

January 28, 1963
Minute Book 42 - Page 432

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, January 28, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilman Smith.

* * * * *

INVOCATION.

The invocation was given by Dr. J. S. Nathaniel Tross, Pastor of China Grove A.M.E. Zion Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on January 21st were approved as submitted.

ACTION ON PETITION OF GEORGE GOODYEAR COMPANY FOR ANNEXATION OF PROPERTY IN MALLARD CREEK TOWNSHIP DEFERRED ONE WEEK.

No objections to the proposed annexation were expressed by the public.

The City Manager advised the petition has been reviewed by the operating departments that would be most immediately concerned with the services to be provided to the area if it were annexed; the Water Department's review indicates nothing unusual about the area to be served that would pose problems under the standard policy; the Planning Department has reviewed the petition and indicates there is nothing unusual about it from the planning point of view and they have previewed the subdivision involved. However, with regard to providing sewer service to the area he would like to point out the area proposed for annexation is 65.8 acres and in order to provide service to it, it will be necessary to run a trunk line through a large sparsely populated area which will continue to be outside the city limits; the problem being that the line will provide basic service for a total of 635 acres, 447 of which will continue outside the city limits and 65.8 of which is included in this proposed annexation. The cost of providing this line to get it up to the property is about \$25,000.00. He stated a good deal of the area to be eventually served by this line may not come into the city or not be developed for a considerable period of time. That to provide service to this area if it is located inside the city limits, the developer would have to put up the cost of the line, as well as the cost of the service within the subdivision; he would not, however, be required to produce revenue equal to 10% of the cost of this line in order to get his investment back. He stated if the line would return \$250.00 over a 12 months period, we would be in a position of refunding the \$25,000.00, and the possibilities of this is something to be considered.

Councilman Dellinger asked if the area that would have to be gone through is not 50% developed, and if the petitioner has been appraised of the situation? Mr. Veeder replied that the area that must be gone through to the area petitioned for annexation is completely undeveloped. That the matter has not been discussed with the petitioner to the end of seeing if

January 28, 1963
Minute Book 42 - Page 433

there is not some equitable way of working it out. That the City does not want to overlook the desirability of expanding the city by reasonable annexation in this fashion. That there is nothing unreasonable about the request for annexation at all. That he would suggest, in the absence of the Developer here today, if Council will not take final action until next week, he will see what can be worked out between the Developer and the City to provide the sewer service.

Councilman Dellinger moved that the matter be postponed for one week and in the meanwhile the City Manager contact the petitioner and see if he has a proposal.

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

REQUEST FOR PERMISSION TO TRANSFER ALL INTEREST IN RED TOP CAB SERVICE FROM KEITH BEATTY TO CLIFF PASSONS AND ALLEN BAILEY TO BE OPERATED AS RED TOP CAB COMPANY, INC., DEFERRED ONE WEEK.

Mr. Allen Bailey stated that Mr. Keith Beatty is present and is asking the consent of Council to transfer his interest in what is known as Red Top Cab Service. That he has served as President of Beatty's Service Company that has operated Red Top Cab Service and he is now asking that Beatty's Service Company be permitted to sell his operative rights and all of his assets connected with the Cab business, such as automobiles, meters and other cab equipment, to a corporation known as Red Top Cab Company, Inc. Heretofore, he has just operated under the assumed name of Red Top Cab. That Mr. Beatty will not be a stock holder nor will he own any part of Red Top Cab Company, Inc., neither will Beatty Service Company. This is a complete transfer of all the operating rights and equipment in connection therewith, from Beatty Service Company to Red Top Cab Company, Inc. He stated further Mr. Cliff Passons will be owner of 39% of Red Top Cab Company, Inc. and his son will own 11%, the two of them will own 50%. That he, himself, will own 39% and his wife will own 11%, or his family will own 50%.

In reply to the question of Councilman Dellinger as to how many Certificates will be involved, Mr. Bailey stated it will concern 55 Certificates, and it will be a complete transfer of ownership and operation.

Mr. Bailey stated that Mr. Passons is well known as he has been in the taxi business in Charlotte for 20 or more years, first with Red Top Cab Company and now President of Checker Cab Company and he will still continue with Checker Cab Company. He will also be President and Manager of Red Top Cab Company, Inc., if the transfer is allowed. He stated Mr. Passons is present to say he is in position to buy and wants to accept the transfer and operate the business in the same manner he has been operating Checker Cab Company. That Mr. Cleveland, Taxicab Inspector for the City, is here to answer any questions as to Mr. Passons' ability and his character, etc. that Council might want to ask.

Councilman Whittington asked the City Attorney if he has any comment in regard to what they are requesting; that he knows the reputation of both of these gentlemen, and does not hesitate on that basis but would like the opinion of the City Attorney. Mr. Morrisey stated that Mr. Bailey spoke to him in passing at the end of last week that this would probably come to the attention of Council, and said a memo had been directed to the City Manager, who was out of town the latter part of last week, and received the memo only this morning and he has not had an opportunity to look into the matter at all.

Mr. Veeder stated he has their formal written request and in reading it this morning for the first time, the first thing that went through his mind was he would like the City Attorney to have the opportunity to review it before Council gives it their consideration.

Whittington stated that Mr Morrisey can get a list as well as he did, that all he is interested in is that the work is divided. Councilman Dellinger stated he has talked with Mr. Morrisey several times about this and he also talked with Mr Fred Hasty when he was President of the local Bar Association and there are a number of lawyers interested in this type of work, and also there are some who are not interested, and Mr. Morrisey is now in the process of working with the President of the local Bar Association and he thinks he has a list coming. Councilman Whittington stated the lawyers should be asked and give them the right to refuse.

CONFIRMATION OF SALE OF PORTION OF EASTOVER FIRE STATION PROPERTY FRONTING FIVE FEET ON LAUREL AVENUE, TO E. E. CULBRETH.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the public sale of a portion of Eastover Fire Station Property, fronting 5 feet on Laurel Avenue, being 170.12 feet and 170.25 feet on the sides and 2.55 feet at the rear, was confirmed to the highest bidder, Mr. E. E. Culbreth at \$500.00.

CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED IN THERA DRIVE.

Councilman Albea moved approval of the construction of 290 feet of sanitary sewer main in Thera Drive, at the request of Nance-Trotter Realty, Inc., at an estimated cost of \$1,360.00. All costs to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Dellinger, and unanimously carried.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN STARMOUNT SUBDIVISION NO. 8.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, authorizing a Supplementary Contract to contract dated October 30, 1961, with Ervin Construction Company for the installation of 5,720 feet of water mains and 5 hydrants in Starmount Subdivision No. 8, at an estimated cost of \$17,327.00. All costs to be borne by the applicant who will dedicate same to the city without cost upon the acceptance of the work by the City.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Inez S. Hall, for Grave 1, Lot 19, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs Agnes F. Little, for Lot 376, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with Mrs Jonnie V. Ervin, for Lot 377, Section 4-A, Evergreen Cemetery, at \$189.00.

January 28, 1963
Minute Book 42 - Page 437

CONTRACT AWARDED CREIGHTON SHIRT COMPANY FOR WINTER SHIRTS FOR FIRE DEPARTMENT.

Councilman Jordan moved the award of contract for 922 winter shirts for the Fire Department, as specified, on a unit price basis, in the amount of their bid price of \$3,325.21, to the low bidder, Creighton Shirt Company. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Creighton Shirt Company	\$3,325.21
Fligel Uniform Company	3,447.27
Gladstein's Inc.	3,466.26
Donald S. Lavigne, Inc.	3,893.61

APPOINTMENT OF W. T. COVINGTON TO FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, Mr. W. T. Covington was reappointed to the Firemen's Relief Fund Board of Trustees for a term of 2 years from the expiration of his present term on January 18, 1963.

APPOINTMENT OF JOHN S. SPURRIER TO ZONING BOARD OF ADJUSTMENT.

Councilman Dellinger moved the reappointment of Mr. John S. Spurrier to the Zoning Board of Adjustment for a term of 3 years from the expiration of his present term on January 30, 1963. The motion was seconded by Councilman Albea, and unanimously carried.

TRANSFER OF FUNDS FROM CONTINGENCY FUND FOR PRINTING AND MAILING INFORMATION RELATIVE TO PINE BETTLE INFESTATION TO WATER CUSTOMERS.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, \$600.00 was authorized transferred from the Contingency Fund for printing and mailing information relative to the pine beetle infestation to 70,000 water customers, and the letter furnish information to citizens as to methods by which they may dispose of infested trees on their property, by private means, and the City use its own tree trimming crews to clear all city owned land and street rights of way of infested trees.

RESOLUTION ACKNOWLEDGING AWARENESS OF THE CONDITIONS IMPOSED BY THE PRESIDENT'S EXECUTIVE ORDER ON EQUAL OPPORTUNITY IN HOUSING, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and carried, the following resolution was adopted by the following recorded vote:

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

Councilman Bryant stated he is voting against the motion as he is opposed to Urban Renewal Program in general and feel that this will implement it.

BE IT RESOLVED that the City Council of the City of Charlotte, Charlotte, North Carolina, is fully aware of the conditions imposed by the President's Executive Order on Equal Opportunity in Housing and the related policies of the Urban Renewal Administration prohibiting discrimination because of race, color, creed, or national origin and believes that such conditions will not prevent the further planning and expeditious approval and execution of the proposed Project.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR ACQUISITION OF FIVE PARCELS OF LAND FOR RIGHT OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT, AND THE APPRAISAL OF THE ENTIRE TRACT AT 3101 GREENWOOD CLIFF.

Councilman Thrower moved that condemnations proceedings be started on the following six parcels of land for right of way for the Kenilworth Avenue Extension Project. The motion was seconded by Councilman Whittington:

- (a) 252 square feet of property owned by D. E. and Olaf Noreen, 2029 and 2031 Fernwood Drive.
- (b) 252 square feet of property owned by T. B. Barrett and wife, Josephine 2128 Fernwood Drive.
- (c) 252 square feet of property owned by Earl B. Muse, 2101 Fernwood Drive.
- (d) 505 square feet of property owned by W. H. Cornelius, 2032 Fernwood Drive.
- (e) 14,048 square feet of property owned by Joseph E. and Maxine Conrad, 3101 Greenwood Cliff.
- (f) 252 square feet of property owned by F. E. and Ruth G. Alexander, 2015 Fernwood Drive.

Councilman Dellinger stated he is wondering if Mr. Conrad at 3101 Greenwood Cliff has been negotiated with about the City acquiring all of this property; that he thinks it might be better if the City bought the whole tract, instead of just acquiring the 14,048 feet. Mr. Veeder advised this would be solely at the option of the present owner whether he is willing to negotiate on that basis, as the City would have no authority to condemn more than that which we need. Councilman Dellinger said he thought it might be acquired as there are only about 20 or 30 feet left which would be of no value to Mr. Conrad. That we did this on Independence Boulevard and then sold the property. The City Manager advised he would be glad to look into it. He suggested if it meets with Council's approval to authorize this action, he will look into it and bring it back to Council before filing the condemnation.

Councilman Dellinger offered a substitute motion that condemnation proceedings be started on all of the properties named with the exception of the 14,048 sq. feet of property at 3101 Greenwood Cliff and that the City Manager have the right of way agent negotiate for the acquisition of the entire tract at 3101 and that he give a report to Council at next week's meeting as to whether this could be done. The motion was seconded by Councilman Albea.

Councilman Bryant asked what benefit it would be to the city to have the additional property, except to help out the present owner and he is not sure that will help out sufficiently to make any difference.

Councilman Dellinger stated the present owner is, of course, to be considered and so are the tax payers, and he would like to have an appraisal on the entire tract and see what it is worth.

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

SMOKE ABATEMENT DEPARTMENT REQUESTED TO CHECK INTO AMOUNT OF SMOKE BEING EMITTED FROM CHARLOTTE MEMORIAL HOSPITAL AND HUTTON-SCOTT COMPANY.

Councilman Bryant stated he has noticed that Charlotte Memorial Hospital is one of the worse smoke offenders during this cold weather as far as smoke abatement is concerned, and it may be we should get our own house in order first. Also that Hutton-Scott Company seemed to be emitting quite a bit of smoke. He suggested that both of these locations be checked by the Smoke Abatement Department.

January 28, 1963
Minute Book 42 - Page 439

REQUEST THAT GRAVEL BE PLACED ON TEMPORARY SIDEWALK ON MCDOWELL STREET TO HIGHLAND SCHOOL.

Councilman Dellinger advised that he has a request that gravel be put on the temporary sidewalk on McDowell Street to Highland School, that this is a request for additional gravel. The City Manager stated he would have it checked by the Engineering Department.

CITY MANAGER REQUESTED TO KEEP IN TOUCH WITH THE DRAINAGE PROBLEM ON ALTONDALE AVENUE AND SEE IF PROBLEM CANNOT BE ALLEVIATED.

Councilman Jordan asked the City Manager if anything has been done about the request of Mr. English on Altondale Avenue for relief from the drainage problem from the construction of the Towers Center Building on Providence Road? The City Manager advised that Mr. English was advised by letter of the City's opinion, which he does not accept, so they are waiting until he has some more water so they can trace the situation further. That he thinks this is the best approach. Councilman Jordan asked Mr. Veeder to keep after this and see if something cannot be done to alleviate the situation.

CITY MANAGER TO DISCUSS REROUTING OF BUS ON STANFIELD DRIVE WITH BUS COMPANY.

Councilman Whittington asked the City Manager if he received a copy of the letter from the people on Stanfield Drive about the bus causing so much vibration on their street.

Councilman Dellinger stated it seems to him about all that could be done is to ask the Bus Company to consider another route. He stated he has discussed this with Mr. Bobo on two occasions.

Mr. Bobo advised about the only answer appears to be a change in Bus routes. That the City cannot actually find the cause of the vibration, whether it is vibration from the noise or echoes or what. He stated he will be glad to discuss with the Bus Company trial runs on other streets in the area. Mr. Veeder stated he will take the matter up with Mr. Caze of the Bus Company.

CITY MANAGER REQUESTED TO DISCUSS WITH POLICE AND FIRE DEPARTMENTS PLACING IDENTIFICATION ON HOMES OF INVALIDS AS A SAFETY MEASURE.

Councilman Whittington advised that Mrs DeKrafft on Lombardy Circle brought him a matter this morning that has to do with fires and tragedies we had last week. Mrs DeKrafft says in Raleigh the Police and Fire Departments have a policy in their inspections of homes, which our Fire Department has been making here, where they find an invalid in a home the house is properly tagged with identification, with something like our Civil Defense signs, and this tag states where the invalid is located in the house and the information is turned over to the Police Department and whenever the Police are in that neighborhood and saw fit to check the house they could. He stated he thinks this merits some consideration because in one of our cases in particular last week had the first people to reach the scene known about the invalid and where in the house she was, they may have been able to have saved her life.

He asked the City Manager to consider this and discuss it with the Fire Department and see if it merits our Fire Department doing the same thing.

January 28, 1963
 Minute Book 42 - Page 440

SUBJECT

DISCUSSION OF STREET NAME CHANGES AND CITY MANAGER REQUESTED TO ASCERTAIN DEADLINE FOR LISTINGS IN NEW TELEPHONE DIRECTORY.

Councilman Thrower asked when Council will take action on the duplicate street name changes, that he would like to get it over.

Mayor Brookshire stated in this connection he has had a letter from Mr. Marvin M. Smith, 3141 Windsor Drive, regarding the confusion in the names of Windsor Drive and Windsor Avenue and recommending that the name of Windsor Avenue be changed to LeGarde Avenue, as Windsor Drive is longer and has more people and more homes on it. That Mr. Smith further stated, that in the event Windsor Avenue is not changed, then he recommends that Windsor Drive be changed to LaGarde Drive.

Councilman Bryant stated that a person on a duplicate named street called to say that the dead line for getting names in the new Telephone Directory is February 3rd and he thinks it would be well to check that and come prepared next week to vote on the changes or ask the Telephone Company to allow us time to vote next week, so there would not be a new telephone directory in existence without the changes in street names.

Mayor Brookshire suggested that the matter be referred to the City Manager and that he contact the Telephone Company to see whether it is too late even now to get the changes in the new Directory. The Council concurred in the suggestion.

Councilman Dellinger asked if the Council will have any ground rules for naming these streets. The City Manager advised that names have been suggested for a mere minimum of these streets.

Mayor Brookshire stated he thinks it would be well to take enough time to consult with the property owners on the streets where names will be changed, in order to find a name acceptable to them. He asked the City Manager to check with the Telephone Company and give Council a report next Monday.

REALTORS APPOINTED TO APPRAISE PROPERTY AT 11TH AND GRAHAM STREET.

The City Manager asked that appraisers be appointed for the purpose of establishing the value of property at the corner of 11th and Graham Streets. He stated there has been a building permit applied for, for a Service Station at this location. He pointed out on the map the projected Expressway and location of the Service Station, and stated he thinks it would be desirable as a step toward dealing with this situation if the City had some values established. He advised that Mr. Willis Henderson, Mr. Robert Rhyne, Mr. Louis Rose and Mr. Henry Bryant, realtors have had only a nominal amount of appraisal work.

Councilman Dellinger moved that Mr. Henry E. Bryant and Mr. Willis Henderson be appointed as appraisers for this work. The motion was seconded by Councilman Whittington, and unanimously carried.

MAYOR PRESENTS LETTER FROM E.J. RUST EXPRESSING APPRECIATION FOR HANDLING OF MATTER PERTAINING TO PAVING ON CINDERELLA ROAD.

Mayor Brookshire stated he has received a letter from Mr. Ervin J. Rust, who was at the Council Meeting last week, expressing his appreciation for the patience and careful consideration shown by the Council, the City

January 28, 1963
Minute Book 42 - Page 441

Manager and the Mayor in the matter of the paving of the connection portion of Cinderella Road, which resulted in an equitable solution which he believes if fair to all.

Mr. Bobo, Administrative Assistant, stated he has talked with Mr. Goodyear in regard to the matter and he accepts the solution.

MAYOR EXPRESSES APPRECIATION TO COUNCIL FOR THE VERY FINE JOB IN GETTING THE WEST SIDE GRADE SEPARATION PROGRAM UNDER WAY TODAY.

Mayor Brookshire reported that the members of the City Council, the City Manager, and other City Officials attended the ceremonies today at 1:30 o'clock on West Trade Street at the location of the Southern Railway tracks, initiating the actual beginning of the contract on the West Side Grade Separation Program. He stated he thinks it is appropriate that he extend to Council thanks and acknowledge the very fine job they have done in finalizing ~~initiating rather than for finalizing~~ plans for the Grade Separation Program which has engaged the attention of the City for the last 12 years. That he thinks it is a very fine accomplishment.

Councilman Dellinger stated that to thank all of the people who have been involved in this would take a long time and a lot of names, including Southern Railway and the State Highway Department, to whom we owe our thanks.

APPRECIATION EXPRESSED TO MECKLENBURG COUNTY BOARD OF COMMISSIONERS FOR RAISING THE PROPERTY ASSESSMENT RATIO TO 60 PERCENT.

Mayor Brookshire advised that it was today reported by the Mecklenburg County Board of Commissioners that they have raised the property assessment ratio from 59% to 60%.

Councilman Dellinger stated he thinks this is most commendable of the Commissioners and he moved that Council express their thanks to them. The motion was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk