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

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by the Reverend Aubrey Q. Patterson, Pastor of Hoskins Avenue Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on May 27th were approved as submitted.

DECISION ON PETITION NO. 63-25 FOR CHANGE IN ZONING OF 9.693 ACRE TRACT OF LAND AT THE NORTHWEST CORNER OF BEATTIES FORD ROAD AND INTERSTATE 85, DEFERRED UNTIL RECOMMENDATION OF PLANNING COMMISSION RECEIVED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, decision on Petition No. 63-25 by C. D. Spangler Construction Company for change in zoning from O-15 to B-1 of a 9.693 acre tract of land at the northwest corner of Beatties Ford Road and Interstate 85, was deferred until recommendation of the Planning Commission is received.

DECISION ON PETITION NO. 63-26 FOR CHANGE IN ZONING OF STRIP OF LAND ON THE NORTH SIDE OF INDEPENDENCE BOULEVARD AT EASTWAY DRIVE, COMMONWEALTH AVENUE, INDEPENDENCE BOULEVARD INTERSECTION, DEFERRED FOR ONE WEEK.

Councilman Whittington moved that Petition No. 63-26 for change in zoning of a strip of land 520' x 145' on the north side of Independence Boulevard at Eastway Drive, Commonwealth Avenue, Independence Boulevard Intersection, from O-6 to B-2, on petition of Mr. J. H. Canupp, be denied. He stated his reason is that the property runs in a "V" shape half-way between Independence Boulevard and Woodland Drive, and is all vacant now, and the property on Dresden Drive and Eastway Drive back up to the property in question, and what Council is doing, and he has discussed it with Mr. McIntyre, is allowing the petitioner, Mr. Canupp, to build an additional building, which he understands is to be a department store, running behind two streets that now have some of our finest residential property in Eastway Park, and he cannot see how this is organized planning and how it will do anything except ruin the property of the people who already live on Eastway and Dresden Drive. He asked if Council is not familiar with the situation that they go out and look at it before voting. The motion was seconded by Councilman Bryant.

Councilman Smith stated he would like to postpone action for a week; that he was under the impression the triangular piece of land was 1,000 or more feet in depth and they were taking about half of it the entire strip, as that was the way it was presented. He offered a substitute motion that action be deferred for one week. The motion was seconded by Councilman Jordan, and unanimously carried.

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PETITION NO. 63-27 FOR CHANGE IN ZONING OF 38 LOTS ON NORTH SIDE OF HAVELOCK AVENUE, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-
animously carried, Petition No. 63-27 by Miss Alice Pierce et al for change
in zoning from I-2 to R-6MF of 38 lots on the north side of Havelock Avenue,
beginning at Mulberry Road and extending eastward 980 feet, was denied as
recommended by the Planning Commission.

ORDINANCE NO. 176-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE
CHANGING ZONING OF TRACT OF LAND AT THE SOUTHEAST CORNER OF BRADFORD DRIVE
AND EDDLEMAN ROAD, ADOPTED.

Councilman Bryant moved the adoption of Ordinance No. 176-Z Amending Chapter
23, Section 23-8 of the City Code changing the zoning from R-6MF to B-2 of
a tract of land approximately 150' x 450' at the southeast corner of Bradford
Drive and Eddleman Road, on petition of H. M. Jamieson Heirs and recommended
by the Planning Commission. The motion was seconded by Councilman Jordan,
and unanimously carried. The Ordinance is recorded in full in Ordinance Book
13, at Page 412.

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

Councilman Albea moved that 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, be denied as recommended by the Planning
Commission. The motion lost for lack of a second.

Mr. Parker Wheadon, Attorney for the opposition to the change in zoning,
filed a paper which he stated was signed by the adjoining property owners,
who say they are authorized to speak for the others as well, withdrawing the
protest.

Councilman Whittington asked if Mr. Wheadon is saying that the objections are
now withdrawn? Mr. Wheadon replied he has been given this instrument signed
by the adjoining property owners, Mr. & Mrs Tarlton and some people named
Black, saying they had a meeting yesterday with the other people signing the
protest and they say they didn't have time to get everyone to sign but they
are authorized to speak for them. Councilman Whittington then asked if the
people live on Tarlton Drive who asked that their names be withdrawn? Mr.
Wheadon said that is what the papers says. Councilman Dellinger asked if
Mr. Wheadon is now eliminating the 20% rule, and Mr. Wheadon said he thinks it
would practically have that effect.

Councilman Whittington offered a substitute motion that the decision be post-
poned for one week and that the City Attorney give Council the qualification
of the 20% rule. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated the Docket says the protest petition is signed by
100% of the adjoining property owners and he asked Mr. Wheadon if he represents
all of the adjoining property owners? Mr. Wheadon replied he has not examined
the title to the property, but as far as he understands from their representat-
ion to him, and according to the tax map he looked at, they own the property
in the rear and on the sides and he believes the people who have signed the
petition he has today are, in fact, all of the property owners who signed the
protest petition last week. Councilman Smith asked Mr. Wheadon if he re-
presented the protesters at the hearing last week and Mr. Wheadon stated he did.

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

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

Councilman Albea stated the petition should have been here when the hearing was held.

PETITION NO. 63-20 FOR CHANGE IN ZONING OF ALL PROPERTY FRONTING ON THE WEST SIDE OF PARK ROAD, BETWEEN MARSH ROAD AND HILLSIDE AVENUE, DENIED.

Motion was made by Councilman Albea, seconded by Councilman Thrower, and unanimously carried, denying Petition No. 63-20 by R. L. McGinn, Sr. et al for change in zoning from R-9 to R-6MFH of all property fronting on the west side of Park Road, between Marsh Road and Hillside Avenue, as recommended by the Planning Commission.

ORDINANCE NO. 177-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND ON THE EAST SIDE OF MCALWAY ROAD BEGINNING 200 FEET SOUTH OF BEAL STREET FROM R-9 TO R-6MF, ON PETITION OF L. F. FUNDERBURK, ADOPTED.

Petition No. 63-31 by Mr. L.F. Funderburk for change in zoning from R-9 to R-6MFH of tract of land on the east side of McAlway Road beginning about 200 feet south of Beal Street, and the recommendation of the Planning Commission that the zoning be changed to R-6MF in lieu of R-6MFH were considered by Council. Councilman Smith asked Mr. Ben Horack, Attorney for the petitioner, if a change to R-6MF would be acceptable to his client in lieu of R-6MFH? Mr. Horack replied that it would be on the theory that half a loaf is better than none, but with great reluctance for the reason that the high rise part that is planned is one unit at the rear of the property and as a matter of fact that R-6MFH requirement would allow 135 units but his client has no intention of using up to that maximum, in fact they will have only 90 units. Councilman Smith read the report of the Planning Commission in which it was stated a change to R-6MFH would be spot zoning et cetera.

Councilman Albea moved that Ordinance No. 177-Z Amending Chapter 23, Section 23-8 of the City Code be adopted changing the zoning of the tract of land from R-9 to R-6MF, as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 413.

ORDINANCE NO. 178 AMENDING CHAPTER 23 "ZONING" OF THE CODE OF THE CITY OF CHARLOTTE, ADOPTED WITH CHANGE.

Ordinance No. 178 Amending Chapter 23 "Zoning" of the Code of the City of Charlotte, deferred at last Week's meeting, was further considered, and Councilman Dellinger asked the City Attorney with regard to Amendment No. (21) would it be necessary to change our ordinance or shall we depend on the State's action on petitions being here on the date of the hearing? Mr. Morrissey stated that the ordinance as proposed would provide that the protest would have to be filed with the City Clerk not later than the close of business on the second business day following the day of public hearing.

Councilman Dellinger stated he would like to recommend that this provision in the ordinance be changed to provide that petitions shall be in evidence at the hearing. Mr. Morrissey advised in further answer to Mr. Dellinger's

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question, that the State law which is now going through the legislative process, if enacted, will provide that the notice shall be filed not later than 48 hours prior to the date of the hearing. Councilman Dellinger stated his proposal would not be in conflict with the proposed state law and he would like the petitions to be presented at the hearing, and he asked the City Attorney to reword the Amendment (21) to that effect. Mr. Morrissey suggested that the Amendment (21) read "unless otherwise provided by state law, now or hereafter enacted, a protest against any proposed change, which is intended to invoke the requirement of G. S. 160-176 for a three-fourth majority vote, shall be filed with the city clerk not later than the day and time of public hearing on such proposed change". Councilman Dellinger moved that Amendment (21) be adopted as reworded and read by the City Attorney. The motion was seconded by Councilman Thrower.

Councilman Whittington advised the Mayor that he would have to abstain from voting on the issue, as he does not know what the discussion is about. Councilman Dellinger explained his proposal simply means that a protest petition which would invoke the 3/4 majority vote of Council must be in the hands of the Council at the hearing.

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

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

Nays; None.

Councilman Bryant then moved the adoption of Ordinance No. 178 Amending Chapter 23 "Zoning" of the Code of the City of Charlotte, as changed. The motion was seconded by Councilman Albea, and carried by the following recorded vote:

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

Councilman Whittington abstaining from voting.

The ordinance is recorded in full in Ordinance Book 13, beginning at Page 414.

LEASE OF AIRPORT BUILDING NO. 108 TO QUEEN CITY AUTOMATIC SPRINKLER COMPANY FOR ONE YEAR.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Airport Building No. 108, containing 5,000 square feet, was leased to Queen City Automatic Sprinkler Company for a period of one year, at a monthly rental of \$100.00.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, taking over the following streets for continuous maintenance:

	<u>From</u>	<u>To</u>
Yuma Street	170' N. of Hidden Valley Road	Squirrel Hill Road
Squirrel Hill Road	170' north	160' S. of Yuma Street
Bannister Place	130' N. of Yuma Street	420' S. of Cul-de-sac
Meban Drive	100' N. of Hidden Valley Road	White Plains Road
White Plains Road	180' N. of Yuma Street	180' N. of Hidden Valley Rd.
Baltimore Drive	Plaza Road	Larchmont Avenue

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	From	To
Larchmont Avenue	Shannonhouse Drive	Cul-de-sac
Baker Drive	90' south	80' N. of Sandridge Rd.
Sandridge Road	Baker Drive	970' northeast
Sunnybrook Drive	Pendleton Avenue	Eastburn Road
Eastburn Road	Sunnybrook Drive	200' W. of Sunnybrook Dr.
Pendleton Avenue	200' E. of Sunnybrook Dr.	200' W. of Sunnybrook Dr.
Comstock Drive	150' W. of Seaman Drive	2nd crossing of Seaman Dr.
Seaman Drive	100' NE of Comstock Drive	Archer Avenue
Crisman Street	Freedom Drive	Ledwell Street
Pacific Street	Freedom Drive	1035' SW to end

CHANGE ORDER NO. 1 IN CONTRACT WITH PITTSBURG-DES MOINES STEEL COMPANY FOR THE ERECTION OF AN ELEVATED STEEL WATER TANK, TO COVER COST OF AN ADDITIONAL DRAIN IN THE ROADWAY.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, Change Order No. 1 in contract with Pittsburg-Des Moines Steel Company for erection of an Elevated Steel Water Tank and accessories, was authorized in the amount of \$125.00 to cover an additional drain in the roadway made necessary because of the opening of a hidden underground spring.

CONNECTION OF PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWAGE SYSTEM IN ALLENBROOK DRIVE AUTHORIZED.

Councilman Whittington moved approval of the request of Mr. Joe McKellop to connect his privately owned sanitary sewer lines to the City's Sewerage System in Allenbrook Drive, outside the city limits, to serve residential property. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Trotter & Allan Construction Company, Inc., for the installation of 810-ft. of water mains and one hydrant in Audrey Street, inside the city limits, at an estimated cost of \$2,800.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Supplementary contract to contract dated April 8, 1963 with Nance-Trotter, Inc. for the installation of 570' of additional water mains in Westerly Woods Subdivision, inside the city limits, at an estimated cost of \$912.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (c) Supplementary contract to contract dated October 26, 1955 with American Investment Company, for the installation of 5,975-feet of water mains and four hydrants in Old Farm Subdivision, outside the city limits, at an estimated cost of \$19,5000.00. The applicant will pay for the entire cost and own the mains and hydrants until the area is incorporated into the city, at which time they will become the property of the city without further agreement.

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ISSUANCE OF SPECIAL OFFICER PERMIT AUTHORIZED TO MRS STELLA PATTERSON ON PREMISES OF LEDFORD'S STORES AND RENEWAL OF PERMIT TO C. O. HILL ON PREMISES OF CHARLOTTETOWN MALL.

Councilman Thrower moved approval of the issuance of a Special Officer Permit to Mrs Stella Patterson for use on the premises of Ledford's Stores on Park Road, The Plaza, Freedom Drive and Cotswold Shopping Center, and the renewal of a Special Officer Permit to Mr. C. O. Hill on the premises of Charlottetown Mall. The motion was seconded by Councilman Jordan, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, 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 John J. McGreevey, for Graves 1 and 2, Lot 18, Section 3, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mrs Edwin B. Vosburg, Sr. for Lot 338, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with Mr and Mrs Davies W. Malloy, for Grave 3, Lot 21, Section 3, Evergreen Cemetery, at \$60.00.
- (d) Deed with Howard V. Caton, for Lot 7, Section 2, Evergreen Cemetery, transferred from Mrs Hazel Caton, at a cost of \$3.00 for transfer deed.

CONTRACT AWARDED NOLAND COMPANY FOR 40,330 FEET OF GENUINE WROUGHT IRON PIPE AND MALLEABLE FITTINGS.

Councilman Dellinger moved the award of contract to the low bidder, Noland Company, for 40,330 feet of Genuine Wrought Iron Pipe and Malleable Fittings, as specified, on a unit price basis, at their bid price of \$6,754.14. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Noland Company	\$ 6,754.14
Parnell-Martin Supply Co.	6,946.06
Crane Supply Company	7,065.54
Horne-Wilson, Inc.	7,130.02
Hajoca Corporation	7,203.95
Industrial Piping Supply Co.	7,227.89
Dillon Supply Company	7,252.26
Baker-Mitchell Company	7,477.37
McJunkin Corporation	7,804.61
Grinnell Company	8,169.93

CONTRACT AWARDED R. B. PICKETT ROOFING COMPANY FOR GUTTERS AND DOWNSPOUTS CONSTRUCTION IN REPAIRS TO MINT MUSEUM OF ART BUILDING.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, R. B. Pickett Roofing Company, for the construction of Gutters and Downspouts, as specified, in the Repairs to the Mint Museum of Art Building, at their bid price of \$2,280.50.

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The following bids were received:

R. B. Pickett Roofing Company	\$ 2,280.50
Averett & Ledbetter Roofing Co.	3,052.00
Colonial Construction Company	3,850.00

CONTRACT AWARDED DOGGETT LUMBER COMPANY FOR CARPENTRY WORK IN REPAIRS TO THE MINT MUSEUM OF ART BUILDING.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Doggett Lumber Company, for the Carpentry Work in the Repairs to the Mint Museum of Art Building as specified, at their bid price of \$1,960.00.

The following bids were received:

Doggett Lumber Company	\$ 1,960.00
Cecil B. Threadgill	2,175.00
Colonial Construction Company	5,450.00

CONTRACT AWARDED BOYD & GOFORTH, INC. FOR CONSTRUCTION OF WATER DISTRIBUTION SYSTEM IN COLONY ROAD, RUNNYMEDE LANE, CRAIG AVENUE AND TANK ACCESS ROAD.

Councilman Bryant moved that contract be awarded the low bidder, Boyd & Goforth, Inc. for the construction of the water distribution system in Colony Road, Runnymede Lane, Craig Avenue and Tank Access Road, as specified, on a unit price basis, at their bid price of \$102,816.20. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Boyd & Goforth, Inc.	\$102,816.20
Noll Construction Company	107,365.00
A. P. White & Associates	112,125.58
Rand Construction Co., Inc.	112,722.25
Blythe Bros Company	116,346.50

CONTRACT AWARDED DAVIE CONTRACTORS, INC. FOR AIRPORT IMPROVEMENTS.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Davie Contractors, Inc., for the construction of Airport Improvements, as specified, on a unit price basis, at their bid price of \$903,981.50.

The following bids were received:

Davie Contractors, Inc.	\$ 903,981.50
A. P. White & Associates	943,132.75
Arrow, Inc.	1,041,504.50
Dickerson	1,104,647.75
Clement Bros	1,107,555.00
Asheville Construction Co.	1,255,686.00
Nello L. Teer Company	1,272,017.50
S. T. Wooten	1,309,348.50
Ray D. Lowder	1,350,871.25
Blythe Bros.	1,761,691.50
Rea Construction Co.	1,945,800.00

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CONTRACT AWARDED WALKER & WHITESIDE, INC. FOR AIRPORT ELECTRICAL WORK.

Councilman Bryant moved the award of contract to the low bidder, Walker & Whiteside, Inc. for Airport Electrical Work, as specified, at their bid price of \$59,199.06, on a unit price basis. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Walker & Whitesides, Inc.	59,199.06
Bryant Electric Company	61,937.00
Arrow, Inc.	67,061.00
Rockwell Radio & Elec. Co.	70,548.00
Nello L. Teer Company	79,440.25
A & N Electric Company	112,840.00

INSTALLATION OF MEDIAN AND TRAFFIC SIGNAL IN FREEDOM DRIVE AUTHORIZED AND FUNDS TRANSFERRED FROM CONTINGENCY FUND.

Upon motion of Councilman Albae, seconded by Councilman Smith, and un-animously carried, the construction of a median in the center of Freedom Drive for approximately 1,150 feet from 200 feet east of Enderly Road to approximately 500 feet west of the third driveway entrance into Freedom Village Shopping Center, and the installation of a traffic signal at the intersection of Freedom Drive and Ledwell Street, with minor movements for left turns, setting up separate left turn movements when traffic demands, at a total cost of \$6,600.00, to be transferred from the Contingency Fund, was authorized as recommended by the Traffic Engineer.

RETIREMENT AND EXTENSION OF SERVICE OF AFFECTED CITY EMPLOYEES APPROVED.

Motion was made by Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, approving the retirement and/or extension of service of the following affected city employees as shown:

Employees Approved for Extension of Service Through June 30, 1964

<u>Name</u>	<u>Age</u>	<u>Birthdate</u>	<u>Classification</u>	<u>Department</u>
G. B. Livingston	66	12-31-96	City Accountant	Finance
A. J. Knight	67	3-1-96	Parking Meter R/M II	Finance
P. D. Green	66	8-20-96	Building Insptr. I	Building Inspt.
C. A. Ross	64	6-18-98	Switchboard Operator	Central Services
H. M. Bradford	65	12-18-97	Clerk II	Health
A. H. Williamson	68	9-18-94	Veterinarian II	Health
L. Y. Workman	68	10-12-94	Statistician	Health
E. Edwards	65	12-11-97	Laborer I	Motor Transport
W. M. Yandle	65	3-17-98	Police Patrolman	Police
A. Ratteree	66	4-18-97	Billing Mach.Opr.	Water
W. W. Welch	66	8-14-96	Storekeeper II	Water

Employees Approved for Extension of Service to their Respective Mandatory Retirement Dates.

<u>Name</u>	<u>Age</u>	<u>Birthdate</u>	<u>Classification</u>	<u>Department</u>	<u>Retirement Beginning</u>
W. R. Jones	69	4-25-94	Sanitarian Aide	Health	5-1-64
H. G. Cleveland	69	5-29-94	Police Detective	Police	6-1-64
L. H. Hutto	69	12-20-93	Clerk II	Health	1-1-64

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Employees Approved for Retirement Beginning July 1, 1963, Whose Continuation of Present Employment Would Jeopardize Their Physical Well-Being in the Opinion of the City's Medical Examiner.

<u>Name</u>	<u>Age</u>	<u>Birthdate</u>	<u>Classification</u>	<u>Department</u>
R. Dunham	65	10-25-97	Laborer I	Engineering
G. Evans	68	3-23-95	Laborer I	Engineering
H. Overcash	65	7-20-97	Labor Foreman II	Engineering
R. Lattimore	65	6-15-97	Laborer I	Engineering

Employees Who Have Reached or Exceeded the Maximum Age for Active Employment, Approved for Retirement Beginning July 1, 1963.

<u>Name</u>	<u>Age</u>	<u>Birthdate</u>	<u>Classification</u>	<u>Department</u>
J. B. Dial	71	5-3-92	Laborer I	Engineering
A. L. Grier	70	3-18-93	Public Health Nurse II	Health
W. F. Cooke	73	6-18-89	Civil Engineer II	Water
S. W. Puckett	77	10-14-85	Labor Foreman II	Water
F. M. Culvern	71	3-15-92	Assistant Director	Civil Defense

Councilman Dellinger called attention that C. A. Ross, L. Y. Workman, A. Ratteree and A. L. Grier included in the above list are ladies, and the Council would be better informed if they were listed by name instead of by initials, and he would recommend that the ladies be listed by name on all such reports and also on the payrolls instead of by initials.

Councilman Whittington asked the City Manager if the persons who will be retired have been so notified and have we had schools to prepare them for retirement? Mr. Veeder stated that is correct and he called attention that the list does not include all those who are eligible for retirement, and seeking retirement; that the list contains only those seeking an extension of service and those whose services the doctor has recommended not be extended.

ORDINANCE NO. 179 READOPTING AND CONTINUING IN FORCE CHAPTER 11, "LICENSES" OF THE CODE OF THE CITY OF CHARLOTTE TO PROVIDE FOR LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE FOR THE FISCAL YEAR BEGINNING JULY 1, 1963 THROUGH JUNE 30, 1964.

Ordinance No. 179 Readopting and Continuing in Force Chapter 11, "Licenses" of the Code of the City of Charlotte for Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Charlotte for the Fiscal Year Beginning July 1, 1963 through June 30, 1964 was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Thrower, and unanimously carried, was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 418.

CONSIDERATION OF APPRAISAL OF PROPERTY WITHIN NORTH WEST EXPRESSWAY DEFERRED FOR ONE WEEK.

Councilman Whittington moved that consideration of the appraisal of the property within the North West Expressway be deferred for one week, as recommended by the City Manager.

Councilman Smith stated he hopes that the City Manager will speed this work as much as possible, as there are many property owners on both the Northwest and North South Expressways who have held their property for two or three years, paying taxes on it, who cannot lease it or use it, and he thinks it

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is the City's duty to see that the project goes forward as rapidly as possible, and he wants the public to know that Council is not dragging its feet on this and the fact it is being postponed until next week has nothing to do with the urgency of it.

Councilman Whittington stated the reason for deferring it a week is the fact that Council has not had an opportunity to discuss it with the City Manager and get all the facts.

The vote was taken on the motion and unanimously carried.

FOUR PERSONS ADDED TO LIST OF APPROVED APPRAISERS.

Councilman Dellinger asked that the following persons be added to the approved list of Appraisers:

Mr. Vane Mingle
Mr. A. I. Henderson
Mr. Earl Robards
Mr. F. Brandon Smith, Jr.

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

ACQUISITION OF PROPERTIES FOR RIGHTS OF WAY FOR NORTHWEST EXPRESSWAY APPROVED.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, the acquisition of the following properties for rights of way for the Northwest Expressway was authorized:

- (a) 18,000 square feet of property at 511 Central Avenue from Thomas H. Sykes at a price of \$43,000.00.
- (b) 3,030 square feet of property on the south side of West Eleventh Street, between North Graham Street and the Railroad tracks, 527 West 11th Street, from Clarence C. Dees and wife, Annie Lee Dees, at a price of \$5,720.00.

APPOINTMENT OF TWO APPRAISERS AUTHORIZED TO APPRAISE PROPERTY OF F. O. SING AT 524 JACKSON AVENUE FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Councilman Smith moved the appointment of two appraisers to appraise the property of Mr. F. O. Sing at 524 Jackson Avenue for right of way for the Northwest Expressway, from the list of approved appraisers in sequence as they appear on the list. The motion was seconded by Councilman Bryant, and unanimously carried.

DISCUSSION OF REQUEST OF JOSEPH L. KELLERMAN THAT LOCAL BILL BE PRESENTED LEGISLATURE TO PERMIT CITY AND/OR COUNTY TO EMPLOY PERSONS AS OFFICERS OF THE COURTS TO FUNCTION AS PROBATION-ALCOHOLIC REHABILITATION OFFICERS.

The request of Mr. Joseph L. Kellerman of the Alcoholism Information Center that the Council, County Commissioners and Mecklenburg Legislative Delegation approve a local bill which would permit the City and County to employ persons as officers of the courts to function as Probation-Alcoholic Rehabilitation Officers, was discussed. Councilman Smith asked if it is too late to get a bill to the Legislature and the City Manager replied that he presumes if the Legislative Delegation had something acceptable to them, as well as to the Council and County Commissioners they might be willing to introduce it.

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Councilman Smith asked the City Attorney for an expression on the proposed enabling act that was given him previously and Mr. Morrissey advised that the act that was given him he does not consider to be in the proper form to accomplish the purpose for which the request was made, and he also has some further question concerning the propriety of our local legislation dealing with the area of probation and rehabilitation. Councilman Dellinger asked if this is not primarily a County function and Mr. Morrissey stated it is primarily a State function administered on the County level.

Councilman Whittington stated the only thing that concerns him is here is a man who is dedicated to helping people, and he has been before Council many times and no action has ever been taken either way, and he would like to be in position to tell him one way or the other whether Council will go along with his request, which he believes is worthy, or whether the Council can really do so or not. Councilman Dellinger stated he understands the County has already requested enabling legislation on it, and it seems to him this is something either the County or the Alcoholic Board should administer and he does not think he could support it. Councilman Smith asked the City Attorney if he has discussed it with Mr. Ruff, the County Attorney? Mr. Morrissey stated he has not but has talked with Mr. Kellerman, who had talked with Mr. Ruff, and Mr. Kellerman suggested that something be added to the title in the body of the Bill to make clear that the probation and rehabilitation would deal with alcoholics only. Councilman Smith stated he thinks there is a chance there will be a state-wide program and we might be a little premature. That he thinks the question before the Council is the fact that none of us know the background of the Bill, and he hesitates to endorse it without giving it further study, and he would suggest that someone on the Council study it with Mr. Morrissey. Councilman Albea suggested that Mr. Smith be appointed to study the matter with the City Attorney and report at the next meeting. Councilman Smith asked that Mr. Albea assist in the study.

Councilman Bryant asked the City Attorney if there is anything pending before the Legislature concerning this particular matter? Mr. Morrissey stated it is his understanding that the State Probation Department in its budget, requests additional funds for expanding the probation function, and whether that is granted or not is still a moot question. Councilman Dellinger stated he concurs with their thinking, and he moves that the Council leave it at that status. The motion lost for lack of a second. Councilman Smith stated he dislikes to vote against it without any more information than he has. Councilman Dellinger stated he is opposed to it because he thinks it is a State function and it should come out of the revenue obtained from the ABC Board.

Councilman Whittington asked if it is being left that Mr. Albea and Mr. Smith will confer with Mr. Morrissey and give Council a recommendation next week?

Councilman Bryant suggested that one of the things they investigate is just how far these appropriations, which he understands are included in the State budget, will go and if they will get as far as Charlotte? Councilman Albea suggested that the City Attorney do that, as he thinks he can study this without anyone on the Council helping him, although he is perfectly willing to help, but he has already committed himself.

Councilman Whittington asked since Mr. Morrissey is going to Raleigh today, can he not discuss this with the Delegation and find out from the League how far along the state-wide bill has gone? Councilman Dellinger stated the Delegation has said they will not present the Bill unless it has the approval of the City Council.

Councilman Thrower stated that Mr. Kellerman told him he thought that by next year he would have help and he wanted someone to fill in the interim.

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Mr. Morrissey advised the Act provides, in substance, that it shall be lawful for the City and/or the County to employ a person or persons to work on a full or part time basis for the purpose of performing the duties of probation and/or assistance in the rehabilitation of persons appearing in the Courts hereinafter enumerated. Mr. Kellerman asks that this function be limited to the problem of alcoholism, which in itself, of course, is a narrowing of the scope of probation; and he would say it is a new venture type of program.

Councilman Smith stated these are the things he does not know about and he, therefore, cannot vote on it one way or the other.

Mayor Brookshire stated unless we have a motion on which to act we will simply table the matter.

Councilman Alba stated he is ready to vote for it, that there are many things Council does not know about until you get into the workings of them and find out whether they are good or bad.

REVISED ENGINEERING AGREEMENT WITH SMITH, POLLITTE AND ASSOCIATES FOR DESIGN OF THE NORTHWEST EXPRESSWAY APPROVED.

Councilman Dellinger moved that the Revised Engineering Agreement with Smith, Pollitte and Associates for the design of the Northwest Expressway be approved at a total fee for complete engineering design services of \$424,000.00. The motion was seconded by Councilman Bryant.

The City Manager advised the fee is based on 4.8% of the construction cost estimate of \$8,831,000.00.

At the question of Councilman Whittington as to what portion of the work this firm has done to date, Mr. Veeder stated they have completed the preliminary engineering, and completed the maps which were reviewed by Council in January.

Councilman Smith asked if the cost is less than the estimated \$8,831,000.00 will the City receive a rebate? Mr. Veeder read the clause from the standard agreement with the firm, which provides that the consultant's fee will be adjusted up or down in accordance with major changes in the final plans. Councilman Smith then asked if that means that whatever the final price is we will pay 4.8% that sometimes a contract can be made not to exceed the contract price, to provide protection from any increased cost. Mr. Veeder stated he thinks we are protected in this case because at the beginning the City had two routes we could follow, a lump sum price or a flat percentage and at that time we elected the lump sum price with the provision if there were any major changes in the plans, it would be adjusted up or down. Therefore, if there are any major changes in the contract it will increase the price. Councilman Smith stated that is the point he is talking about, the City will have to initiate the major changes or \$424,000.00 will be the price. Mr. Veeder stated either the City or the State will initiate the major changes, not the Consultant.

In reply to Councilman Whittington's question about the contract, Mr. Veeder stated this is in effect an amendment to the existing contract; he stated further the contract itself does not per se make any reference to percentages, it makes reference to dollars.

The vote was taken on the motion and carried unanimously.

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CITY ATTORNEY DIRECTED TO DRAW ORDINANCE AMENDING CITY CODE BY REPEALING THE REFERENCES TO RACE AND/OR COLOR OTHER THAN THOSE MADE FOR PURPOSES OF IDENTIFICATION.

Councilman Smith moved that the City Attorney draw an Ordinance to amend the City Code by repealing the references to race and/or color other than those made for purposes of identification, for Council consideration next week. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER TO REQUEST TRAFFIC ENGINEER FOR REPORT ON REQUEST OF FREDERICKSON MOTOR EXPRESS CORPORATION FOR TRAFFIC SIGNAL AT JOHNSON STREET AND NORTH GRAHAM STREET.

Councilman Dellinger advised he has a copy of a letter from Frederickson Motor Express Corp., requesting a traffic signal at the intersection of Johnson Street and North Graham Street and wonders if the Traffic Engineer has a report on it. The City Manager advised the request has been referred to the Traffic Engineer and he will secure a report from him for Council.

MINUTES OF MAY 27TH CORRECTED WITH REFERENCE TO TERM OF OFFICE OF CLARENCE WALKER ON THE PARK & RECREATION COMMISSION AND WITH REFERENCE TO THE SALARY OF HAL ROGERS AS ASSISTANT CLERK IN RECORDER'S COURT.

Councilman Smith stated that he understands that his motion for the appointment of Mr. Clarence Walker to the Park & Recreation Commission should have been for the unexpired term of Mr. Joe Grier ending on March 21, 1964 and not for a term of 5 years, and he moved that the correction be made in the Minutes of the Meeting on May 27th. The motion was seconded by Councilman Albea, and unanimously carried.

Councilman Dellinger advised that at last week's meeting he moved the appointment of Mr. Hal Rogers as Assistant Clerk of Recorder's Court and somehow or other it got into the record by misunderstanding that it was at his present salary. His present salary will be in effect until July 1st but in order for the Record to be straight, he moved that the words "at his present salary" be eliminated from the Minutes. The motion was seconded by Councilman Smith.

Councilman Whittington asked what Mr. Rogers will be paid, and Councilman Dellinger stated he does not know, he thinks that is something Council will have to determine, but what he is saying is that no reference was made to his salary at last week's meeting. That under the present set up the top salary is \$212.50 every two weeks.

The vote was taken on the motion and unanimously carried.

COUNCILMEN REQUEST THAT PRACTICE OF THROWING TRASH ON CITY PROPERTY AT THE REAR OF MR. TRAYWICK'S PROPERTY ADJACENT TO EVERGREEN CEMETERY BE STOPPED AND ALSO THE POLICE DEPARTMENT CONTINUE THEIR EFFORTS TO STOP PRACTICE OF CITIZENS THROWING DEBRIS ON THE STREETS.

Councilman Smith advised that Mr. Traywick tells him that trash is still being thrown on city property at the rear of his property adjacent to Evergreen Cemetery; he asked the City Manager to please try to find out from the Superintendent of Cemeteries if this is true and if so contact the persons who are doing it and have it stopped; then bring up the matter of a fence around the City's cemetery property at budget time.

Mr. Veeder advised he has had Mr. Haas, Cemetery Supt., make three or four trips out there within the last few weeks. Councilman Smith stated this is important to Mr. Traywick to have this trash right in his back yard and we should follow through on it.

Councilman Dellinger stated he has noticed in the Myers Park and Eastover sections, an accumulation of beer bottles and cans et cetera on the streets particularly on the weekends and he has talked with Mr. Veeder and Chief Hord, and Chief Hord has done some clean up work on it and he would like to insist that the Police Department continue this drive until we can stop some of this throwing debris on the streets.

COUNCILMAN SMITH REQUESTS THAT ACTION BE TAKEN AS SOON AS POSSIBLE ON THE ELIMINATION OF OBSTRUCTIONS AT INTERSECTIONS.

Councilman Smith advised that the Traffic Engineer is working on means of eliminating obstructions from intersections, such as shrubbery etc, and he would like to call attention that it is worse now that the foliage is out. That he does not want to wait until a delegation comes down to a meeting saying that someone was hurt because of these obstructions, and that we are not doing all that we could on the problem.

Councilman Jordan stated he was out looking at some of these places on Park Road and on Andover Road last week with Mr. Hoose and he believes that Mr. Hoose is taking some action now.

MOTION TO APPOINT DONALD S. ELLINGTON AS ASSISTANT CLERK IN RECORDER'S COURT DENIED, AND COUNCILMAN EXPRESSES OBJECTIONS TO MANNER IN WHICH CERTAIN PERSONNEL APPOINTMENTS WERE MADE.

Councilman Whittington stated that he had to leave the Council meeting last week before the Council had an opportunity to get to the appointments, and he wanted to take this opportunity to move the reappointment of Mr. Donald S. Ellington as Assistant Clerk in Recorder's Court. The motion was seconded by Councilman Thrower.

Mayor Brookshire asked how many Assistant Clerks were appointed last week and he was advised that three were named. He then asked how many are needed and Councilman Dellinger stated he thinks that is to be determined and Council should wait until they get some before them and have a survey made of that department.

Councilman Whittington asked if Mr. Veeder has any comment on this as to what is needed? Mr. Veeder replied he thinks this is a matter for Council's consideration at this time.

Councilman Whittington stated he wants to talk for just a minute; that last week the Council decided to go ahead and make these appointments, which was their prerogative and privilege; that he had to leave, and he does not want to get personal, but cannot help it, and he cannot help but believe that they would go down the list and appoint all of these people except two people, and one person was Mr. Ellington. And as he understands it from Mr. Bryant and Mr. Thrower they knew nothing about it and he certainly knew nothing about it, the Judges say they knew nothing about it, Mr. Earle says he knows nothing about it, and he believes that Mr. Veeder said he wasn't aware of what was going on. That this thing was done without the knowledge of three members of the Council; that as he recalls it four years ago Council had that sort of situation here where Board members brought in a candidate, and the

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same thing happened last Monday. When the Council left the Mayor's office Mr. Wesley York was outside and he wondered why and why he was so well-dressed, he didn't know he was going to be presented and given a new appointment. That he thinks as long as he is on the Council he is entitled to know what is going on and he personally resents the action taken last week. That what the Council is doing, in his opinion, and he feels that he knows as much about this Court as any man on the Council, is eliminating by their action the best man, the most qualified, the man who went to school in Chicago, and school in Chapel Hill at the City's expense, and he thinks Council is making a mistake and setting this court back and he personally objects to it and thinks Council is wrong.

Councilman Dellinger stated he would like to clarify one thing. He does not think anyone asked the gentleman to go home and put on his Sunday clothes; that he didn't notice any difference in his attire and he saw him today and thought he was very presentable, and he thinks he will be a very good man in that position and no one has told him how to dress. Councilman Whittington stated he is not trying to be facetious, he thought it was a little unusual that Mr. York was there at the time; that he knew nothing about it, Mr. Bryant said he knew nothing about it and Mr. Thrower said he knew nothing about it, and he thinks that anything pertaining to the Council or the City should be brought to the attention of everyone.

Councilman Dellinger stated he has no apologies to make in that respect. He and Mr. Smith have worked long and hard on trying to find someone for the Treasurer's position and they found they were not going to be able to put Mr. York in that position and he advised Mr. Bryant about it last Monday, and of course, they couldn't go around and hunt up everybody, but they did inform everyone here about the action and they had a short time in which to do this.

Councilman Bryant stated he would like to say that he was well aware at the time of the meeting of the action, the motion was made and they had ample opportunity to discuss it at the time, and he understands quite a few motions are made that he is not well acquainted with ahead of time.

Councilman Whittington stated that he does not want to belabor the point, but Mr. Bryant will recall he called him about this and he told him that he knew nothing about it until about five minutes before he was to vote. Councilman Bryant stated what he said was "until about five minutes prior to the meeting" and that is correct.

Councilman Dellinger stated that none of them knew until Mr. York brought him a note in here that he would accept the position; that they did the thing they thought would upgrade the department and tried to retain as many employees as possible and keep good men in the government.

Mayor Brookshire stated what the gentlemen are saying may be relevant but it is not exactly so to the motion before Council that Mr. Ellington be named as Assistant Clerk. The vote was taken on the motion and lost by the following recorded vote:

YEAS: Councilmen Whittington and Thrower.

NAYS: Councilmen Albea, Bryant, Dellinger, Jordan and Smith.

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GOOD SAMARITAN HOSPITAL BOARD AND ADMINISTRATIVE STAFF REQUESTED TO COME DOWN AND GIVE COUNCIL THE STORY REGARDING THE CRITICAL PUBLICITY GIVEN THE DRUG COSTS AT THE HOSPITAL.

Councilman Whittington stated there has been a lot of critical publicity with regard to the drug costs at Good Samaritan Hospital and he, as one member of the City Council, would like to ask that the Hospital Board come down at their earliest convenience and give Council their story about the Hospital and Administrative Staff so that it could be cleared up.

Mr. Rich, Chairman of the Board of Managers of Good Samaritan Hospital, who had come into the Council Chamber, stated they have planned to do so and will do so.

REQUEST THAT LIDS BE KEPT CLOSED ON LARGE GARBAGE CONTAINERS MOVED BY DEMPSEY DUMPSTERS.

Councilman Whittington stated he has noticed riding around the city a lot of these large containers the Dempsey Dumpsters move once a week are being loaded to capacity and the tops are being left open over the weekend, sometimes more than 24 hours at a time, which are breeding places for flies and rats. He requested the City Manager to have Mr. Davis check into this and have the practice stopped. Mr. Veeder stated he will do so and agrees with the request.

APPOINTMENT OF WALTER BLACK AS CHIEF OF FIRE DEPARTMENT EFFECTIVE UPON THE RETIREMENT OF CHIEF DONALD S. CHARLES OR ON AUGUST 1, 1963 WHICHEVER IS THE EARLIEST DATE.

Councilman Thrower moved the appointment of Assistant Chief Walter Black to succeed Donald S. Charles as Chief of the Fire Department, such appointment to become effective upon the retirement of Chief Charles or on August 1st, whichever is the earliest date. The motion was seconded by Councilman Whittington.

Councilman Dellinger offered a substitute motion that Chief Donald S. Charles be reappointed to his present position. The motion did not receive a second.

The vote was taken on the original motion and unanimously carried.

CITIZEN EXPRESSES REGRET THAT ASSISTANT FIRE CHIEF GEORGE BARNETT WAS NOT CONSIDERED FOR POSITION OF CHIEF OF THE FIRE DEPARTMENT.

Mrs W. R. Wright, who had asked to speak during the consideration of the appointment of the Chief of the Fire Department, stated she would like to ask who the candidates were for the Chief of the Fire Department? Mayor Brookshire advised they were the men whose names were advanced today for that position. Mrs Wright stated she believes the Council has forgotten they still have in the Fire Department Assistant Chief George Barnett who has served the city well and for many, many years and she is very sorry that the Council has not seen fit to consider him for the position of Chief at this time.

REAPPOINTMENT OF ERNEST SELVEY AS ASSISTANT CHIEF OF POLICE.

Councilman Smith called attention that two years ago the appointment of the Assistant Chief of Police was made by the City Council, which was setting a precedent, and in line with that action he moved the reappointment of Assistant Chief Ernest Selvey to his present position. The motion was seconded by Councilman Jordan, and unanimously carried.

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CLARIFICATION OF INSTRUCTIONS TO CITY ATTORNEY WITH REGARD TO MEETING WITH MECKLENBURG DELEGATION TO LEGISLATURE IN RALEIGH.

With respect to the earlier instructions of the Council, Mr. Morrissey, City Attorney, reiterated them to be sure he understands them - that Council instructed him to go to Raleigh to meet with the Legislative Delegation for the purpose of being there to assist them with any changes they may desire to make in the Bill pertaining to advertising so it will be in accordance with the discussion that was held this morning, he asked if this is correct? Mayor Brookshire stated that is correct as far as he knows, there was only one contrary opinion. Mr. Morrissey stated further that in other words the Council has seen the Bill as it has been rewritten and on the possibility that the Delegation may want to make some other changes, does he understand that he is authorized by the Council to write any such changes that will accomodate the purpose of the Bill? Several members of the Council stated that is correct, and Councilman Smith advised there was some discussion of appointing a new group rather than the Chamber of Commerce, and Mr. Morrissey is not to change the intent of Council as laid out. Mr. Morrissey stated he is sure Council would wish him to convey to the Delegation the appreciation of the Council for the splendid cooperation of the Delegation throughout the Session.

RETIREMENT OF L. L. LEDBETTER AS TREASURER ACCEPTED WITH REGRET.

Councilman Dellinger called attention to the letter received by each of the Councilmen from Mr. Ledbetter stating he would not be available for re-appointment and that he wished to retire on August 1st. He moved that the retirement of Mr. Ledbetter on August 1st be accepted with deep regret, recognizing the tremendous service he has rendered the City of Charlotte, and that he be accorded the proper recognition at the time of his retirement. The motion was seconded by Councilman Smith, and unanimously carried.

RESOLUTION ACCEPTING GRANT OFFER DATED MAY 31, 1963 MADE BY THE ADMINISTRATOR OF FEDERAL AVIATION AGENCY ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CITY OF CHARLOTTE, N. C. IN THE SUM OF NOT TO EXCEED \$1,224,000 AS AN AID IN THE DEVELOPMENT OF THE DOUGLAS MUNICIPAL AIRPORT.

Councilman Whittington moved the adoption of the following resolution and that the Mayor and Clerk be authorized to execute the Grant Agreement, which was seconded by Councilman Thrower and unanimously carried:

RESOLUTION ACCEPTING GRANT OFFER DATED MAY 31, 1963 MADE BY THE ADMINISTRATOR OF FEDERAL AVIATION AGENCY ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CITY OF CHARLOTTE, N.C. IN THE SUM OF NOT TO EXCEED \$1,224,000 AS AN AID IN THE DEVELOPMENT OF THE DOUGLAS MUNICIPAL AIRPORT.

BE IT RESOLVED by the City Council of Charlotte, N. C.

Section 1. That the City of Charlotte hereby accepts, on its own behalf, the offer of a grant of funds made by the Administrator of Federal Aviation Agency on behalf of the United State of America dated May 31, 1963 to the City of Charlotte, North Carolina, in the sum, for the purposes and subject to the conditions set forth below and also specifically ratifies and adopts all representations, and agreements contained in the Project Application referred to therein.

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Section 2. That Stanford R. Brookshire the Mayor is hereby authorized and directed to execute the acceptance of the Grant Officer in quintuple on behalf of the City of Charlotte, N. C. and Lillian R. Hoffman, the City Clerk is hereby authorized and directed to impress the official seal of the City of Charlotte, North Carolina and to attest said execution.

Section 3. That the Grant Offer referred to herein above is accepted and shall constitute the Grant Agreement.

BILLS INCLUDED IN N. C. LEAGUE OF MUNICIPALITIES BULLETIN PENDING BEFORE LEGISLATURE TAKEN UNDER CONSIDERATION BY COUNCIL.

Mr. Veeder, City Manager, presented Council copies of the latest Legislative Bulletin of the N. C. League of Municipalities, and Councilman Smith moved that Council take under consideration all of the Bills included in the Bulletin pending before the Legislature. The motion was seconded by Councilman Dellinger. Councilman Smith stated he thinks it is a mistake to hastily jump into something that Council is not acquainted with such as these Bills, without study. The vote was taken on the motion and unanimously carried.

COMPLAINT RELATIVE TO DEBRIS AT BUS STOP AT THE PLAZA AND MATHESON AVENUE.

Mr. W. J. McLendon, 2922 The Plaza, at the corner of Matheson Avenue and The Plaza, appeared before Council with a complaint regarding the debris at the Bus Stop at this intersection, which is right at his back door. He asked whose responsibility it is to keep the debris removed and the sidewalk clean, the City, the Bus Company or the property owner? He stated this practice has been going on for years, that he made a complaint to the former City Manager and has taken it up with Mr. Veeder and with some of the Councilmen, and still it continues and he is having to clean it up himself if it is cleaned. He stated he has put a trash can at the Bus Stop, which is used by only a few Bus patrons.

Councilman Albea advised that some few weeks ago he took this complaint up with the City Manager, and Mr. Veeder sent him a memorandum that it had been cleaned up. Mr. Veeder said the problem is keeping it cleaned up, as it is a continuing problem. Councilman Albea asked the City Attorney whose responsibility it is to keep this cleaned up, and Mr. Morrissey replied that the City has the authority to enforce the ordinance in this regard, and it is the responsibility of the person depositing the litter on the sidewalk to clean it up. Councilman Albea stated the only way in which that could be accomplished would, of course, be to station a Policeman at the corner.

Mr. McLendon stated he will just continue to pick it up in that case, and the City Manager stated the City will do its best to keep it cleaned up and the trash can emptied.

REQUEST THAT SETTLEMENT BE MADE WITHOUT FURTHER DELAY ON THE PROPERTY OF E. J. WEBB AT ELEVENTH AND GRAHAM STREETS IN THE NORTHWEST EXPRESSWAY RIGHT OF WAY.

Mr. E. J. Webb of Statesville, N. C. stated he applied last October for a building permit for a Filling Station on the corner of Eleventh and Graham Streets which was turned down because the site is within the Northwest

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Expressway Right of Way and it has been in a long process since then of having someone estimate the damages to the property the City is taking over, and he understands now that the City has the estimates and he would like to get it settled; that Mr. Morrissey, Mr. Veeder and Mr. Owens are all familiar with it, and he has been over to Charlotte a dozen times within the last three or four months regarding it and he understood last week that it would be brought to Council today.

Mr. Veeder advised that it was not brought before Council today because it was put in his hands only this morning, and because of the large amount of money involved, among other things, he wants the opportunity to review it himself with the City Attorney before making a recommendation to Council. Mr. Webb stated he has given all the time to this that he can, and if it cannot be settled right away then he will put it in the hands of someone else to handle. He asked if it will be before the Council next week?

Mr. Veeder apologized to Mr. Webb for the delays and advised that assuming there are no problems he knows of now it will be before Council next Monday, however he will phone Mr. Webb on Friday and let him know definitely.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk