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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, October 1, 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 the Reverend H. Gordan Weekley, Pastor, Providence Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on September 24, 1962 were approved as submitted.

ORDINANCE NO. 128 AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CODE OF THE CITY OF CHARLOTTE, ENTITLED: SUNDAY OBSERVANCE.

Mr. William Webb, Attorney representing Budget Rent-A-Car of the Carolinas, Inc., located at West 6th and North Tryon Street, advised that the Sunday Observance Ordinance adopted September 24, 1962, provides for the operation of "trucks" on Sunday; however, his client is in the business of renting autos at the present time and anticipates that it will be renting trucks, and he thinks it was an oversight in the drafting of the Ordinance to omit "automobiles" as it is relatively unheard of in a city of this size not to have rental autos available on Sunday; that many of their cars are returned by commercial people who have visited in Charlotte in the middle of the week and rented cars and bring them back on Sunday. Therefore, they strongly urge that Council adopt an Amendment to the Ordinance which would include the operation of the rental of automobiles. He advised he has discussed the matter with the City Attorney and has prepared the following proposed Amendment:

Ordinance Amending Chapter 13, Article IV,
Section 13-56 of the Code of the City of
Charlotte, Entitled: Sunday Observance.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Section 13-56 (as adopted September 24, 1962), Article IV, of Chapter 13 of the Code of the City of Charlotte is hereby amended by deleting the word "trucks" therefrom and substituting therefor: "Public and private hauling and the rental of vehicles therefor and the rental of automobiles;"

Section 2. This Ordinance shall become effective October 1, 1962.

At the request of the Mayor, Mr. Morrissey advised if Council approves of adding this amendment to the ordinance he thinks it would be perfectly appropriate.

Councilman Dellinger advised that the Ordinance presently prohibits people who are in the business from doing service on a car. Mr. Morrissey stated this is a misconception which perhaps he should explain. That the words "emergency repair service" was struck out of the ordinance. That it is practically impossible to determine what is an emergency repair service and therefore that is the principal reason for recommending that those words be deleted from the ordinance. That he does not construe the ordinance as written to prohibit the making of emergency repairs or rendering of emergency service, since he does not think that a single act, as such, would constitute the conducting or carrying on of the operation of a business on a Sunday.

Councilman Dellinger asked if the Ordinance does prohibit opening of a garage on Sunday? Mr. Morrissey replied that it does. Councilman Dellinger then asked how a situation like that was going to be policed, if a man keeps his place opened for emergency work what will keep him from working on other cars he has on hand? Mr. Morrissey advised whenever the word "emergency" is used in an ordinance of this type, each case has to stand on its own, as it is impossible to write anything that would cover the whole subject.

Councilman Dellinger stated he has been asked about this by Garage Owners and just wants a clarification of the ordinance and still does not see how it can be successfully policed.

Councilman Bryant stated he is in sympathy with Mr Webb's request and would like to recommend it, however, he is wondering if without any undue hardship on him that before Council begins amending the Sunday Ordinance if we should see what other reactions are forthcoming, and have one amendment to cover everything that may be approved.

Councilman Albea stated he does not see anything wrong with this amendment but is wondering if it will be a good policy to amend it every time anyone comes down and wants it changed.

Mr. Webb stated the word "truck" is going to have to be modified and it will work a hardship on his clients if this has to go on uncorrected while Council awaits for other amendments.

Councilman Jordan stated he thinks each case should be taken on its own merit as they come up, and he moved that the Proposed Amendment be adopted as requested. The motion was seconded by Councilman Bryant.

Councilman Albea stated he will vote for the motion but wants it understood that he is not promising to favor every request that is presented.

Councilman Thrower stated he would like to know how it is going to be established what is or is not a legitimate case?

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

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

The ordinance is recorded in full in Ordinance Book 13, at Page 361.

CITY COUNCIL TO VIEW MEDIAN STRIP IN WILKINSON BOULEVARD AT REQUEST OF DELEGATION OF MERCHANTS LOCATED ON THE BOULEVARD REGISTERING COMPLAINTS AS TO THE LACK OF SUFFICIENT OPENINGS IN THE MEDIAN.

Mr. Pender Durham, representing a Group of Business Men located on Wilkinson Boulevard, presented the following statement:

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"We appreciate your honoring us with an opportunity to appear before you and present our views in regard to the recent construction of a median in Wilkinson Boulevard.

We are advised that the median in question was placed in the center of Wilkinson Boulevard to promote public safety and to speed up the flow of traffic. Be assured that we agree with this line of thought and hope the median will accomplish this purpose. We do, however, feel that the median should have more openings in it if certain businesses along the boulevard are to continue operations.

The median, for all practical purposes, prevents access to our businesses. As a result of said prevention of access, many have experienced tremendous financial loss. Certainly, and we believe you will agree, this is unjust and steps should be taken to remedy the situation.

There are some people who contend that sufficient openings have been placed in the median at MAJOR INTERSECTIONS. Gentlemen, this is not true.

We sincerely request that the Council as a whole, or in part, will inspect newly revamped Wilkinson Boulevard. You will find situations wherein it is practically impossible for the public to gain access to certain businesses unless they drive several blocks out of their way. You will further discover that openings in the median have been provided for private businesses and seldom-traveled roads.

Our main purpose today is to impress upon you the seriousness of this complex problem. Time will not allow us to present you with every detail concerning individual businesses. For this reason, it is hoped that you will hear our appeal by appointing a committee from the Council to investigate this prevailing injustice. After your investigation, we believe you will agree that more openings are needed in the median.

Should you see fit to appoint such a committee, we will be most happy to provide you with sufficient information, including access to our books, to prove our contentions.

Business and government must work together, for without one the other could not survive. With this in mind we solicit your help. We do not ask that we be granted favors, but that we receive equal consideration in this matter."

Mr. Durham also presented the following Petition addressed to Mr. Hoose, Traffic Engineer:

"The undersigned, inhabitants of the said City of Charlotte, County of Mecklenburg, and State of North Carolina, liable to be assessed for highway taxes therein, hereby apply to you to provide an opening in the median located on Wilkinson Boulevard and fronting Monument Street. It is realized that a highway department may maintain said medians for the safety and welfare of the public; however, that portion of said median sought to be discontinued operates to hinder, obstruct, and prevent travel on Monument Street to the extent that it creates an unreasonable inconvenience to (1) the residents and landowners of Monument Street, (2) the members of Camp Green Presbyterian Church, and (3) businesses and their employees in said area.

It should be noted that the church members, residents and businesses affected by the median have to travel a distance of approximately one-half of a mile in order to gain access to their property.

Now, therefore, the undersigned respectfully submit their petition for your careful consideration and it is sincerely hoped that the prevailing injustice will be remedied.

For description purposes, reference is made to the master map of the City of Charlotte, which map shows plan of highways."

Mr. Durham cited as an example Mr. Pete Politis, owner of Town & Country Restaurant located between Berryhill Road and Remount Road, who since the construction of the median is losing \$1,200.00 per day. He stated he should not be subjected to this when it would be very easy to place an opening in this section of the median, as there is no opening from Berryhill Road to Remount Road, a distance of some 4 or 5 blocks, and the only way people can come back to his Restaurant is to go down another 3 or 4 blocks at Remount Road. Also, Mr. N. G. McGuirt, who operates a Service Station at this corner is having trouble with the traveling public using his Station as a thoroughfare backing up to turn around. He stated these people's businesses are suffering, that they pay taxes and deserve better and they request that a Committee of the Council or the Council come out and look the situation over and help them. Mr. Durham stated they agree that the median should remain and they do not feel that the Business People along the Boulevard were intended to be discriminated against, but they cannot afford to lose business daily as they are doing, when a few openings in the median would solve the problem and not hinder traffic too much. He asked that some of the Business Men on Wilkinson Boulevard who are present be allowed to speak.

Mr. G. G. Pauls, advised that he has business investments on both sides of the block between Berryhill and Remount Roads, and they have been trying to push them right and left about the median, and they are depending on the Council to do something about it, and they are depending on the Council whom they voted for. That the Highway Department sneaked the median in at night without the business owners knowing anything about it. That he has been a resident of Charlotte for 35 years and obeys the laws, and is now asking for help for the first time.

Mayor Brookshire advised Mr. Paul that the specifications for the widening of Wilkinson Boulevard were prepared by the State and there was a public hearing on the plans prior to the time construction started, so it was not a case really of the State sneaking the median in at night, as Mr. Paul states. Mr. Paul stated he knew nothing about this, that he did not receive any letter or notice from the State nor anyone, that the median just appeared in the street.

Mr. Spec Simpson, owner of Catalina Motor Lodge, stated the median has really hurt him, that people who have been coming to his Lodge for years are now hitting their cars, smashing the front of them and manyphoning him that they are on out farther on the Boulevard as they couldn't get in his place. That they just will not go on by and turn around and come back. He urged that Council come out and see what they are up against.

Mr. Chris Petsecolis, owner of Driftwood Restaurant, stated he has put all of his money in this place of business and he is losing money every day because of the lack of proper turns in the median, and they are fighting for their lives, and urge Council to do something for them.

Mr. N. G. McGuirt, owner and operator of Mack Shell Service at the corner of Wilkinson Boulevard and Remount Road, where he has been in business for 7 years and enjoying good business but since the median was installed his business has decreased very much. That he thinks something should be done and he asked Council to come out and look the situation over. That General Dyes Company is located in the middle of the block and their 25 trucks are having a time making a turn to make their pickups, that they cannot make a U-turn at the Signal. That the situation is that you make your left turn with the light and the only way to get back on the Boulevard is either using D. W. Flowe's driveway or using Mr. McGuirt's, and it is creating a hazard.

Councilman Jordan moved that the City Manager make arrangements for a chartered bus as soon as possible to take the entire Council out to look at the situation and also to notify these people so they can have someone to accompany them. The motion was seconded by Councilman Smith.

Mayor Brookshire asked that Mr. Hoose, Traffic Engineer, be heard before the vote is taken on the motion.

Mr. Hoose advised that this is a State-Federal project and a public hearing was held and the median was explained. That the section between Remount and Berryhill Roads is approximately 1100 feet. That the petition with reference to the opening of Monument Street, which his office received, was discussed with the gentlemen. That it was a question of getting into and out of Monument Street, and he told him he would be glad to look the situation over and they took some studies. He stated he would like to bring the Council up-to-date on some of the facts that they did secure which were turned over to the Highway Department prior to the widening of the Boulevard. That a section from Morehead Street to Ashley Road, in 1952 and 1959 there were 404 accidents, 156 collisions caused by stops for traffic into driveways making left turn movements, there were 27 accidents caused by drivers leaving driveways and making left turns into or out of Wilkinson Boulevard. That since this section was taken into the city limits, which is from Morehead Street to Mulberry Church Road, 132 accidents have occurred from 1960 to July, 1961, and 60 rear end collisions caused by traffic entering driveways and making left turns, and 15 accidents caused from drivers leaving driveways. That prior to the time the median was constructed on Independence Boulevard from Stonewall Street to the Coliseum, there were 234 accidents during a 6-month period, that since the divider was constructed there have been only 10 accidents rear-end collisions for cars to turn into driveways only. That one of the highest accident locations is at McDowell and Independence, and in a 2½ year period there were 101 accidents, and in the past 6 months there have been only 2, and at Hawthorne Lane and Independence in a 2½ year period there were 263 accidents and in the last 6 months there have been only 3, so we have actually eliminated 224 accidents on a stretch from Stonewall Street to the Coliseum since the construction of the median.

Mr. Hoose presented a map of Wilkinson Boulevard and explained in detail the left turn slots in the median and the difficulty of placing others. He stated they feel that the median as constructed will serve the purpose for which it was constructed, the prevention of accidents and smooth movement. That there is access to properties at Berryhill and Remount as far as traffic in and out. That they feel this is a step forward, that there are 6 lanes of moving traffic, and additional slots for left turns, and they feel it is an engineering feat as far as traffic safety is concerned. That he feels the area from Remount to Berryhill should remain as it is.

Councilman Whittington asked Mr. Hoose if there is any way he can help Mr. McGuirt? Mr. Hoose stated he thinks that should be handled by the Company, as the Truck Ordinance provides that the Companies must plot their own routes, and this is just a case of not so doing. He stated that Remount Road is a truck route.

Mayor Brookshire asked Mr. Hoose if he is saying that any alterations of the median as installed would lessen the safety factors? Mr. Hoose replied definitely so.

Councilman Smith asked about Mr. Simpson's situation at Catalina Motor Lodge, and Mr. Hoose replied there is a driveway entrance off Berryhill Road into Catalina. Councilman Smith stated that is alright if you know it is there and Mr. Hoose stated that is true all over the country, you look for entrances into Motels, you know there is one somewhere.

Councilman Dellinger asked if the City were to open Rosemont, then would Mr. Hoose have to open the lane on the highway? Mr. Hoose stated he could not answer that, that as Rosemont is not under city maintenance, it is considered

by the State as an alley to serve the warehouse. Mr. Funderburk stated there are 5 businesses on the street and 4 residences and the people have maintained the street, the State would do nothing saying it would be taken into the City and then when it was brought in nothing was done to the street; however, they have petitions signed by all of the property owners to grant 5 more feet on each side to make it a 50-foot street. Councilman Dellinger asked what position that would put the Council in, we have a policy and these people agree to abide by our street policy and then they cannot get entrance to the highway? Mr. Veeder stated the decision would be up to the State and not the City, but he would think they would be hard pushed not to put a break in the median if a new intersection is created.

Mr. Durham stated there are several streets along there, one being Forestal, that are dirt streets, and there is an opening just 32 paces from this street entrance. That he went to Raleigh and talked with Mr. McGowan, Asst. Chief Division Engineer, who stated where there is a dead-end street there is more need for an opening than at other streets, because these people have no other way to get into the street.

Mayor Brookshire said to Mr. Durham that he was out of town over the weekend but he notes from the newspapers that the request of these Business Men was made to the Governor, and he in turn referred them to Mr. Evans, Chairman of the Highway Commission, who in turn referred it to General Younts, who made the statement that for safety and other reasons he thinks the median should remain as constructed but would be glad to talk with each of you individually who had a complaint. He asked if they are availing themselves of that opportunity to see General Younts? Mr. Durham replied when he was first involved, he contacted Mr. Younts who said he realized the median constituted a hardship, which he did not intend for it to do, but thought it should remain and he knew of nothing that could change it. So, in turn, since these people are hurting, they decided to come to the Council, since we did not receive the satisfaction we think we should from the State.

Mayor Brookshire asked how many openings within this 1,100 feet area are being requested? Mr. Durham stated just one, and the reason that the opening at Monument Street is requested is because Mr. McGowan stated there would not be openings provided for any business. However, the South 29 Drive-in Theatre has secured a left opening since then from the State.

Councilman Thrower stated he went out there a month ago and talked with Mr. Polites and he showed him his books, and his business is off just exactly one-half since the median went in and he cannot continue and will have to close his restaurant or get an opening in the median. Mayor Brookshire asked if an opening at Monument Street would help Mr. Polites and Councilman Thrower stated it would.

Mr. Joe Withrow stated in regard to the left turns, Mr. Hoose stated there would be no left turns except where there are left turn lanes. If you come out and go on Wilkinson Boulevard then you can cut in the opening at Monument Street and do not put in a left turn lane, you can't turn left even then, and it would help no one. People who come out to do business are so confused they don't know where to go.

Following the discussion, a vote was taken on the motion and unanimously carried.

Mayor Brookshire told the delegation that they would be out to see the situation.

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PAYMENT AUTHORIZED TO U. S. DEPARTMENT OF INTERIOR FOR CITY'S SHARE OF COST OF GEOLOGICAL SURVEY OF WATER RESOURCES OF THE CHARLOTTE AREA.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, payment was authorized to the U. S. Department of the Interior for the City's share of the geological survey of water resources of the Charlotte area, in the amount of \$6,750.00 to be charged to the Engineering Department Budget as follows: \$5,000 to Budget Account Code 622.18 Sewer Fund, \$1,350 to Budget Account Code 512.25 General Fund and \$400 to Budget Account Code 512.33 General Fund.

PAYMENT OF CLAIM OF CHARLOTTE AUTO PARTS COMPANY.

Councilman Whittington moved approval of the payment of the claim of Charlotte Auto Parts Company, in the amount of \$180.89 representing the cost of four boxes of gaskets picked up and destroyed in error by a City Garbage Collector from the Company's Sbre at 215 East Worthington Avenue on August 14, 1962. The motion was seconded by Councilman Albea, and carried by the following recorded vote:

YEAS: Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington.
NAYS: None.

Councilman Dellinger abstained from voting for personal reasons.

PURCHASE OF PRIVATE SANITARY SEWER LINES FROM W. REID HUDSON.

Motion was made by Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, authorizing the purchase of 1,504 lineal feet of private sanitary sewer lines from Mr. W. Reid Hudson in Ruskin Drive and Darwin Circle at a cost of \$3,086.57, under contract dated May 27, 1953 providing for the purchase of the lines by the City.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the construction of sanitary sewer lines and trunk, inside the city limits, was authorized as follows:

- (a) Construction of 2,185-ft. of 10-inch trunk and 8-inch sewer lines in Lantana Avenue, at the request of the City Engineer, at an estimated cost of \$7,345.00. The City to bear all costs.
- (b) Construction of 100-ft. of sewer lines in Wellingford Street, at the request of Nance-Trotter Builders, Inc., at an estimated cost of \$410.00. All cost to be borne by the Applicant, whose deposit of the full amount will be refunded as per terms of the agreement.
- (c) Construction of 620-ft. of 8-inch sewer lines from Ellenwood Place to the Ethelinda C. Bland property, at the request of Howell Theatres, Inc. and Ethelinda C. Bland, at an estimated cost of \$2,210.00. All costs to be borne by the applicants whose deposits of the full amount will be refunded as per terms of the agreement.

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ISSUANCE OF SPECIAL OFFICER PERMIT AUTHORIZED TO JOHN T. KESLER ON PREMISES OF PERFECTING SERVICE COMPANY.

Councilman Whittington moved approval of the issuance of a Special Officer Permit to Mr. John T. Kesler, 236 Victoria Avenue, for use on the premises of Perfecting Service Company. The motion was seconded by Councilman Thrower, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with Mrs Mildred C. Spearman for Lot 80, Section 3, Evergreen Cemetery, at \$600.00. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED EUREKA FIRE HOSE DIVISION, U. S. RUBBER COMPANY, FOR FIRE HOSE.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, Eureka Fire Hose Division, U. S. Rubber Company, for 12,000 feet of dacron and cotton, double-jacket, rubber-lined Fire Hose, as specified, on a unit price basis, at their bid price of \$9,827.30.

The following bids were received:

Base Bid - On Cotton, Double-Jacket, Rubber-lined Fire Hose.

Blaze Guard Mfg. Co.	\$10,004.77
Goodall Rubber Company, Inc.	11,619.84
The Fyr-Fyter Company	12,079.60
Dillon Supply Company	12,079.60
American LaFrance	12,844.10

Alternate Bid - on Dacron and Cotton, Double-Jacket, Rubber-Lined Fire Hose.

Eureka Fire Hose Div.	
U. S. Rubber Co.	\$ 9,827.30
Blaze Guard Mfg. Co.	9,955.00
Boston Woven Hose & Rubber Div.	9,985.80
Southern Rubber Co., Inc.	10,170.70
Fabric Fire Hose Company	10,669.20
The Fyr-Fyter Company	11,317.05
Dillon Supply Company	11,317.05
Goodall Rubber Co., Inc.	11,731.76

FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR INSTALLATION OF TRAFFIC SIGNAL AT ALLEGHANY STREET AND ASHLEY ROAD.

Councilman Whittington moved approval of the installation of a Traffic Signal at Alleghany Street and Ashley Road and that \$1,800.00 be appropriated from the Contingency Fund to cover the cost of the installation. The motion was seconded by Councilman Dellinger, and unanimously carried.

R. C. HICKS AND GRADY SPARROW APPROVED FOR REAPPOINTMENT BY CITY MANAGER TO THE BUILDING STANDARDS BOARD.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, Mr. R. C. Hicks and Mr. Grady Sparrow were approved for reappointment by the City Manager to the Building Standards Board for terms of three years to expire on September 1, 1965.

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE, DATED MARCH 29, 1961.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, An Amendment to the Agreement between the City of Charlotte, North Carolina and the Redevelopment Commission of the City of Charlotte, dated March 29, 1961, was adopted, by which it was agreed that the City's obligation thereunder to make cash grants-in-aid shall be restricted and limited to cash from non-tax funds.

FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR CONSTRUCTION OF PEDESTRIAN WALKWAY UNDER SEABOARD AIRLINE RAILROAD ON OLD MONROE ROAD.

Councilman Jordan moved that \$3,000 be appropriated from the Contingency Fund for the construction of a pedestrian walkway under the Seaboard Airline Railroad on Old Monroe Road. The motion was seconded by Councilman Albea, and unanimously carried.

PERSONNEL CHANGES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the following Personnel Changes were approved:

Position Incumbent	New Title	Bi-Weekly Salary	Range	Step	Effective Date
<u>Health Department</u>					
Samuel C. Rich	Sanitarian Supervisor	273.50	Merit System		7-1-62
<u>Traffic Engineering</u>					
F. A. Chastain	Equipment Operator I	132.00	10	B	10-1-62
R. C. Doster	Equipment Operator I	132.00	10	B	10-1-62
R. L. Doster	Equipment Operator I	132.00	10	B	10-1-62
R. N. Helms	Equipment Operator I	132.00	10	B	10-1-62

MEETING RECESSED FOR FIVE MINUTES.

Mayor Brookshire declared a five minute recess at 4:15 P.M.

MEETING RECONVENED.

Meeting was reconvened at 4:20 P.M. and called to order by the Mayor.

FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR USE IN MYERS PARK MANOR SUB-DIVISION TO DIVERT RUNOFF WATER INTO SUGAW CREEK.

Mr. Wiley Shaw and Mr. William McDonald were present in connection with the request of the residents of the Myers Park Manor area on August 13th for some relief from the upland flood waters draining onto and flooding their property at the level of the area.

Mayor Brookshire advised that two Plans have been developed by the City Manager and City Engineer and discussed by the Council and that Mr. Josh Birmingham of the City Engineering Department will present maps of the area and explain the proposed Plans. Mr. Birmingham advised that Plan # 1 is designed to take 60% of the upland drainage down Tranquil Avenue thus eliminating about 33 acres of water from coming down through Myers Park Manor Subdivision, and Plan #2 proposes that the several crossings at four different places, between Tranquil Avenue and Brandywine, on Westfield Road, would improve the flow characteristics of the flood plain area itself.

Councilman Smith asked Mr. Shaw if he is not under the impression there is an existing storm drain in Tranquil Avenue; that he didn't realize before that the water was running down from Tranquil to Chelsea and Wales. Mr. Shaw stated their trouble would be virtually eliminated if the water that bottles up at Chelsea was diverted and sent on its way to the creek, as the drains in Chelsea cannot take it off and it floods Chelsea and runs over across Manor Road and into the yards. Councilman Smith pointed out that the Engineering Department says they can take the water down Tranquil and then they can take care of the water from Chelsea by an open ditch. Councilman Whittington asked Mr. Birmingham if there has been an estimate of the cost to take the pipe from where Wales intersects with Chelsea all the way to the Creek, and Mr. Birmingham said there has not been. Councilman Whittington said he is speaking of the place just below where the 36 inch pipe begins, since Mr. Birmingham says the pipe is inadequate and at some places instead of pipe oil drums with the ends out are used.

Mayor Brookshire stated it has been suggested that Plan #1 would be the partial solution and the City would do the work at a cost of approximately \$30,000 to the City. That Plan #2, however, is an area where it has been suggested the property owners might be assessed the cost of approximately \$26,760.00, or about \$292.00 for each house. Councilman Thrower asked if they thought the residents would be willing to pay this? Mr. McDonald stated he could not speak for them and he would have to consider it himself.

Mr. Veeder suggested that as Mr. Shaw and Mr. McDonald and other residents have been concerned with the problem for sometime and have some ideas that they would have to adjust to the engineering approach, and think it over, and he would suggest if anything is going to be done on an assessment basis, Council should consider something on an assessment basis only if the residents indicate a real interest in it in an informal fashion. That the Statute under which this can be done on an assessment basis does not call for any petition from the property owners but there is nothing to prevent the Council from asking for such on an informal basis, and that they would probably want to have the Engineering Department come out and discuss the maps and plans with them. Mr. McDonald stated they have been assessed to death year after year in damages to their property from flooding. However, they are willing to accept any suggestion and any help. That he thinks Plan #1 done by the City would help a great deal; also if the present storm drains were reworked or revamped, he thinks the two would eliminate their problem considerably. However, without revamping the old drainage system he does not believe that Plan #1 will fill the bill. Mr. Shaw stated they can arrange a meeting such as suggested although he has already talked with some of the neighbors and some of them would not go along on an assessment; but this is something

new, and it shows that the City is going to try to do something to help them and there might be a change of heart, but something must be done before the fall rains set in.

Mayor Brookshire again called their attention that both Plan #1 and #2 may not be a complete solution, and particularly when the creek is out of its banks. Mr. Shaw stated he has not seen the creek out of its banks since it was dredged and he believes that problem for the next 10 or 12 years is licked down at their end of the area. Mr. McDonald asked if the City would be willing to revamp the present drainage? Councilman Whittington stated that Mr. McDonald is talking about revamping the 36 inch pipe, and Mr. Veeder stated that would not provide the answer he is seeking.

Councilman Whittington asked if Council cannot vote on Plan #1 now in order to get started on it and let the residents have their meeting about Plan #2? Mr. Veeder stated that Council is in position to do this if they wish to; he would suggest first seeing the attitude of the property owners as to the second phase on an assessment basis, and not give the impression that by doing phase #1, bringing the water down outside the subdivision, it will provide the total answer, and to make it clear that is not so, and it will only take care of 60% of the upland runoff.

Councilman Whittington asked Mr. Birmingham if there would be anything wrong with going ahead and approving Plan #1 today regardless of what happens to Plan #2, as we know Phase #1 will help. Mr. Birmingham stated he believes one thing that is being overlooked on the 36 inch pipe is that revamping this pipe will be a major job itself, as it goes into the bottom of the creek, and it means relaying it down between the houses and across Westfield Road, and Plan #1 does not contemplate this at all.

Councilman Bryant stated we are taking up an awful lot of time discussing engineering problems that we don't know about since we are not all engineers, and he thinks if we are going to get into that we should have a private consultation between those folks and give them the benefit of the engineering knowledge. Also, he thinks Mr. Veeder makes the point that we would want some kind of indication that they are willing to help themselves along with us; that he appreciates the fact these residents pay taxes, but actually we are under no obligation to do any of the work as he understands it, and if we are going to expend \$30,000.00 he, personally, would want some indication they are willing to do the remainder of the work, otherwise it is possible they could not see that the \$30,000 has helped them at all.

Councilman Dellinger stated he thinks the City has a health obligation to these people, for he has been out there and seen the streets covered with refuse and the condition has to be remedied.

Mr. McDonald asked if the City would consider revamping the present pipe? That is one thing they would need to know in order to try to work out something.

Mayor Brookshire stated their proposal is as outlined in Plan #1, which would take a load off the 36 inch pipe and he rather thinks Council would take the Engineering Department's suggestion.

Councilman Jordan moved that the residents have a community meeting and invite Mr. Birmingham or anyone else from the Engineering Department to discuss the two plans or proposals, Plan #1 to be paid for entirely by the City and Plan #2 on an assessment basis. The motion was seconded by Councilman Albea.

Mr. Shaw asked why they are asked to be assessed for this particular work when the City goes up the street a few blocks and does the work free? Mayor Brookshire stated the City is attempting to divert the water that is coming

down on them from the water-shed above them but not taking care of the water that falls within the floodplain area. Mr. Shaw stated their trouble is 90% from water coming from city streets, and if the City will take its water off them, they can run their water out alright.

Councilman Smith stated he believes that Tranquil Avenue water has been turned in on them and it should have been taken down Tranquil Avenue years ago, and he sees no reason not to proceed with that forthwith and see how much that alleviates the situation. That they just do not want to be assessed and all you are going to do is educate the people out there. That he would be perfectly willing to go along with Phase #1 as we all believe that is going to have to be done.

Councilman Smith offered a substitute motion that Plan #1 be approved and \$30,000 be taken from the Contingency Fund for this purpose. The motion was seconded by Councilman Whittington.

Councilman Smith explained further that Plan #1 is a must even though it will not solve the problem, but it makes good sense to him to do this much and see how much of the trouble is alleviated and the Engineering Department can then determine just what is needed further.

Councilman Whittington said to Mr. Shaw and Mr. McDonald that they should go ahead and have a meeting and he hopes they can appreciate what the Council and Engineering Department have tried to do and if they can meet the City half way, then he thinks the problem will be solved.

Councilman Alba stated he is in favor of going ahead with Plan #1 but still thinks they should have their meeting and all get together and he knows our Engineering Department is willing to explain it to them.

Mr. Shaw stated if the first phase is started, that will show the residents that the City is trying to help them and there will be even greater improvement if they will go along on Plan #2.

Councilman Jordan stated he thinks there is an agreement that the City is in accord to help these people with the first phase, but as stated in his motion, he thinks the meeting would be of help to the residents to know from our Engineers just what the plans are and that such meeting is most necessary to give them a full understanding of the situation.

The vote was taken on the substitute motion, and unanimously carried.

Mr. Shaw and Mr. McDonald expressed their sincere appreciation for the cooperation of the city.

NECESSITY FOR PURSUING DREDGING OF CREEKS PROGRAM STRESSED BY COUNCILMAN SMITH.

Councilman Smith asked the City Manager about the status of the geological survey of streams for which Council approved payment of the city's share today? Mr. Veeder advised this is a special project of the Department of the Interior in which we became involved last year; they are doing special studies in a number of urban areas throughout the nation similar to the one they are doing here, primarily related to flood flows and the effect of urbanization. That it is a broad undertaking and will continue in each area for a period of probably 5 years, developing data for both their and our own use which will be invaluable in years to come for flood purposes. That it is a long range plan and people will probably be thanking this Council for participating in the project for probably 10, 20 or even 30 years.

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Councilman Smith stated the Myers Park Manor problem just discussed shows what dredging a creek will do, and proves that the creeks are going to have to be dredged before you get the runoff drains at the proper level to be effective. Just so long as the creeks are shallow, they will rise and stop the drains. That he has had some indication from some of the County Commissioners that they are interested, but want to be shown; that they are interested in looking into it further and he does not think dredging the creeks should die, and he thinks a long range program should be pursued. That he does not feel the Council has really shown anyone and he thinks it should be done.

CITY MANAGER REQUESTED TO CHECK INTO PROMISED REAR EXIT ON EAST 6TH STREET TO PIERCE POULTRY COMPANY.

Councilman Whittington advised that Pierce Poultry Company at 916 East 7th Street says they were promised by the Engineering Department and Realtors who negotiated the property for the opening of East 6th Street connector, that they would be given a rear exit on new 6th Street, as they have no way to get in or out since 6th Street was cut through. He requested the City Manager to check into this and see that they are given what they were promised.

CONSIDERATION OF ICE CREAM TRUCKS TO AWAIT DECISION OF SUPREME COURT IN SUIT AGAINST THE CITY OF RALEIGH.

Mr. Morrissey, City Attorney, in reply to Councilman Albea's request for a report as to the safety and legal angles with regard to Ice Cream Trucks operating over the city's streets, advised that he was in Raleigh on business last week and learned that an ordinance of the City of Raleigh prohibiting the sale of ice cream from trucks is now being challenged and the case will be heard in the term starting October 29th by the Supreme Court and he would suggest that any further consideration here await that decision. Councilman Albea stated he will abide by Mr. Morrissey's suggestion.

RESOLUTION APPROVING AN AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

The City Manager having discussed with Council in conference prior to this meeting an agreement with the State Highway Commission relating to the Grade Crossing program where they are participating in certain costs of the project, which has been negotiated with them and reviewed and approved as to form by the City Attorney and which he believes to be in the best interest of the City of Charlotte, a resolution entitled: "Resolution Approving an Agreement with the North Carolina State Highway Commission for the West Side Grade Crossing Elimination Project", was introduced and read and upon motion of Councilman Jordan, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 222.

CONSTRUCTION OF TEMPORARY SIDEWALK ON WEST SIDE OF EASTWAY DRIVE, BETWEEN ARNOLD DRIVE AND TOWNSEND AVENUE APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the request of Merry Oaks School PTA for the construction of a temporary sidewalk on the west side of Eastway Drive, between Arnold Drive and Townsend Avenue, a distance of approximately 1,500 feet, was approved as recommended by the Traffic Engineer and Police Departments, and \$1,937.00 was authorized appropriated from the Contingency Fund for this purpose.

CONTRACTS WITH NORTH CAROLINA STATE BOARD OF HEALTH FOR FUNDS FOR PUBLIC HEALTH ACTIVITIES IN CHARLOTTE FOR FISCAL YEAR JULY 1, 1962 TO JUNE 30, 1963 APPROVED.

Councilman Thrower moved approval of the usual yearly contracts with the North Carolina State Board of Health for State and Federal Funds for public health activities in Charlotte for the fiscal year July 1, 1962 to June 30, 1963. The motion was seconded by Councilman Smith, and unanimously carried.

STREETS APPROVED FOR ASPHALT RESURFACING.

The City Manager submitted a list of streets for asphalt resurfacing, on which bids will be received next Friday. He stated he hopes the contract for the work can be awarded the next or following Monday. That they anticipate the dollar volume of the contract will be about \$115,000 for which funds are budgeted and anticipates that the work would be completed by November 15th. He advised that the spring program cost was about \$150,000.

Councilman Dellinger advised he has several streets he wishes added, and the City Manager asked for the list so that they may be checked to make sure they are in shape for resurfacing. Councilman Dellinger submitted the following streets: St. Julian Street, Sumter Avenue and Fieldbrook Place, and stated he will check a couple of others that he gave to Mr. Bobo a few days ago. Councilman Whittington asked that Tillman Road, from one end to the other, and Carolyn Avenue be added. Councilman Whittington also stated he has had several calls about Hillside Avenue and notes it is on the list for resurfacing from Park Road to Paddock Circle, and he asked if this is going west toward Pineville Road? It was determined that it is. Councilman Whittington asked that Briarcreek, from Independence Boulevard to Central Avenue, be added to the list.

Councilman Whittington called attention that the list contains Carmine Street, from Statesville Avenue to 1300 ft. west, and he asked if this means work is going to be done on this street that the Council said not to do? Mr. Veeder stated it is not, that the petition requested that it be brought up to standard, widened and curb and gutter installed. That something had to be done out there, so the street was fixed so it would be passable, and what we are doing now is putting on top of the base a decent surface. Councilman Dellinger asked if the street was not widened some, and Mr. Veeder replied a slight bit on the shoulders, there was not more than 16 or 18 feet of pavement and they may have gone another 4 or 5 feet on one side. Councilman Dellinger stated the City has gone ahead and done what Council said they could not do, but Mr. Veeder stated that is not the case, and he stated further the street was already under city maintenance. That something had to be done, he looked at it himself on several occasions and if something had not been done it would have been impossible for school purposes and it just could not be ignored.

A list of the streets submitted by the City Manager is as follows:

Fourth Street from College Street to Tryon Street
Fourth Street from Tryon Street to Mint Street
Poplar Street from 3rd Street to Trade Street
Fifth Street from College Street to Brevard Street
College Street from Trade Street to 5th Street
Caldwell Street from Trade Street to 9th Street
Davidson Street from 9th Street to 7th Street
Davidson Street from 7th Street to 5th Street
Central Avenue from Louise Ave to Lamar Ave
Bascom St from Independence Blvd to Weddington Ave

Weddington Ave from 7th Street to 5th Street
5th Street from Weddington Avenue to 7th Street
Dunlavin Way from Country Club Drive to Eastway Dr
Dunlavin Way from Townsend Ave to 800' south
Cullman Ave from 36th St to 1200' west
Cullman Ave from 36th St to 1200' west
Johnson Road from N. Graham St to 2375' east
Old Statesville Road from Statesville Ave to Statesville Ave
Carmine St from Statesville Ave to 1300' west
Glenwood Dr from I-85 to Hoskins Rd
Willard St from Bradford Dr to Interurban Ave
Millerton Ave from Evergreen Dr to Morehead St
Wilmore Dr from West Blvd to Summit Ave
Spruce St from Wilmore Dr to Cliffwood Pl
Park Ave from Camden Rd to S. Boulevard
Brunswick Ave from Kings Dr to Edgehill Rd E.
Edgehill Rd W from Morehead St to Brunswick Ave
Hillside Ave from Park Rd to Paddock Cir
Hough Rd from Bevis Dr to plant mix pave
Heather Ln. from Park Rd to 50' west of Hough Rd.
Manchester Dr from Clanton Rd to Rollingwood Dr.
Rollingwood Dr from Manchester Dr to Fieldcrest Rd.
Broadview Dr from Scottdale Rd to Crestridge Dr.
Scottdale Rd from Crestridge Dr to beyond Broadview Dr.
Fieldcrest Rd from Clanton Rd to Broadview Dr
Crestridge Dr from south of Scottdale beyond Broadview Dr.
Spencer St from East 35th St. to Herrin Ave.
Brockbank Rd from Montford Dr to Bayberry Ct.
other streets as may be assigned in writing by the Engineer.

RESOLUTION EXPRESSING APPRECIATION TO THE MECKLENBURG COUNTY MEDICAL SOCIETY FOR VOLUNTARY PARTICIPATION IN THE TETANUS PROGRAM ON SUNDAY, SEPTEMBER 30, 1962.

Councilman Bryant introduced the following resolution of appreciation on behalf of the City Council to the Mecklenburg County Medical Society, and moved its adoption, which was seconded by Councilman Thrower, and unanimously carried:

RESOLUTION EXPRESSING APPRECIATION TO THE
MECKLENBURG COUNTY MEDICAL SOCIETY FOR
VOLUNTARY PARTICIPATION IN THE TETANUS
PROGRAM ON SUNDAY, SEPTEMBER 30, 1962.

WHEREAS, the Mecklenburg County Medical Society has rendered a great public service in the administering of tetanus shots to the public at large, and

WHEREAS, individual members of the Society have given freely of their time and talents in this cause, and

WHEREAS, the City Council wishes to recognize such selfless and dedicated service,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby expresses its appreciation to the Mecklenburg County Medical Society for the service rendered to the citizens in the interest of protection and promotion of public health, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the Mecklenburg County Medical Society, and that this resolution be spread upon the minutes of this meeting.

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