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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, June 10, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Smith, Thrower and Whittington present.

ABSENT: Councilman Jordan.

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INVOCATION.

The invocation was given by Councilman Don G. Bryant.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Smith, and un-animously carried, the Minutes of the last Council Meeting on June 3rd were approved as submitted.

REQUEST THAT CITY PURCHASE J. E. QUINN PROPERTY ON SEIGLE AVENUE FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY OR RELEASE PROPERTY SO THAT BUILDING MAY BE CONSTRUCTED ON IT.

Mr. Ernest L. DeLaney, Jr., attorney representing Mr. J. E. Quinn, stated he owns some property on Seigle Avenue, which he wanted to develop as business property about six months ago and when he applied for a building permit he was told the property was in the Northwest Expressway right of way, and the permit was, therefore, not issued him. Since October of 1962 Mr. Quinn has been trying to negotiate with City Officials to get the City to go ahead and acquire the right of way if they intend to, or to issue him a permit if they are not going to. Mr. DeLaney stated the City is not being fair with its citizens; they say the property is in the right of way; a bond issue for purchasing the rights of way has passed, and apparently there has been no authority given by the Council to the agents of the City to negotiate with land owners to acquire this right of way. He is, therefore, asking the Council to authorize the City's Right of Way Agent to negotiate with Mr. Quinn, if you want the property, but make a decision one way or the other, so that Mr. Quinn can do something with his property.

Councilman Dellinger asked Mr. DeLaney if anyone with the City has refused to negotiate with him, and if he has submitted an architect's drawing of the proposed structure on the property? Mr. DeLaney stated no one has refused to negotiate with Mr. Quinn but at the same time he has been trying since October 1962 to get something done. That he is not sure whether drawings were submitted or not.

Councilman Dellinger stated the Council has been purchasing property in the right of way all along where people came in with drawings or acted in good faith, and he thinks Mr. DeLaney would do well to contact the City Manager.

Mayor Brookshire suggested that Mr. DeLaney take the matter up with Mr. Veeder and he thinks it can be worked out to everyone's satisfaction.

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ORDINANCE NO. 180-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF INDEPENDENCE BOULEVARD AT THE EASTWAY DRIVE, COMMONWEALTH AVENUE INTERSECTION, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 180-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from O-6 to B-2 of a strip of land on the north side of Independence Boulevard, at the Eastway Drive, Commonwealth Avenue Intersection, on petition of Mr. J. H. Canupp, as recommended by the Planning Commission. The motion was seconded by Councilman Albea.

A substitute motion was offered by Councilman Whittington that the Petition for the change in zoning be denied. The motion was seconded by Councilman Bryant.

Councilman Dellinger stated it seems to him the change in zoning is appropriate as it is a deadend street and he doesn't know what it can be used for except for a road, as no one is going to build a home in there.

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

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

Mayor Brookshire voted against the motion, thereby breaking the tied vote.

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

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

Mayor Brookshire voted in favor of the motion, thereby breaking the tied vote.

The ordinance is recorded in full in Ordinance Book 13, at Page 419.

PETITION NO. 63-29 FOR CHANGE IN ZONING OF LAND ON NORTHEAST SIDE OF INDEPENDENCE BOULEVARD, BEGINNING ON THE SOUTHEAST SIDE OF MCALPINE CREEK AND EXTENDING PAST TARLTON DRIVE, DENIED.

In connection with Petition No. 63-29 by Mr. Gus Pappamihiel for change in zoning from R-9 to B-2 of a tract of land on the northeast side of Independence Boulevard, beginning on the southeast side of McAlpine Creek and extending past Tarlton Drive, the City Attorney advised that the Petition filed at the meeting on June 3rd withdrawing the Protest Petition filed at the Hearing on May 27th, is sufficient, and only a majority vote of the Council is necessary to grant the petition.

Councilman Albea moved that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Councilman Bryant stated this is another of those situations that if the petition is not denied it will cost the City and State in the future, as we are crowding one of our major thoroughfares with opportunity for business without the benefit of an access road. That he thinks it has already cost the City on Independence Boulevard and this would be another way of furthering the situation and he hopes the Council will deny the petition.

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Councilman Dellinger stated he understood from the last meeting with the Highway Commission that we would have a service road out in this particular area sooner or later and for that reason he made a substitute motion that the Petition be allowed. The motion was seconded by Councilman Smith.

Councilman Bryant stated he thinks that would be fine and he would vote for it if there were an access road but unless we have a firm commitment he thinks it is shaky ground to vote for the change. Councilman Smith stated the only thing he has to oppose Mr. Bryant/^{on} there are Drive-Ins on both sides, both toward town and on out and to deny this man the right to put in a business would be discriminating against him, and the property is right on the creek bank and could not be used for residential purposes, and the natural improvement out there has been of such a nature that if you hold the applicant to a residential usage it would be almost spot zoning in reverse.

Councilman Bryant replied that as of now he does not think the Council has spot zoned out in that area and he does not think they are zoned for general business in that area. He stated further that he still feels this highway was built for fast movement of traffic and another 15 or 20 places where alcoholic beverages are sold or other refreshments would not make for the betterment of the situation. Councilman Smith stated to Mr. Bryant that he agrees with him that his proposition is right and fair and should be done, and he tried to say that a year ago when all this came up, but he does not think the Zoning Ordinance is the correct way to do this, and that he thinks the State should get the right of way to protect the highway and not leave it with the City to settle by zoning, which is not a good concept and it should be done by engineering rather than by zoning.

Councilman Albea stated he is voting consistently in this matter, and the records will show that he voted all the way down not to strip the Boulevard and this is not anything new to him. That the majority of the Council stripped the Boulevard but he did not and he is not going to undo what he has done, and he still has the same opinion about the Boulevard that he did when the first strip was made a year ago.

Councilman Smith stated the only reason he has been speaking to the subject is this is a concept that is being built up by expressions from the past and from the individual Councilmen that we are stripping the Boulevard, and his contention is if it was engineered properly in the first place, like I-85, there would be no strip zoning nor business in there, and that should be done in Raleigh and not in the City Hall at Charlotte. We are not highway people, and if they want to make this a non-access road then they should buy the right of way and make it a non-access road.

Councilman Whittington asked the City Manager if there are any recommendations for access roads along the Boulevard or any plans by the State for them at this point? Mr. Veeder advised there are none to his knowledge. Councilman Whittington continued, stating so whatever the Council allows to go out there, the Council is just bringing additional expense that will come later as far as buying that right of way.

Councilman Bryant stated that in spite of the fact that the Highway Commission did not buy the right of way, they probably make mistakes and we are faced with a situation that is there, so lets not sell it down the river at this stage of the game and strip it all the way, as that is what we are having to do whether we think it is our responsibility or not, but we still can do something about saving the situation, he thinks.

The vote was then taken on the substitute motion that the petition be allowed, and lost by the following recorded vote:

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

The vote was then taken on the main motion to deny the petition, and carried by the following recorded vote:

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

ORDINANCE NO. 181 TO AMEND THE CODE OF THE CITY OF CHARLOTTE TO STRIKE OUT PROVISIONS THEREIN REQUIRING OR REFERRING TO SEGREGATION BASED ON THE RACE OR COLOR OF PERSONS, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 181 to Amend the Code of the City of Charlotte to Strike out Provisions therein Requiring or Referring to Segregation Based on the Race or Color of Persons. The motion was seconded by Councilman Smith, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, at Page 420.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED IN DAWNVIEW PLACE, HARTFORD AVENUE AND LYNBROOK DRIVE AND RAMA ROAD.

Upon motion of Councilman Smith, seconded by Councilman Bryant, and un-animously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) Construction of 385-ft. of mains in Dawnview Place, inside the city limits, at request of Nance-Trotter Realty Company, at an estimated cost of \$2,015.00. 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.
- (b) Construction of 302-ft. of mains in Hartford Avenue, inside the city limits, at the request of J. F. Ayers, at an estimated cost of \$980.00. 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.
- (c) Construction of 816-feet of mains in Lynbrook Drive and Rama Road, inside the city limits, at request of Charlotte-Mecklenburg Board of Education, at an estimated cost of \$3,695.00. All costs to be borne by the applicant.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, authorizing the installation of water mains as follows:

- (a) Contract with Robert B. Pharr, for the installation of 740-feet of water mains in Crestbrook Drive, inside the city limits, at an estimated cost of \$1,700.00. All cost to be borne by the applicant with the City furnishing materials and labor necessary to install same. If and when the mains produce a revenue equal to 5% of the cost during any 12 months period, the City will reimburse the applicant the first cost of the project, without interest.

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- (b) Contract with Marsh-Broadway Construction Company, for the installation of 925-feet of water mains in Churchill Downs Subdivision, inside the city limits, at an estimated cost of \$3,025.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed to the Estate of Lionell C. Richards, for Lot 386, Section 4-A, in Evergreen Cemetery, at \$189.00.

JACK TURNER AND GEO. L. SIBLEY PLACED IN NOMINATION AS MEMBERS OF THE CHARLOTTE-MECKLENSBURG PLANNING COMMISSION.

Councilman Whittington placed in nomination Mr. Jack Turner as a member of the Charlotte-Mecklenburg Planning Commission.

Councilman Albea nominated Mr. George L. Sibley as a member of the Commission.

Both names will remain open for one week.

CITY MANAGER ADVISES TRAFFIC ENGINEER HAS WORKED OUT THE TRAFFIC LIGHT PROBLEM WITH FREDRICKSON AND FIVE OTHER MOTOR LINES AT JOHNSON AND GRAHAM STREETS, AND HE WILL MAKE REPORT TO COUNCIL.

Councilman Whittington asked the City Manager to give a report on the request for a Traffic Signal at Johnson and Graham Streets, involving Fredrickson Motor Line and five other Motor Lines.

Mr. Veeder reported that he has received a letter from the person initiating the request suggesting that the request be held in abeyance as they think they have worked something out with Mr. Hoose, Traffic Engineer, which meets with the satisfaction of all concerned. He stated further that the representative of Fredrickson who made the request and Mr. Hoose have met several times on this matter and believe they have something now that meets the requirements of both the city and motor lines.

Councilman Whittington asked if Mr. Veeder would let the Council know what that is so that they too may be informed.

COUNCILMAN ASKS THAT GOOD SAMARITAN HOSPITAL AUTHORITY BE REQUESTED TO COME DOWN FIRST COUNCIL MEETING CONVENIENT AND MAKE REPORT OF HIGH PRICES OF MEDICATION REPORTED AT HOSPITAL.

Councilman Whittington asked that Good Samaritan Hospital Authority be requested to come down and discuss with Council the unusually high prices for medication as reported at the Hospital, at a Council Meeting it would be convenient for them to attend. Also, ask that they give the report to Council prior to their coming down to discuss it, so the Council would have an opportunity to look at it prior to the discussion.

NINE APPRAISERS ADDED TO LIST OF APPROVED APPRAISERS FOR CITY WORK.

Councilman Dellinger moved that the following list of Appraisers given the City Manager in the Conference Session be added to the list of approved appraisers. The motion was seconded by Councilman Thrower, and unanimously carried:

- Jack Griffin
- Jimmy Basinger
- John C. McDonald
- Bob Percival
- Jack Turner
- Allan Tate
- Lee Heath
- Emmett Wilkinson
- S. B. McLaughlin

ACQUISITION OF PROPERTY FROM E. J. WEBB AND HOWARD WEBB FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Councilman Bryant moved approval of the acquisition of 36,183 square feet of property located at 413, 415, 417, 421, 425, 429 W. 11th Street and 708, 708A, 710, 710A, 712, 712A, 720, 720A, 722 and 722A Watkins Court and 721 North Pine Street, from E. J. Webb and Howard Webb, at a total price of \$107,625.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

Mr. Webb stated that he and his brother are well pleased with the manner in which the City handled this property, although it took a little time, they are well pleased.

ACQUISITION OF PROPERTY FROM J. H. GARRISON AND WIFE AND MINERVA G. PURCELL FOR RIGHT OF WAY FOR LOWER SUGAW CREEK OUTFALL SEWER LINE.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and un-animously carried, the acquisition of the following properties for right of way for the Lower Sugaw Creek Outfall Sewer Line was authorized:

- (a) Easement 60 ft. wide by 1,451.30 ft. long being Parcel #12 on the east side of Sugaw Creek about 1/2 mile south of Sharon Road West, from J. H. Garrison and wife, Blanche B. Garrison, at a total price of \$1,451.30.
- (b) Easement 60 ft. wide by 1,864.04 ft. long, along Sugaw Creek adjoining the south side of Sharon Road West, from Minerva G. Purcell, at a total price of \$1,864.04.

RECOMMENDATION THAT DATES BE SCHEDULED WHEN PROPERTY IN RIGHT OF WAY OF NORTHWEST AND NORTH SOUTH EXPRESSWAYS WILL BE APPRAISED AND FUNDS AVAILABLE FOR PAYMENT FOR SAME TO PROPERTY OWNERS.

Councilman Smith advised that he has suggested to the City Manager that he try to schedule some dates the Council can tell the property owners on the Northwest and North South Expressways approximately when the City will have the property appraised and have their funds available to pay them for the right of way. Some of the people are being inconvenienced and Council is concerned about these property owners and would like to have some kind of schedule so that they can work towards those dates.

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REPORT TO COUNCIL REQUESTED AS EARLY AS POSSIBLE ON REPAIRS TO CARDIFF STREET BETWEEN SPRINGWAY AND UNION STREETS.

Councilman Whittington asked the City Manager if he has a report on Cardiff Street, from Springway over to Union Street? He stated he has had lots of calls about it during the four years he has been at City Hall, and the people want some action one way or another. Mr. Veeder advised that he has a report on his desk, which he will give Mr. Whittington after the meeting and will give Council an overall report; however, they are not going to be able to report it with a favorable recommendation.

ROOMS FOR SIX PERSONS AUTHORIZED RESERVED IN CONVENTION HOTEL DURING MEETING OF AMERICAN MUNICIPAL ASSOCIATION IN HOUSTON TEXAS AUGUST 10TH THROUGH 14TH.

Mr. Veeder was instructed to reserve rooms for six people in Convention Hotel in Houston, Texas during the American Municipal Association meeting August 10th through 14th, and it will be decided definitely later just who can attend.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk