he knows of some individuals who are available and have competently performed this type of service for the city previously, and he asked that Council consider either Mr. Allen Davis or Mr. Ralph Booth, or someone else whom the Council may know. Councilman Dellinger suggested that Mr. R. M. Webb might also be considered.

Councilman Whittington moved that Mr. Allen Davis, Mr. Ralph Booth and Mr. R. M. Webb be considered and it be left up to the City Manager which one of the three to select for this work. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT ON PROJECT 8.16597- MOREHEAD STREET, WITH THE STATE HIGHWAY COMMISSION TO PROVIDE FOR TRAFFIC OPERATING CONTROLS.

A resolution entitled: "Resolution Approving a Supplemental Agreement on Project 8.16597- Morehead Street, with the State Highway Commission to Provide for Traffic Operating Controls" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Whittington, was unanimously adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 228.

SUBJECT

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RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT ON PROJECT 8.16564- TRADE STREET, WITH THE STATE HIGHWAY COMMISSION TO PROVIDE FOR TRAFFIC OPERATING CONTROLS.

A resolution entitled: "Resolution Approving a Supplemental Agreement on Project 8.16564- Trade Street, with the State Highway Commission to provide for Traffic Operating Controls" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 229.

FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR USE IN SIDEWALK REPLACEMENT PROJECT IN DOWNTOWN AREA.

The City Manager advised that in the Sidewalk Replacement Project in the Downtown Area he asked last September that \$8,706.00 be provided for work on which we had approval from the abutting property owners. At that time he advised there were five property owners who had not indicated their willingness to cooperate in the project; since then each of the five has cooperated to the extent that \$940.00 is now needed to pay off the contractor over and above that which Council has provided. He advised this will finish the work in the Downtown Area, and with this \$940.00 we will have spent a total of \$49,713.00 on the Downtown Sidewalk project.

Councilman Albea moved that \$940.00 be appropriated from the Contingency Account for this purpose. The motion was seconded by Councilman Bryant, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk