

July 1, 1963
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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, July 1, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilman Smith.

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INVOCATION.

The invocation was given by the Reverend Carl S. Miller, Pastor of St. Giles Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on June 24th were approved as submitted.

PLAQUES PRESENTED TWELVE RETIRING CITY EMPLOYEES IN ACKNOWLEDGMENT AND APPRECIATION OF SERVICES RENDERED TO THE PEOPLE OF CHARLOTTE DURING THEIR EMPLOYMENT.

In presenting to the following named twelve retiring City Employees Plaques in Acknowledgment and Appreciation of their Services Rendered to the People of Charlotte during their employment, Mayor Brookshire stated it was his great pleasure to recognize their loyalty and devotion to the City of Charlotte; he expressed his hope that they will enjoy many years of retirement:

Mr Wesley Boyd	65	8-25-52 to 7-1-63	Engineering Department
Mr. Wm. F. Cook	74	8-12-44 to 7-1-63	Water Department
Mr. Frank Culvern	71	9-15-59 to 7-1-63	Civil Defense
Mr. J. B. Dial	71	12- 1-31 to 7-1-63	Engineering Department
Mr. George Evans	68	9-19-51 to 7-1-63	Engineering Department
Miss Alice L. Grier	70	1- 1-20 to 7-1-63	Health Department
Mrs Kate N. Hand	61	12- 1-43 to 7-1-63	Health Department
Mr. Robert Lattimore	66	11-29-40 to 7-1-63	Engineering Department
Mr. Wm. E. Munson	68	4- 1-40 to 7-1-63	Health Department
Mr. Henderson Overcash	65	4-14-38 to 7-1-63	Engineering Department
Mr. Samuel W. Puckett	77	7-21-20 to 7-1-63	Water Department
Mrs Clara R. Smith	63	10- 1-25 to 7-1-63	Health Department

RESOLUTION FIXING DATE OF PUBLIC HEARING ON JULY 29TH ON PETITION OF HIDDEN VALLEY BUILDERS, INC. FOR THE ANNEXATION OF LAND IN MALLARD CREEK TOWNSHIP.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, a Resolution Fixing the Date of Public Hearing on July 29th on Petition of Hidden Valley Builders, Inc., for the annexation of 39.0886 Acres of Property, containing 112 lots, located in Mallard Creek Township, was adopted.

The resolution is recorded in full in Resolutions Book 4, at 304.

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,000,000 REVENUE ANTICIPATION NOTES OF THE CITY OF CHARLOTTE.

The following resolution was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Bryant, was unanimously adopted:

RESOLUTION AUTHORIZING \$1,000,000 REVENUE ANTICIPATION NOTES OF THE CITY OF CHARLOTTE

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

Section 1. That it has been determined and is hereby declared that it is necessary for the City of Charlotte to borrow the sum of \$1,000,000, in anticipation of the collection of taxes and revenues of the current fiscal year ending June 30, 1964, for the purpose of meeting appropriations made for such fiscal year, said sum being within the amount of such appropriations and not exceeding fifty per centum (50%) of the taxes of such fiscal year.

Sec. 2. That, in order to borrow said sum, a negotiable promissory note or notes of the City of Charlotte of the maximum aggregate principal amount of \$1,000,000 are hereby authorized to be issued pursuant to The Municipal Finance Act, 1921, as amended. Said notes shall be dated July 25, 1963, shall mature November 25, 1963 and shall bear interest from their date, payable at maturity, at a rate to be determined at the sale of said notes by the Local Government Commission, not exceeding six per centum (6%) per annum.

Sec. 3. That the Local Government Commission is hereby requested to approve issuance of said notes and to cause the same to be advertised for sale in the manner provided by law.

Sec. 4. That upon sale of said notes the Mayor and City Clerk are hereby authorized and directed to sign each of said notes and to cause the corporate seal of the City of Charlotte to be impressed thereon, and to cause said notes to be turned over to the Local Government Commission for delivery to the purchasers through the State Treasurer of North Carolina.

RESOLUTIONS FIXING DATE OF PUBLIC HEARING ON JULY 29TH FOR LOCAL IMPROVEMENTS ON CHESTERFIELD AVENUE.

Councilman Jordan moved the adoption of Resolutions Fixing the Date of Public Hearing on July 29th for Local Improvements on Chesterfield Avenue, from St. Julien Street to Westover Street, and on Chesterfield Avenue, from Bascom Street to Westover Street. The motion was seconded by Councilman Bryant, and unanimously carried. The resolutions are recorded in full in Resolutions Book 4, at Page 305 and Page 306.

PAYMENT AUTHORIZED TO RAY RANKIN FOR LEGAL SERVICES IN CONNECTION WITH KENILWORTH AVENUE EXTENSION PROJECT.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, authorizing the payment of \$60.00 to Mr. Ray Rankin, for legal services in connection with property of the Episcopal Diocese of North Carolina in the right of way in the Kenilworth Avenue Extension Project.

CONSTRUCTION OF SANITARY SEWER TRUNK AND MAIN AUTHORIZED IN BONWOOD DRIVE.

Councilman Whittington moved approval of the construction of 2,494 feet of sanitary sewer trunk and 440 feet of sewer main in Bonwood Drive, on request of Bumgardner Realty, Inc., at an estimated cost of \$15,750.00. All costs to be borne by the Applicant, whose deposit of the entire amount of the cost to be refunded as per terms of the contract. The motion was seconded by Councilman Jordan, and unanimously carried.

VANCOUVER PLYWOOD COMPANY AUTHORIZED TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM IN HOSKINS AVENUE.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, Vancouver Plywood Company was authorized to connect privately owned sanitary sewer lines, outside the city limits, to the City's Sanitary Sewerage System in Hoskins Avenue.

CONTRACTS AUTHORIZED FOR APPRAISAL OF PROPERTY IN RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authorizing contracts with the following persons for the appraisal of property within the right of way of the Northwest Expressway:

Alfred E. Smith	Eight parcels on North Tryon Street, East 12th Street, North College Street and East 11th Street.
Harry G. Brown	Six parcels on East 12th Street and North Brevard Street.
Stuart W. Elliott	Nine parcels from North Tryon Street, between W. 11th St. and 12th Street, and East 12th Street between Seaboard Railroad and North Brevard Street.
Leo H. Phelan, Jr.	Eleven parcels on Seigle Avenue, between 8th and 9th Streets, North Tryon St., West 11th Street, North Church St. and West 12th Street, corner of West 11th and N. Church Street.
Jack Starnes	Two parcels at corner of W. 12th St. and North Pine Street.

LICENSE FOR OPERATION OF BUSINESS IN CHARLOTTE AUTHORIZED RENEWED TO GOODWILL EXTERMINATING AND INSULATING COMPANY, INC. AND NIXON EXTERMINATING COMPANY, GASTONIA, N.C.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Licenses for the operation of business in Charlotte were authorized renewed to Goodwill Exterminating & Insulating Company, Inc., and Nixon Exterminating Company, Gastonia, N. C.

LEASE OF AIRPORT BUILDING #362 AND 2.75 ACRE TRACT OF LAND TO SOUTHEAST AIRMOTIVE CORPORATION.

Councilman Thrower moved approval of the lease to Southeast Airmotive Corporation of Airport Building #362, containing 11,220 sq. ft. at a rental of \$467.50 per month, and of 2.75 acre tract of land adjacent to the building, at \$349.39 per month, for a period of 15 years; and a 2 year option on two adjacent parcels of land on which the rental will be \$188.03 on the 1.48 acre tract and \$130.86 on the 1.03 acre tract, if the option is exercised. The motion was seconded by Councilman Bryant, and unanimously carried.

Councilman Dellinger asked if the 90 days clause eliminates the 30 days cancellation? The City Attorney replied that it does not; that the City will have the right to cancel on 10 days notice after default on any provision of the lease.

Councilman Bryant remarked that the Docket gives the final rental of the building at \$467.50 per month and he asked at what figure the rental will start? Mr. Veeder advised that the first year the total for the building and 2.75 tract of land is \$400.00, 2nd year \$450.00, 3rd year \$540.00 and 6th year \$816.89 and for the balance of the term.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs Myrtice E. Allen, for Lot 388, Section 4-A, in Evergreen Cemetery, at \$189.00.

CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR TRAFFIC CONTROLLER.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Mill Power Supply Company for a Traffic Controller, as specified at their bid price of \$2,159.29.

The following bids were received:

Mill Power Supply Company	\$ 2,159.29
Westinghouse Electric Supply Co.	2,163.00
Graybar Electric Supply Co.	2,163.00
The Marbelite Company	2,301.69
Traffic Engineers Supply Corp.	2,366.61
Automatic Signal Division Laboratory for Electronics, Inc.	2,560.69

CONTRACT AWARDED HAJOCA CORP. FOR 210,100 LIN. FT. OF WROUGHT IRON PIPE.

Councilman Bryant moved the award of contract to the low bidder, Hajoca Corporation, for 210,100 lin. ft. of Wrought Iron Pipe, as specified, on a unit price basis, at their bid price of \$98,131.81. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Hajoca Corporation	\$ 98,131.81
Crane Supply Company	98,288.38
Atlas Supply Company	98,304.67
Noland Company	98,642.82
Horne-Wilson, Inc.	99,150.80
McJunkin Corporation	101,734.77
Grinnell Company, Inc.	101,739.95

ACQUISITION OF RIGHTS OF WAY FOR CONSTRUCTION OF SANITARY SEWER LINES.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the acquisition of the following rights of way was authorized for the construction of sanitary sewer lines:

- (a) Acquisition of right of way 10-ft. wide and 82.52-ft. long, in South Boulevard, at 50 cents per front foot, at a total price of \$41.26 from Mrs Lucille Mason Mitchell, for Wilkinson Boulevard sanitary sewer trunk line.
- (b) Acquisition of right of way 10-ft. wide and 204.94-feet long at 1030 Sharon-Amity Road, at 50¢ per front foot, at a total price of \$102.47 from Mrs N. M. Craig, for sanitary sewer line from Shady Bluff Drive to Doncaster Drive.
- (c) Acquisition of right of way 10-ft. wide and 85.62-ft. long at 5601 Doncaster Drive, at 50 cents per front foot, at a total price of \$47.81 from James C. Fair, Jr. and Cornelia B. Fair, for sanitary sewer line from Shady Bluff Drive to Doncaster Drive.
- (d) Acquisition of right of way 10-ft. wide and 63.20-ft. long, at 5515 Doncaster Drive, at 50¢ per front foot, at a total price of \$32.60 from Mrs T. H. Bennett, for sanitary sewer line from Shady Bluff Drive to Doncaster Drive.
- (e) Acquisition of right of way 200-ft. wide and 1,053.90 ft. long south of North Carolina Highway #51, at \$1.00 per foot, at a total price of \$1,053.90 from Mary Cole Parks Mibarger and Patsy P. Richardson, for Lower Sugaw Creek Outfall sewer line.
- (f) Acquisition of right of way 61.82-ft. x 159.78-ft. x 151.21-ft., which is a small triangular tract within the right of way for the proposed tunnel, south of North Carolina Highway #51 below Pineville, at a total price of \$80.00 from Mary Cole Parks Mibarger, for Lower Sugaw Creek Outfall sewer line.
- (g) Acquisition of right of way 200-ft. wide and 893.99-ft. long south of North Carolina Highway #51, at \$1.00 per foot, at a total price of \$893.99 from Ola Parks Davis, for Lower Sugaw Creek Outfall Sewer line.

NOMINATION OF BEN E. DOUGLAS FOR REAPPOINTMENT TO THE AIRPORT ADVISORY COMMITTEE.

Councilman Albea moved the nomination of Mr. Ben E. Douglas to succeed himself on the Airport Advisory Committee, to remain open until the next meeting.

PETITION REQUESTING THAT THE ERECTION OF "NO PARKING SIGNS" NOT BE ALLOWED ON MILLERTON AVENUE REFERRED TO CITY MANAGER TO TAKE UP WITH TRAFFIC ENGINEER AND MAKE RECOMMENDATION TO COUNCIL AT NEXT MEETING.

Councilman Whittington presented a Petition, which was filed by Mrs C. M. Sims, 2100 Millerton Avenue and Mrs R. L. Moose, 2109 Millerton Avenue, stating the signers, who constitute all of the residents of Millerton Avenue except one, have received notice from Mr. Hoose, Traffic Engineer, that he plans to erect No Parking signs on both sides of Millerton Avenue; that they understand this was brought about by reason of the complaint of one resident

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of the street; and requesting that the signs not be erected, as they are not needed and will encourage speeding and will prohibit visitors to their homes as they will have no place to park; that through traffic in the area has the choice of routes over Freedom Drive, West Morehead Street and Independence Boulevard, and further that the recent traffic count made by the Traffic Engineering Department was taken at the wrong places and does not reflect a true picture of the traffic moving over Millerton Avenue.

Councilman Whittington moved that the Petition be given the City Manager and that he confer with the Traffic Engineer and give Council a recommendation at the next meeting. He advised the ladies that in discussing the request with Mr. Hoose, he stated it was not his intent to stop cars from parking in front of the residences as long as they would park off the street in the planting strip, and they would hear from him as far as his recommendation was concerned. The motion was seconded by Councilman Thrower.

Councilmen Dellinger and Albea stated they were of the opinion that it was illegal to use the planting strip for parking cars. Councilman Dellinger stated he knows this is prohibited by city ordinance and if it is permitted on one street, it will have to be permitted on other streets.

The vote was taken on the motion and unanimously carried.

PUBLIC HEARING ON RECOMMENDATIONS OF TRAFFIC ENGINEER FOR DOWNTOWN PARKING FIXED FOR JULY 29TH AT 2 O'CLOCK P.M.

Councilman Albea moved that July 29th at 2 o'clock p.m., in the Council Chamber be fixed as the time for the Public Hearing on the recommendations of the Traffic Engineer for Downtown Parking. The motion was seconded by Councilman Whittington, and unanimously carried.

CITY MANAGER REQUESTED TO CONFER WITH CHIEF OF POLICE AND CITY ATTORNEY AND MAKE REPORT TO COUNCIL RELATIVE TO PROHIBITING MUSIC BOXES ON ICE CREAM TRUCKS; RESTRICTING ADDITIONAL TRUCKS FROM BEING PLACED IN SERVICE AND REQUIRING COMPANIES TO OPERATE UNDER ZONE SYSTEM.

Councilman Thrower advised he has received several complaints from residents of Morehead Street about the ice-cream trucks playing records; that he understands it is quite disturbing and the bell on the truck itself is enough notice to the children that the truck is on the way and he has understood it is against the anti-noise ordinance for the trucks to play the records. He asked the City Manager to look into the matter and see if the situation cannot be cleared up.

Mayor Brookshire stated he understands under the State Code we cannot eliminate the operation. Councilman Thrower stated he is not discussing eliminating the trucks but simply the disturbing or distracting feature of playing records. Councilman Dellinger stated he does not understand why we cannot eliminate the operation, that it has been done in other North Carolina cities. Councilman Whittington stated that up until the City gave these Companies franchises they could not operate in the city, and he asked the City Attorney if the operation cannot be eliminated by taking up their franchises? Mr. Morrissey advised it is not strictly speaking a franchised operation in the sense that a public service company is franchises; that the ice-cream companies are merely licensed by the city to operate the trucks subject to the licensing regulations; that the Supreme Court ruled in the Raleigh case that the City has no authority to prohibit this operation, and a City can only regulate it.

Councilman Whittington advised he, too, has had a number of complaints about the ice-cream trucks and he suggested that Mr. Veeder have a conference with Chief Hord and the City Attorney and see if we cannot take these music boxes off these trucks; secondly, if we cannot prohibit the addition of other ice-cream trucks, because we started out with one and today have several, and thirdly, if we could not require them to operate in zones as some of our other licensed people do in the city, rather than being able to roam free all over Charlotte. He stated they are now operating all over town. A truck will sell on a street and in about forty-five minutes his competitor will come down the same street, and they have worked out a system that is apparently good business to do that. He stated he expects that he receives as many as five complaints a week about the trucks and he would like these gentlemen to confer together and Mr. Veeder bring back some information.

Councilman Dellinger stated he would like to have the noise from the trucks curtailed and the trucks operate on a schedule, as they are disturbing people who work at night and sleep in the day-time. He asked the City Attorney if we cannot zone their operations as we do Wreckers? Mr. Morrissey stated the City has an agreement with the Wrecker Companies but does not have the same authority in connection with the ice-cream trucks.

Councilman Whittington asked if the Council can legally do so, he would like to make the restrictions as strong as possible against the ice-cream trucks because the conditions are getting worse and the lives of these children are the City's responsibility to some degree.

CONTRACTS AUTHORIZED FOR APPRAISAL OF PROPERTY IN RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contracts were authorized with the following persons for the appraisal of property within the right of way of the Northwest Expressway:

Henry E. Bryant	Ten parcels on N. Brevard Street, E. 12th Street and N. Caldwell Street.
Vane D. Mingle	Seven parcels on N. Brevard St., E. 12th St. and N. Caldwell Street.
Alan J. Davis	Seven parcels on N. Brevard St., E. 12th St and N. Caldwell St.
William Finley	Four parcels on North Brevard Street.

BUDGET SESSION SCHEDULE FOR WEDNESDAY, JULY 10TH AT 7 P.M.

The City Manager reminded Council that the next Budget session is scheduled for Wednesday evening, July 10th, at 7 o'clock p.m.

REAPPOINTMENT OF THOMAS G. LANE AS VICE-RECORDER.

Councilman Jordan moved the reappointment of Mr. Thomas G. Lane as Vice-Recorder of the City Recorder's Court. The motion was seconded by Councilman Bryant, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk