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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 24, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan and Whittington present.

ABSENT: Councilmen Smith and Thrower.

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INVOCATION.

The invocation was given by the Reverend William H. Benson, Pastor of the First Church of the Nazarene.

MINUTES OF JUNE 17TH AND JUNE 19TH APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and un-animously carried, the Minutes of the last regular meeting on June 17th and Special Joint Meeting with the County Commissioners on June 19th were approved as submitted.

REQUEST OF RESIDENTS OF STANFIELD DRIVE THAT BUSES BE REMOVED FROM THEIR STREET REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mrs C. W. Killingsworth, 739 Stanfield Drive, appeared before Council and filed a petition signed by the residents of Stanfield Drive stating they are suffering extensive damage to their homes due to the City Buses traveling over Stanfield Drive; that there have been two cave-ins around storm sewers and although these have been repaired, the residents still get terrific shocks when the Buses run over them, which causes cracked plaster and even cracked and shattered tile on the bathroom walls. Mrs Killingsworth requested the immediate consideration of Council of this condition and that the Buses be taken off their street to give them some immediate relief.

Mayor Brookshire stated they would be glad to refer the petition to the City Manager and have him look into it immediately.

CITY ATTORNEY TO ADVISE COUNCIL STATUS OF UNEMPLOYMENT COMPENSATION LEGISLATION IN GENERAL ASSEMBLY RELATIVE TO EASTERN AIRLINES EMPLOYEES.

Mr. W. J. Elvin asked what action the Council has been taken on the change in the unemployment compensation law for the Eastern Airlines employees, which he presented to Council some several weeks ago.

Mayor Brookshire stated this was referred to the City Attorney and asked him for his comments. Mr. Morrissey stated he is trying to recall what has happened to it in the Legislature but it escapes him at the moment, and he will be glad to check on it in the Legislative Bulletins and advise Council what has happened to it.

REQUEST THAT ACTION BE TAKEN REGARDING DANGEROUS CONDITION AT END OF RAMSEY STREET REFERRED TO CITY MANAGER TO ARRANGE CONFERENCE BETWEEN P & N RAILWAY COMPANY AND ERVIN CONSTRUCTION COMPANY.

Mr. Herbert Linder, 427 South Ramsey Street, stated there is a hole at the

dead-end of his street that is some 25 or 30 feet deep, with cement poured down the side/^{and}beyond the cement a 7 foot drop off, and when the rains are heavy the water stands in the hole from 4 to 5 feet deep. He advised that he fenced in his back yard to keep his little boy in the yard but he is old enough now to get under the fence and he is afraid he will fall into the hole and be killed or drowned. Mr. Linder advised that he has twice reported the condition to Ervin Construction Company, who developed the area, and also to the P & N Railway twice, on whose right of way he is now told the hole is located, but he has had no response from either. That he called Councilman Whittington and he sent the report to the City Manager and when the City Manager's answer was received he called Councilman Whittington back, and he said he would reopen the case. However, the hole is still out there and he feels something must be done about it before his or some other child in the neighborhood is killed. Mr. Linder advised he has been to see a lawyer and he told him he would have to pay his attorney's fee and expense and he would bring Ervin Construction Company and the P & N Railway Company to Court and it would be decided who is legally responsible for the hole. However, he feels instead of paying out all that money, that he should be able to secure the services of the City Attorney to review the situation and put the legal responsibility on either Ervin or the P & N Railway.

Mayor Brookshire advised Mr. Linder that he is of the opinion that only the Courts could do that; however, Council has discussed the matter already this afternoon and in view of the fact that the property belongs to the P & N Railway Company and also considering the fact that they have said that Ervin has the responsibility for the hole because he developed the property in the area, Mr. Veeder has agreed to contact both the P & N and Ervin Construction Company to see if he can effect some results.

Councilman Whittington advised that he, Mr. Veeder and the City Engineer went out this morning and looked at the hole and Mr. Veeder is going to arrange a conference between the P & N and Mr. Ervin and try and help Mr. Linder with the problem.

Mr. Linder contended that it was morally not right to put legality and money over the safety of the children in the neighborhood, and some action should be taken immediately before one of the children is killed.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 15TH ON PETITION FOR CHANGE IN ZONING OF PROPERTY AT SE CORNER OF PARK ROAD AND FAIRVIEW ROAD, ADOPTED.

Councilman Bryant moved the adoption of a Resolution Providing for the Public Hearing on July 15th on the Petition of Mr. Warley L. Parrott for change in zoning of tract of land at the southeast corner of Park Road and Fairview Road. The motion was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 296.

RESOLUTION APPROPRIATING FUNDS FOR PAYING USUAL EXPENSES OF THE CITY PENDING THE ADOPTION OF THE ANNUAL APPROPRIATION ORDINANCE, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, adopting a Resolution Appropriating Funds for Paying the Usual Expenses of the City of Charlotte pending the adoption of the Annual Appropriation Ordinance. The resolution is recorded in full in Resolutions Book 4, at Page 297.

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RESOLUTIONS APPROVING PRELIMINARY ASSESSMENT ROLLS AND PROVIDING FOR NOTICE AND PUBLIC HEARINGS THEREON ON JULY 15, 1963, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, Resolutions Approving Preliminary Assessment Rolls and Providing for Notice and Public Hearings on July 15th for each of the following Petition Improvement Projects, were adopted:

- (a) Dallas Avenue, from Kelly Road to Montague Road.
- (b) Laburnum Avenue, from Westover Street to Hanover Street.
- (c) Laburnum Avenue, from Hanover Street to Wyanoke Avenue.
- (d) Tennyson Drive, from Plainview Street to South Street.
- (e) Tresevant Avenue, from Old City Limits to Davenport Street.

The resolutions are recorded in full in Resolutions Book 4, beginning at Page 298, and ending at Page 302.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 15TH ON PETITION OF ERVIN CONSTRUCTION COMPANY, INC AND SPANGLER REALTY COMPANY FOR ANNEXATION TO THE CITY OF CHARLOTTE OF PROPERTY IN PAW CREEK TOWNSHIP, ADOPTED.

Councilman Jordan moved the adoption of a Resolution Providing for public Hearing on July 15, 1963 on Petition of Ervin Construction Company, Inc. and Spangler Realty Company for the Annexation to the City of Charlotte of 84.56 acres of property, known as Northwood Estates, located in Paw Creek Township. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 303.

ORDINANCE NO. 182-Z AMENDING CHAPTER 23, SECTION 23-40 OF THE CITY CODE GRANTING CONDITIONAL APPROVAL FOR THE STORAGE OF PETROLEUM PRODUCTS.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and un-animously carried, Ordinance No. 182-Z Amending Chapter 23, Section 23-40 of the City Code granting conditional approval for the storage of Petroleum Products on property zoned I-2 located on the south side of Old Mount Holly Road, east of Thrift Road, on petition of The Pure Oil Company, was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 421.

STREETS TAKEN OVER FOR CITY MAINTENANCE.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and un-animously carried, the following streets were taken over for city maintenance:

<u>Street</u>	<u>From</u>	<u>To</u>
Crestview Drive	145 ft. northeast of Matton Street	675 ft. northeast
Campus Street	30 ft. southeast of Edgefield Ct.	130 ft. northeast of Edgefield Court.
Northcrest Drive	Northhaven Drive	Cul-de-sac.

CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED IN RAMA WOODS.

Councilman Bryant moved approval of the construction of 1,405-feet of sanitary sewer main in Rama Woods, inside the city limits, at the request of Kavanagh-Smith & Company, at an estimated cost of \$3,805.00. All costs to be borne by the applicant, whose deposit of the entire amount of the costs will be refunded as per terms of the contract. The motion was seconded by Councilman Dellinger, and un-animously carried.

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AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND AMERICAN INVESTMENT COMPANY FOR RIGHT OF WAY FOR WATER MAIN CROSSING PROVIDENCE ROAD AUTHORIZED COSIGNED BY CITY.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and un-animously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Commission and the American Investment Company for right of way for the installation of a water main crossing Providence Road at four points, outside the city limits.

CONSIDERATION OF APPOINTMENTS TO CHARLOTTE MECKLENBURG PLANNING COMMISSION POSTPONED FOR THREE WEEKS.

Councilman Dellinger moved that consideration of the appointment of two members to the Charlotte-Mecklenburg Planning Commission to fill terms of office expiring on June 30, 1963 be postponed for three weeks. The motion was seconded by Councilman Jordan, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. William P. Morse, for the northeast quarter of Lot 9, Section M, Elmwood Cemetery, transferred from Mr. E. B. Morse and wife, at \$3.00 for transfer deed.

CONTRACT AWARDED REPUBLIC STEEL CORP FOR 88 LINEAR FEET OF CORRUGATED METAL PIPE ARCH.

Councilman Dellinger moved the award of contract to the low bidder, Republic Steel Corporation, for 88 linear feet of Corrugated Metal Pipe Arch, as specified, at their bid price of \$1,654.18. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Republic Steel Corp.	\$ 1,654.18
Carolina Culvert & Metal Co.	1,740.29
Armco Drainage & Metal Products	1,871.65

CONTRACT AWARDED LOWDER COAL & OIL COMPANY FOR 490 TONS COAL.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and un-animously carried, awarding contract to the only bidder, Lowder Coal & Oil Company, for 490 tons of oil treated coal, as specified, at their bid price of \$5,565.56, on a unit price basis.

COUNCILMAN BRYANT ABSENT FOR REMAINDER OF SESSION.

Councilman Bryant left the meeting at this time and was absent for the remainder of the session.

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CONTRACT AWARDED ELAM ELECTRIC & SUPPLY COMPANY FOR ELECTRICAL WORK IN CONNECTION WITH THE INSTALLATION OF THE SECURITY SYSTEM IN THE MINT MUSEUM OF ART.

Councilman Whittington moved the award of contract to the low bidder, Elam Electric & Supply Company, for the electrical work in connection with the installation of the security system in the Mint Museum of Art, at their bid price of \$3,080.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Elam Electric & Supply Co., Inc.	\$ 3,080.00
Robinson Electric Company	3,101.00
Morris Electric Company, Inc.	3,526.00.

ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR LOWER SUGAW CREEK OUTFALL SEWER.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the acquisition of the following rights of way for the Lower Sugaw Creek Outfall Sewer, was authorized:

- (a) Triangular piece of land 101' x 246' x 256', south of N.C. Highway #51, from J. B. Deal Estate, at a price of \$150.00.
- (b) Tract 4,177.76' long x 60' wide, half way between Sharon Road West and N. C. Highway #51, from Annie Louise Parks, at a price of \$4,177.76.
- (c) Tract 524.28' long x 60' wide, half way between Sharon Road West and N. C. Highway #51, along the east side of Sugaw Creek, from W. B. Garrison and Rebecca S. Garrison, at a price of \$542.28.

LIST OF APPRAISERS APPROVED.

Councilman Albea moved approval of the following list of Appraisers submitted by the City Manager, together with the addition of Mr. D. A. Stout, Mr. Herman Yoos, and Mr. Jack Starnes. The motion was seconded by Councilman Whittington, and unanimously carried:

Atkinson, Sam	Griffith, L. H.	Rhyne, Robert, Sr.
Barrentine, J. E.	Guthery, Paul	Robards, Earl L.
Baxter, O. D. Jr.	Harlan, Frank	Rose, Louis L.
Brookshire, Brevard	Harris, William L.	Smith, Al
Brown, Harry G.	Heath, M. Lee	Smith, F. Brandon
Bryant, Henry E.	Henderson, A. I.	Tate, Alan
Carrier, Albert H., Jr.	Henderson, W. I.	Thies, Frank R.
Carson, J. H.	Kinney, Lee	Thompson, Carlisle
Cromartie, J. Henry	Lawing, T. R.	Todd, C. W.
Daniel, Freeman	McClintock, W. Banks	Turner, Jack
Davis, Alan J.	McDonald, John C. Jr.	Webb, Robert
DeLaney, Ernest, Sr.	McDonald, J. Caldwell, Sr.	Elliot, Stewart
Dunaway, Kemp	McKee, Hal	Hanks, W. C.
Durham, John F.	McLaughlin, S. B.	
Finley, W. W.	McNinch, S. S. Jr.	
Freeman, Claude	Mingle, Vane D.	
Gallagher, John M.	Newson, Henry	
Gibbs, Wallace	Percival, R. H.	
Griffin, Jack P.	Phelan, Leo H., Jr.	

CONDEMNATION PROCEEDINGS AUTHORIZED FOR ACQUISITION OF CHARLOTTETOWN MALL PROPERTY REQUIRED AS RIGHT OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Dellinger moved that condemnation proceedings be authorized under Chapter 136 of the General Statutes for the acquisition of the Charlottetown Mall property required as right of way for the Kenilworth Avenue Extension project. The motion was seconded by Councilman Whittington, and unanimously carried.

APPLICATIONS FOR FIVE LICENSES FOR PINKERTON'S NATIONAL DETECTIVE AGENCY, INC., APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, applications for licenses for the Pinkerton's National Detective Agency, Inc. and Four of its Agents were approved.

CHANGE ORDER NO. 4 IN BLYTHE-CROWDER CONSTRUCTION COMPANY CONTRACT FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT APPROVED.

Councilman Jordan moved approval of Change Order No. 4 in Blythe-Crowder Construction Company contract for the construction of the West Side Grade Crossing Elimination Project, to provide Railroad Protective Liability Insurance to adequately cover equipment of the P & N Railroad Company during construction work in the vicinity of their tracks. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACTS AUTHORIZED WITH J. C. MCDONALD, JR. B. BREVARD BROOKSHIRE, L. H. GRIFFITH AND BRANDON F. SMITH FOR APPRAISAL OF PROPERTY WITHIN RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

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

J. C. McDonald, Jr.	Nine parcels on West 11th Street, N. Church Street and North Poplar Street.
B. Brevard Brookshire	Twelve parcels on W. 11th Street, W. 12th Street, N. Graham Street, N. Poplar Street and Jackson Avenue.
L. H. Griffith	Twelve parcels on W. 11th Street, W. 12th Street, N. Graham Street, N. Church Street and N. Pine Street.
Brandon F. Smith	Six parcels at the corner of Jackson Avenue and Presser Street, Seigle Avenue, N. Tryon Street and N. Church Street.

C. H. TOUCHBERRY AUTHORIZED TO ENLARGE TRACT OF LAND FROM 22 ACRES TO 43 ACRES OFF SARDIS ROAD TO BE CONNECTED TO THE CITY'S SANITARY SEWERAGE SYSTEM, SUBJECT TO HIS PROVIDING THE PROPER SIZE PUMPING STATION.

Councilman Dellinger moved that C. H. Touchberry be authorized to enlarge the tract of land included under Council's prior approval on May 6, 1963, from 22 acres to 43 acres off Sardis Road to be connected to the City's Sanitary Sewerage System, outside the city limits, subject to his providing the proper size pumping station. The motion was seconded by Councilman Albea, and unanimously carried.

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RENEWAL OF LEASE OF BUILDING AT 701 EAST TRADE STREET USED AS POLICE GARAGE.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Lease of Building at 701 East Trade Street used as the Police Garage was authorized renewed for a period of two years at a monthly rental of \$325.00.

CHAIRMAN OF ABC BOARD ADVISES RELATIVE TO REVISED TOTAL OF FUNDS TO BE RECEIVED BY CITY.

The City Manager advised he has a letter from Mr. Frank Sims, Jr., Chairman of the ABC Board, dated June 21st, pointing out the revised total of the sum to be received by the City; the additional revenue outlined in his letter for the City is \$37,806.00 over and above what the ABC Board has told us previously. Mr. Veeder stated this takes into account, of course, the new bill passed by the Legislature.

CITY MANAGER REQUESTED TO CHECK NUMBER OF FIRE HYDRANTS ON WESLEY AVENUE.

Councilman Whittington stated he has a request from the residents of the 1000 block of Wesley Avenue for the installation of some fire hydrants, in which they advise there are no hydrants in the block and they think there are none on the entire street. He asked the City Manager to make an investigation and advise if this condition cannot be remedied.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk