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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, May 27, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Commission members present during the Hearings on petitions for change in zoning classifications were Mr. Sibley, Chairman, Mr. Ervin, Mr. Jones, Mr. Lakey, Mr. Toy and Mr. Turner.

ABSENT: Mr. Hanks, Mr. Stone, Mr. Suddreth and Mr. Ward.

#### INVOCATION.

The invocation was given by the Reverend Bernard Fitzgerald, Pastor, Mouzon Methodist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the Organizational Meeting and the Special Council Meeting on May 13th were approved as submitted.

#### APPOINTMENT OF MISS RUTH ARMSTRONG AS ACTING CLERK.

Councilman Dellinger stated in the absence of the City Clerk, he moved the appointment of Miss Ruth Armstrong as Acting Clerk today. The motion was seconded by Councilman Whittington, and unanimously carried.

#### HEARING ON PETITION NO. 63-25 FOR CHANGE IN ZONING OF TRACT OF LAND AT THE NW CORNER OF BEATTIES FORD ROAD AND INTERSTATE 85.

The scheduled hearing was held 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.

The Planning Director advised the property is located at the corner of Beatties Ford Road and Interstate-85; is presently vacant and immediately adjoining the property to the west is Mecklenburg College; directly to the north the land is essentially vacant with an unopened street and vacant land; there is one residential structure adjoining the property on its northerly boundary fronting on Beatties Ford Road. The remaining adjoining property is the right of way for the intersection of I-85 and Beatties Ford Road. Directly across from the property is a dry cleaning establishment and residential structures also. That the Shopping Center is to the south a few hundred feet south of I-85.

Mr. John Shaw, Attorney for the petitioner, described the property from a map. He pointed out I-85, and stated Charlotte is located to the south towards 4th Street. He pointed out the location of Mecklenburg College, two houses, and across from the property requested rezoned the property which is for miscellaneous use. He stated that the piece of property on the corner of Beatties Ford Road and I-85, as you come into the complex, is owned by Pure

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Oil Company and is zoned B-1. The corners across the street are zoned B-1 and are located directly across from the property in question. He advised that the College property is zoned R-6 and the property across the unopened street is zoned O-15. He pointed out the big interchange on Beatties Ford Road and stated the petitioner feels that the best use and logical development of the land around this big intersection is B-1. He stated the property is under option to Humble Oil Company who would like to build a filling station and motel complex with a dining room which requires a B-1 zoning. Mr. Shaw advised that all three corner around the intersection are B-1 and they are asking that it be carried forward. He stated he does not know of any objections.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-26 FOR CHANGE IN ZONING OF STRIP OF LAND BEGINNING 300 FEET NORTH OF INDEPENDENCE BOULEVARD AND 195 FEET EAST OF EASTWAY DRIVE.

The public hearing was held on Petition No. 63-26 by J. H. Cannupp for change in zoning from O-6 to B-2 of a strip of land approximately 520' x 145' beginning 300 feet north of Independence Boulevard and 195' east of Eastway Drive.

Mr. McIntyre, Planning Director, advised the property is adjacent to the Independence Boulevard-Eastway Drive intersection. That it lies immediately behind the A & P; there is an unopened street which runs from Independence Boulevard back through the property in question and beyond into a triangular shape piece of land. The remaining property, between the property in question and Independence Boulevard, is vacant, the property is adjoined along the rear by vacant land; is adjoined on its easterly side by a gasoline station and a grocery outlet; there is a gasoline station also at the corner of Eastway Drive and Independence Boulevard near the vicinity of the property in question. The zoning at present is office. The property is adjoined on the Independence Boulevard side by B-2; is adjoined on the northerly side by additional office zoning; toward Eastway Drive it is adjoined by R-6MF which covers the residential property fronting on Eastway Drive; it is also adjoined on the Norland Road side by R-6MF which covers the residential development which extends along Norland Road.

Councilman Whittington asked if all the property on Eastway Drive, from Independence up to Woodland, is multi-family. Mr. McIntyre stated that is correct, both sides. Councilman Whittington then asked about the vacant land - how far up behind Eastway and Dresden does that go? Mr. McIntyre replied approximately 800 feet north beyond the property in question.

Councilman Bryant asked if there is one-owner of all the other O-6 property which borders on the unopened street north of Independence and Mr. McIntyre replied that he did not know, he thinks it is. Councilman Dellinger asked if the Dead-end street is open or just a dedication and Mr. McIntyre replied it is just a dedication.

Mr. J. H. Cannupp, Petitioner, stated he would like to get the zoning change as he is planning to build a department store. He stated that he lives just beside the A & P Store on Eastway Drive. At the question of the Council he then pointed out on the map the property which he owns.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 63-27 FOR CHANGE IN ZONING OF 38 LOTS ON THE NORTH SIDE OF HAVELOCK AVENUE BEGINNING AT MULBERRY ROAD AND EXTENDING EASTWARD 980 FEET.

The scheduled hearing was held on Petition No. 63-27 by 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.

The Planning Director stated Havelock Avenue is the street on the northerly side of Wilkinson Boulevard; that the street intersects with Mulberry Church Road and proceeds in an easterly direction towards Wilkinson Boulevard. That the property included in the petition is generally vacant land; there is one residential structure on a portion of it. Directly across Havelock Avenue from the property in question, is the rear of a Motel establishment which fronts on Wilkinson Boulevard. Immediately to the rear of the property in question, the land is vacant. That the zoning of the property at present is I-2; that it is adjoined on all sides by industrial zoning, except along the rear property line back toward Denver Avenue, that is R-6MF. The zoning which adjoins the property across Mulberry Church Road is B-2.

Mr. T. A. Jones, representing the petitioner, Mrs Pierce, stated she would like the property rezoned so that she can build her home just back of the motel as she works at the motel and it would be close by. He stated that the property adjoining Mrs Pierce's property belongs to the Sisters at Belmont, and it is inconceivable that they will dispose of that property. Then adjoining her on the west is one 75-foot lot which belongs to Dr. Taylor which he has petitioned zoned residential, then adjoining his lot is a residence at the present time. He stated further that across the stream from the property is all residential and therefore it does not seem logical that there would be any desire for Industrial zoning on this little area. He stated that Mr. John Starnes, who is now deceased, owned the property on the corner of Mulberry Road and Havelock which has been sold to Mr. Furr; that Mr. Starnes had petitioned for residential zoning so he could sell the property, and Mr. Furr bought the property to increase his nursery; that he also owns property across the street on Mulberry Road down in the woodland; therefore, they see no reason why zoning the property residential would interfere in any way. Mr. Jones advised that Mrs Pierce bought the property while it was zoned residential and developed it not knowing that it had been zoned as commercial.

Mr. Conrad Furr stated that on May 7th he bought approximately 4 acres of this land from Mr. Starnes because it was zoned industrial. He stated he would like to keep his property industrial; that he found since Mr. Starnes died that he had petitioned for the zoning change but he had never mentioned it to him when he bought the land. At Councilman Dellinger's question, he pointed out his property on the map. Councilman Smith asked the City Attorney as Mr. Furr has bought the property, does the seller have any right to make the petition for the change in zoning? Mr. Morrissey stated he does not know when the seller signed the petition, that this is something the Council and Planning Commission can take into consideration in arriving at their decision on the request. Mr. McIntyre, Planning Director, advised the petition was signed by Mr. Starnes on March 26th, and received in the Planning Office on April 11th.

Councilman Smith stated it seems this situation would change the whole outlook to the Planning Board if one portion is going to be left industrial and the rest residential - the effect of one piece of property with the other. Mr. Furr stated the property is on Mulberry Road which has quit a bit of traffic. That if Mr. Starnes had mentioned he had petitioned for the change in zoning, he would not have bought the land. At the question of Council as where they now stand, the City Attorney advised them to conclude the hearing and to keep this in mind when they consider the question.

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Councilman Smith asked Mr. Morrissey if anyone could petition to change his property without his consent. Mr. Morrissey replied anyone residing in the City of Charlotte or any owner of property, even though they may not reside in the City, can petition for a change in zoning.

Mr. Jones stated they have no objections whatever to Mr. Furr's property being zoned industrial because that would suit his needs, and as he understands it, Mr. Furr has no objections if the other property is zoned residential. Councilman Smith stated he believes they can proceed with the understanding that the Planning Board understands they are willing to petition it this way.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-28 FOR CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF BRADFORD DRIVE AND EDDLEMAN ROAD.

The scheduled hearing was held on Petition No. 63-28 by H. M. Jamieson Heirs for change in 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.

The Planning Director advised this petition covers a tract of vacant land which is a portion of a larger ownership. The property is located near I-85 and Bradford Drive and extends along Bradford Drive south of Eddleman Road for a distance of several hundred feet; that it is a strip of land extending back from Bradford Drive essentially 150feet deep although it is slightly irregular; immediately across Bradford Drive from the property in question, there are single family residences, and single family residences extend up Bradford from the property at the intersection of Eddleman and Bradford. Otherwise, the property is generally adjoined by vacant land except on the northerly side where it adjoins a large tract of land which has one house on it. The zoning of the property at present is R-6MF; the property is adjoined along its rear and southerly boundary by B-2 zoning that has been established at the intersection of I-85 and Bradford Drive; otherwise the adjoining zoning of property is R-6MF.

Mr. William L. Woolard, Attorney for the petitioners, presented a map and stated it only demonstrates again what Mr. McIntyre has already pointed out; that they are asking that the property which fronts along Bradford Drive and runs a distance of about 450' be zoned B-2 as is the rest of the tract of land. To the north of their property is industrial; across the street, the property is presently R-6MF and at the intersection of Thrift Road and Bradford Drive is the property of St. James Methodist Church; that the property directly across from the Church is zoned B-2. He stated further that the property is presently woodland and cannot be easily utilized in its present condition with strip zoning. He then presented photographs which he had made of the property, showing the intersection of Freedom Drive and Bradford Drive, and Interstate-85, pointing out that this is all woodland with a high elevation and showing a portion of St. James Church and the educational building; also the one residence which Mr. McIntyre mentioned stating it is the N. E. Beatty old home place. He stated the purpose of the pictures is to point out that all of this property is woodland; that the Jamieson Heirs have owned this property since 1922; that the property has been in the Jamieson family for some 100 years. He stated further that these photographs show what the property is and what is on it now; he then presented pictures of how the property would be utilized, stating that the entire 8-acre tract is presently under option from the Jamieson Heirs, and if the zoning petition is approved, will be sold to Horne's Enterprises Inc. That if this is approved, this will be their largest and finest Motel. He then presented plans of the proposed Motel, stating they propose to begin with a 3-building complex which will have initially 120 motel units in it and in addition to that is a restaurant, pecan shop and gift shop, all in one

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building together with meeting rooms etc. He stated that the northerly most building is a future planning expansion building if their occupancy is what they anticipate they will develop this building with 38 additional units. From another drawing he pointed out the property which they are requesting rezoned and stated everything else is already B-2 which permits this operation and they are making the request as the expansion buildings come within that area. That they could not afford to make this investment if the property is split into zoning wise but at the same time they have no desire to mess up the beauty of the area and they propose to leave the woodland and trees along the rear area as a backdrop and the people on Eddleman Road and Bradford Drive will still look out and see nothing but woodland. He stated they would have a swimming pool, 230 some parking spaces; that in the restaurant they propose two separate dining rooms, which will provide an excellent eating place on this side of town. He then showed pictures of the Jacksonville, N. C. Motel which was recently opened. Mr. Woolard stated the Jamieson Heirs are not asking for any radical zoning spot change or anything that is not presently allowed as the Motel and restaurant would be allowed in this area as it is. They are asking that the entire property be zoned alike; that the Jamieson's have had opportunities to sell the property for more profitable ventures but having the welfare of the community in mind have waited until the opportunity came along whereby the property could be utilized to benefit the community and not necessarily for their sole profit and as far as he knows the people in the Church and adjoining properties are in favor of the project.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-29 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NE SIDE OF INDEPENDENCE BOULEVARD BEGINNING ON THE SE SIDE OF MCALPINE CREEK AND EXTENDING PAST TARLTON DRIVE.

The public hearing was held on Petition No. 63-29 by Gus Pappamihiel for change in zoning from R-9 to B-2 of a tract of land 400' x 1,465' on the northeast side of Independence Boulevard, beginning on the southeast side of McAlpine Creek and extending past Tarlton Drive.

Mr. McIntyre, Planning Director, advised the property extends along Independence Boulevard on the left hand side going out and extends from McAlpine Creek a considerable distance to Tarlton Drive and some short distance beyond that street. At present the property is essentially vacant with one business structure on it which is a restaurant, otherwise the property is vacant. It is adjoined on its rear line by vacant land; a short distance along Tarlton from the rear line of this property there are residential uses; adjoining a portion of the rear line of the property along Tarlton Drive is an existing business establishment, a woodworking shop, adjacent to the property in question. Directly across Independence Boulevard from the property, the land is essentially vacant with a structure on one piece of the land, which is vacant. The zoning of the property at present is R-9; it is adjoined to the rear by R-9 zoning, across Independence Boulevard, the zoning is R-12 and coming in towards town the adjoining property is B-2.

Mr. George Miller, Attorney for the petitioner, advised they have no immediate plans for the property except they want to develop it into business. He then pointed out the property of the petitioner and stated he is only asking for the frontage along the highway to be changed to B-2 as he does not believe the property along the highway can be developed for residential purposes, whereas with the B-2 zoning he can still get the use of his property and have the back part for residential purposes.

Mr. Parker Whedon, Attorney, stated he represents a number of property owners along Tarlton Drive and Independence Boulevard who object to the proposed rezoning; that he has a petition signed by 34 of the property owners which he read stating they object and protest any change in the present zoning and do specifically protest against the change proposed by the petitioner; that the signers include the owners of 20% or more of the lots immediately adjacent to the said property in the rear and on one side extending 100 feet therefrom which will invoke the provisions of the North Carolina General Statutes Section 160-176 in support of the protest. Mr. Whedon filed the petition with the Clerk. He presented a map and pointed out the location of the people who had signed the petition. He stated some of the petitioners are present and he asked them to identify themselves and a number of people in the audience raised their hands. Mr. Whedon stated further that as Mr. McIntyre has pointed out, there is one pre-existing non-conforming use on property owned by one of the protest petitioners, Mr & Mrs Tarlton, which is a cabinet shop and that Mr. Tarlton is presently looking for another piece of land to enlarge his shop. That the present building has a residential appearance and was constructed so that it can easily be converted into a duplex or other residential use. Mr. Whedon stated his clients object to the rezoning because they own this residential property, they live there and just don't want to be that close to business and they feel there is adequate business property available along Independence Boulevard and they feel that the line has been very properly drawn at McAlpine Creek.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-30 FOR CHANGE IN ZONING OF ALL PROPERTY FRONTING ON THE WEST SIDE OF PARK ROAD, BETWEEN MARSH ROAD AND HILLSIDE AVENUE.

The scheduled hearing was held on Petition No. 63-30 by R. L. McGinn, Sr., et al for change in zoning from R-9 to R-6MFH of all the property fronting on the west side of Park Road, between Marsh Road and Hillside Avenue.

The Planning Director advised the petition includes all the property from Hillside Avenue up to Marsh Road, on the westerly side of Park Road. Most of the development covered by this petition is single-family residential, with one institutional type of development in the area, St. Lukes Lutheran Church, which is located at the corner of Park Road near Marsh Road. The property in this petition includes the intended site of the YWCA on Park Road. Directly across on Park Road the land is either vacant or developed with single family residential structures. Immediately to the side along Park Road, the land at the corner of Park Road and Hillside Avenue is used for a duplex structure, then a playground which has been temporarily established; otherwise the use along Park Road is single family residential development. On the northerly side the property is adjoined by apartments which are in the process of being constructed at the intersection of Marsh Road and Park Road, beyond that is additional institutional use in the form of the Catholic High School. The property is presently zoned R-9 single family and is adjoined on all sides by R-9 single family zoning with the exception of the zoning of that one piece of property at the corner of Marsh Road and Park Road which is in the process of being developed with apartments, which is zoned R-6MFH.

Mr. Ray Bradley, advised he is speaking for the owners of eleven of the thirteen tracts of land on the west side of Park Road which have been pointed out. He stated that as you come on down south away from town, after the duplex at the corner of Hillside and Park Road, there is a large undeveloped area and then the Baptist Church followed by a group of business buildings including a group of stores and service stations, followed by office buildings and other business buildings all the way down to Park Road Shopping Center. On the other side

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to the north across Marsh Road is the apartment project on property now zoned R-6MFH and to the north of the apartment project is Catholic High with the athletic field fronting on Park Road, and St. Ann's Catholic Church at the south end on the corner of Hillside and Park Road. That Park Road is a very heavily traveled business traffic area and particularly in the area which we are talking about because of the Park Road Shopping Center with this continued development business wise and the business to the north about 3 blocks away from this area. That the culmination is the purchase recently of the YWCA of the tract of land in the center of this block; that this construction is going to materially change not only the traffic situation in the area but also the general tender of the neighborhood. Mr. Bradley stated the "Y" has a tremendous program; it is a transit type operation which is almost in the nature of a business and the people who signed the petition recognize that the value of their property for single family residences is diminishing very rapidly. He advised that all the lots in the area are very large tracts with tremendous depth. The smallest lots at the corner of Hillside and Park Road are approximately 275' deep and then they extend as you approach Marsh Road to as much as 1500 feet deep and, therefore, the area is conducive to the construction of apartments; that they serve as a buffer area more or less to the residential area; that they feel now is the time to begin to plan for its orderly development in the way that it is now going.

Mr. C. H. Touchberry, Agent for one of the petitioners, advised that he secured the signatures on the petition which was presented on behalf of his client, Mr. R. L. McGinn, to rezone this section of Park Road, and found that the large majority of the people he contacted and who signed are very much in favor of rezoning it. That the few who did not sign have an honest difference of opinion as to what the zoning should be. He advised that St. Lukes Lutheran Church and the "Y" are neutral as the rezoning will neither help nor hurt them, but they refused to go on the petition. The two individual property owners on the west side of the street refused to sign. One said he would sign if he could be assured that the apartments would set back at least 50-feet from Park Road; the other refused to sign because he would like to have office zoning. That the two property owners across the street who own the large tract of mostly vacant property did not elect to join in the petition because they would like to have O-6 zoning; that the people who object to the multi-family zoning think that Charlotte is overbuilt with apartments, and that apartments will hurt the value of their property. He pointed out that in other areas of Charlotte and on prestige streets that this has been the logical growth - single family, next multi-family and then office zoning and in some cases apartments - such as Morehead, Providence, East Boulevard and Queens Road. He advised if the zoning is approved, the McGinn's plan to build between 40 and 50 two story garden type apartments as this is the type of apartments which is most desirable. That these large lots are ideal for multi-family and with the growth of Charlotte to the southeast and with the traffic hazards this property should be considered for a higher use than single family residences.

Mr. Robert Sanders, Attorney, stated he represents Mr. William B. Hicks and wife and Mr. Charles E. Hicks and wife, who own the vacant land across the street almost directly across from the McGinn property and who oppose the petition. That he also speaks for approximately 140 additional property owners and residents of that immediate area; that the property is now zoned R-9; that the only exceptions are the institutional type exceptions which have been referred to. That the type apartment planned for Mr. McGinn's property is proposed for one or two persons to a unit and has a very high transit rate. That the opposition is concerned about the small acreage on which the 40 or 50 apartments will be built which will necessitate placing the structures close to the street; it will create a crowded condition, will place an undue traffic burden on the already busy thoroughfare; that they suggest now is not the time to make this change; that when the change is made that perhaps a larger and

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greater area of the Park Road vicinity should be rezoned at one time; they wholeheartedly object to this petition. He then filed a petition with the Clerk which he stated contained some 140 signatures. He asked those present in the audience who oppose the petition to stand and a number of people stood.

At the question of Councilman Dellinger if the petition represents 20% of the adjoining property owners, Mr. Sanders replied he did not know. Mr. Phillip Cunningham stated the petition represents 20% on two sides, along the back and along Hillside Avenue.

Mr. John Dunlap, resident of the area, spoke in opposition to the petition, and stated that the McGinn property backs into the side of his lot, which faces Marsh Road. He stated a very unfortunate thing happened when the zoning was changed which allowed the apartment which is now going up. He presented a map and pointed out the different locations - Park Road, Park Road Shopping Center and Multi-family buildings, and stated that in the center of all this is approximately 3 square miles of R-9 residences with one exception of the one lot which changed the whole zoning pattern over a year ago. That had they understood it at the time they would have objected. He stated they feel they have rather a unique section of Charlotte, a 3-square mile area unbroken by anything but homes, churches and the institutions. That it is the kind of area in which people like to live; that you can live in the middle of this area and be close to any shopping facilities that you need; there is no service station in there, no restaurant, no business of any type in this area.

Mrs James Stenhouse, resident of the area, stated this particular area of Park Road was settled long before the rest of Park Road developed. The homes are better than average; that they all have large lots with beautiful trees; that it is not a declining neighborhood. She stated they have lived here for 25 years and a great number of the people were there before they were.

Council decision was deferred for one week.

**HEARING ON PETITION NO. 63-31 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF MCALWAY ROAD BEGINNING ABOUT 200 FT. SOUTH OF BEAL STREET.**

The public hearing was held on Petition No. 63-31 by Leston F. Funderburk for change in zoning from R-9 to R-6MFH of a tract of land approximately 275' x 488' on the east side of McAlway Road beginning about 200' south of Beal Street.

The Planning Director stated this petition covers what amounts to a very large single lot on the northerly side of McAlway Road; the property is presently occupied by one residential structure; is adjoined on two sides by other single family residences; directly across the street there is a duplex and additional single family structures. The property at present is zoned for R-9 single family, is adjoined on one side by R-6MF zoning, the property diagonally across McAlway is also in the R-6MF zone, directly across McAlway the property is zoned R-9 single family and a few feet down Walker Road the property is zoned R-9MF.

Mr. Ben Horack, attorney for the petitioner, stated that Mr. Funderburk has agreed to sell this property to Richard Realty Company, whom he also represents. The condition to sell being that the property is rezoned as requested. Mr. Horack stated that the property fronts approximately 275' and is something over 488 ft. in depth, and comprises about 3 acres. The terrain of the property after you go back about 25% of the depth drops off towards the rear; the general area is rather "buckshot", not a depressed area, but the single family dwellings there are scattered, a large portion being of the World War II vintage. That of the 45, only 22 of them have a tax valuation of at least



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\$5,000.00. He stated that Richard Realty Company has already built an apartment in the area, and still further down all are multi-family. He referred to the map and pointed out the area where multi-families are located on both sides of the street, and another area where two other apartment buildings are being constructed. He stated that the property in question is surrounded by multi-family zoning, with one exception which is a small strip along one side of the property, which is presently zoned R-9. Mr. Horack stated that this portion of McAlway Road is the connecting link between Randolph-Sardis - Providence- Cotswold area to get to the Coliseum, Independence Blvd and Old Monroe Road, and that is what it is used for and has recently been widened for that purpose. He stated they have been advised by the City Engineer, that it is likely to be widened further in the not too distant future to provide additional lanes for additional traffic. Mr. Horack stated that this particular piece of land is not suited for single family development because of the economic facts and the area facts; that it has a frontage of about 275' and if this is translated into terms of residential lots you can see that if you took in a street with a cul-de-sac, or without a cul-de-sac, turn around, you end up with only one pair of lots, which he has been advised is economically unfeasible to put single family residences on and have to pay for getting the sewer facilities in from the rear because of the drop off in the terrain. He advised that his clients have already made arrangements for bringing in a sewer line across the property to the rear from Craig Avenue at their expense; that at the present time the property brings in about \$153.00 in taxes and with what is proposed they estimate there will be a tax revenue of about \$11,000 from the property. Mr. Horack stated further that his clients are planning to build a garden type luxury apartment set up at a cost of approximately \$700,000. He then presented a preliminary plan to show how the land can be utilized; that they propose 90 apartments; that the wooded area of the lot will not be destroyed which will provide buffers of trees. That if the Council or Planning Board have any questions about the parking on the front, his clients have assured him they will have no parking fronting on McAlway or Walker Roads, as they will have plenty of room for parking on the side or to the rear.

Councilman Smith stated he would like to point out that several weeks ago, Council suggested to Mr. McIntyre that they try to work out something in the zoning ordinance where apartments would not have parking in the front in residential areas, motel type parking, and if this is Mr. Horack's client's purpose, then they are to be commended because he hopes this will be enacted into law.

Mr. Horack stated that all of the neighbors have been contacted and there is no opposition from any of them.

Mr. Kenneth Galloway, 1001 Nancy Drive, stated that the back of his lot is from 30 to 50 feet from this property; that he has a petition signed by 18 property owners who live near the subject property. He then read the petition which in part is they oppose the rezoning because of the nearness of the tract of land to the properties of the residents and landowners and there are other undeveloped tracts in the area which could be rezoned if the subject property is permitted to be rezoned and it is their belief that the construction of multiple-family housing units would devalue the properties of the residents of the area. He then filed the petition with the Clerk. He stated that 18 people who either own property or live near the subject property have signed the petition; that one other person who lives adjacent to the property and has lived in the area over 25 years has indicated a willingness to sign the petition but due to the fact that the petition was not gotten to her early enough, she had already gone to work. He stated that Hillsboro Acres is very near the property and there is not a house on the street which is valued at less than \$15,000. He pointed out on the map the location of his property and the other people who had signed the petition.

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MEETING RECESSED.

Mayor Brookshire called a 5-minute recess at 3:55 P.M.

MEETING RECONVENED.

Mayor Brookshire reconvened the meeting at 4:00 P.M.

COUNCILMAN WHITTINGTON ABSENT FOR REMAINDER OF MEETING.

Councilman Whittington having previously left the meeting was absent for the remainder of the Council Meeting.

REQUEST FOR TRAFFIC SIGNAL AT LEDWELL STREET AND FREEDOM DRIVE TAKEN UNDER ADVISEMENT FOR REPORT FROM TRAFFIC ENGINEER.

Mr. Dwight Phillips appeared before Council as President of the Freedom Village Shopping Center to request a Traffic Signal at the intersection of Ledwell Street and Freedom Drive because of the number of accidents that have already occurred in the past 12 months and also because of the congestion in traffic which they feel should have some consideration; he stated there is not a traffic light within 1/2 mile either way on Freedom Drive and the traffic there is very fast, 45MPH; Mr. Phillips stated there are some 27 stores in the Shopping Village and a Post Office, with some 600 employees in this center. That there have been 12 accidents at one intersection in the last 12 months - which was the number reported and there have been numerous other accidents which were not in the nature that had to be reported. He stated further there is a public library on Ledwell Street, and located within the Center the largest Post Office substation in the city. Mr. Phillips stated they had a survey made on their own on April 4th, 5th and 6th, and then on the following weekend, April 11th, 12th and 13th. He presented a drawing of the Center and pointed out the entrances, stating they are not asking for a light at the Harris-Teeter entrance; then pointed out Ledwell Street and the location of the Library. He stated there would have to be an L-shape traffic system because of the location of Enderly Road which goes over to Tuckaseegee Road. That from their survey on April 4th at Ledwell and Freedom, there were 1176 cars in and 1220 out, and at the upper entrance there were 1444 cars in and 1,085 cars out, which means that in 6 hours time there was a volume of 2500 cars; then on the 5th, Friday, there was a total of approximately 3900 cars in and out of the two entrances, 2,046 at the Ledwell entrance and on Saturday there were 3800 cars in and out. Then on the following week-end, on Thursday there were approximately 2800 cars in and out, Friday, 3,300 cars in and out and on Saturday approximately 3650 cars in and out. Mr. Phillips stated further, they believe if there is any place in Charlotte where a traffic signal is needed its at this point. You have public facilities, Library, Post Office, and also a certain amount of pedestrian traffic that should be taken care of at this point. He asked the Council to give the request consideration and comply with the request if they can.

Councilman Dellinger asked if Mr. Hoose, Traffic Engineer, has made a recent survey at this location. Mr. Hoose stated he has the survey about 90% completed and probably will have a recommendation for Council by next Monday.

HEARING ON AMENDMENTS TO THE ZONING ORDINANCE, CHAPTER 23 OF THE CITY CODE.

The public hearing was called on Amendments to the Zoning Ordinance, Chapter 23 of the City Code as proposed by the Planning Commission.

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No one spoke in opposition to the proposed amendments.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, decision was deferred for one week.

PETITION FOR STREET IMPROVEMENTS TO BAY STREET, FROM BASCOM STREET TO HANOVER STREET REFERRED BACK TO PETITIONERS.

The public hearing was held on Petition for Street Improvements to Bay Street, from Bascom Street to Hanover Street, a total footage of 1,100 feet, by installing storm drainage facilities and constructing standard curb and gutter, at a total estimated cost of \$8,315.00, of which amount \$4,103.00 will be assessed against the property owners at \$4.74 per front foot. The Council was advised the petition is signed by 56% of the abutting property owners, representing 51% of the front footage owned by the petitioners.

Mr. W. J. Lyles, resident of 2438 Bay Street, stated he is one of the signers of the petition; that in the discussion of the petition, Laburnum has recently been repaved and gutter put in from Bascom Street down to the 2600 block, and he was under the impression they were asking for the same but he had misunderstood, he was not misled. They feel if it is just going to be the one block of Bay Street, there are several in the block who are not wholeheartedly in favor of it; that it will not enhance their property one bit; that they would all be in favor if they can get the other blocks to go along, from Bascom down to the 2400, 2500 and 2600 blocks.

Mr. Veeder, City Manager, advised if Mr. Lybs is asking that his name be removed, it would be less than 50% of the footage represented on the petition. Mr. Lyles stated he would like to have his name removed.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, Mr. W. J. Lyles' name was removed from the petition at his request.

Mrs Peggy Privatte, resident of 2508 Bay Street, stated they did not sign the petition as they have a drop off in the back as does the house next to them and their furnace has been flooded by the rain. She stated a few years ago the water from the 2300 block was turned off into the 2400 block and a drain was put in beside her neighbor across the street which does not take care of the back of her house, and that is the reason they did not sign the petition. She stated further the couple who had been present had to leave but they had signed the petition with the understanding they could get a driveway entrance as they do not have one now and use their yard to park in; and if a drain is put in front of their house they could not park at all unless a driveway is put in.

Councilman Smith asked if it would be in order for Mr. Veeder to reconfirm the names of the people who signed the petition and bring in a new percentage. Mr. Veeder stated that one course of action that could be considered would be to refer it back to Mr. Neal H. Lackey, one of the petitioners, and let him see what course of action the other neighbors would like to take.

Councilman Jordan moved that the petition be referred back to Mr. Lackey. The motion was seconded by Councilman Albea.

Councilman Dellinger stated Mr. Lyles has been allowed to withdraw his name and therefore the matter is dead.

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The City Attorney advised since Mr. Lyles has been permitted to withdraw his name, Council cannot further consider the petition today; that under the 25% method as provided in the Charter it would have to be readvertised, but there is no reason why it cannot be referred back to Mr. Lackey who initiated the petition. Councilman Dellinger stated he does not think it would be worthwhile to go in and improve the one block, and Mr. Morrissey advised Mr. Lackey might pursue this and see if he can secure the people on the other blocks.

The vote was taken on the motion and carried unanimously.

RESOLUTION ORDERING THE MAKING OF IMPROVEMENTS TO WESTFIELD ROAD, FROM HILLSIDE AVENUE TO TRANQUIL AVENUE, ADOPTED.

The scheduled hearing was held on Petition of 100% of the abutting property owners for street improvements to Westfield Road, from Hillside Avenue to Tranquil Avenue, by installing storm drainage facilities and constructing standard curb and gutter, at a total estimated cost of \$7,600.00, of which amount \$4,000.00 will be assessed against the property owners at \$5.22 per front foot.

No one spoke in opposition to the petition.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, Resolution Ordering the Making Of Improvements to Westfield Road, from Hillside Avenue to Tranquil Avenue, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 293.

The City Manager called attention to Council's agreement to go ahead with the hearings on these petitions recognizing that money to carry them out would not be available until fiscal year 1963-64, and this petition falls in that category.

PETITION NO. 63-23 FOR CHANGE IN ZONING OF THE ENTIRE BLOCK ON THE WEST SIDE OF PARK ROAD, BETWEEN HOLMES DRIVE AND HEATHER LANE, DENIED.

Petition No. 63-23 of Mr & Mrs J. Clyde Smith et al for change in zoning from R-6MF to O-6 of the entire block on the west side of Park Road, between Holmes Drive and Heather Lane was presented for Council's consideration.

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

Councilman Dellinger stated he had suggested that the people try to get together and agree on a buffer zone and he does not think they have had any success. That Mr. Smith is willing to set over 10 feet and Mr. Helms has 7½ feet from his property line, and he has been advised there is a 2-foot strip which is a no-man's land, so that would give Mr. Helms 17½ feet from his house to the screen which Mr. Smith has said he would erect.

Mr. Smith advised he and Mr. Helms have checked the property again and there is a few inches rather than the 2-feet of no-man's land. Mr. Helms stated that no one has been interested enough to go around and check with the property owners on the buffer zone, outside of Mr. Smith, and if they are not interested enough to check and see what can be done, then he believes it should go as it is. That if the zoning is permitted he will have three parking lots adjoining his property.

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At the question of Councilman Bryant if there is to be another hearing on the matter, Mayor Brookshire stated the public hearing has been held; Council is glad to have the residents present as they know they are interested in the matter but the discussion will have to be confined to members of Council whose responsibility it is to reach a decision.

The City Attorney advised to make the change the zoning will require six votes of the Council.

The vote was taken on the motion and lost by the following recorded vote, for lack of the required 3/4th vote of the entire Council:

YEAS: Councilmen Albea, Jordan, Dellinger and Smith.

NAYS: Councilmen Bryant and Thrower.

ORDINANCE NO. 175-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE  
CHANGING ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF CENTRAL AVENUE, FRONTING  
ON THE WEST SIDE OF ROSEHAVEN DRIVE, ADOPTED.

Petition No. 63-20 by Southeastern Land & Development Company for change in zoning from R-6MF to B-1 of a tract of land on the south side of Central Avenue, fronting 160-feet on the west side of Rosehaven Drive, was presented for Council's consideration.

Councilman Dellinger moved that the petition be granted. The motion was seconded by Councilman Smith.

Councilman Albea made a substitute motion that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Bryant.

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

YEAS: Councilmen Albea and Bryant.

NAYS: Councilmen Dellinger, Smith, Jordan and Thrower.

The vote was taken on the original motion to grant the petition and carried by the following recorded vote:

YEAS: Councilmen Dellinger, Smith, Jordan and Thrower.

NAYS: Councilmen Bryant and Albea.

Mr. Sol Levine, Attorney, asked to be recognized. He stated as he understands it 20% of the property owners is needed to override the Planning Commission's recommendation. Councilman Dellinger stated contiguous property owners. Mr. Levine stated they have 90% of the area who objects. The City Attorney stated there is nothing before Council about a Petition having been filed. Mr. Levine stated there is a complete development called Winterfield adjoining this property who are here to object and have over 90% of the names and he does not see how Council can override it. Mr. Morrisey stated a Petition has not been filed prior to time of Council's decision. Mr. Levine advised they have been sitting in the audience waiting their turn; that they have a petition to go along with the Planning Commission's recommendation. Mayor Brookshire asked if the petition has been presented to the Planning Commission. Mr. Levine stated they have it with them now. Councilman Bryant asked the City Attorney to go over the procedure which Council follows as it might be of some clarification to the group. Mr. Morrisey advised in order to invoke the requirement for a 3/4th majority vote of the Council, it is necessary that a petition signed by

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the owners of 20% or more of the area of the property adjacent to the property to be rezoned be filed with the City Council. That no petition has been filed with the City Council and the matter has been heard, decisions deferred and put again on the docket today for decision, and the decision has been made. Mr. Levire stated that is why he had asked before the vote was taken to come up and present the petition. He asked the Council to revoke the motion and permit the hearing on it and let them present the petition, as he does not feel anyone can be damaged by it.

The City Attorney advised that Council has made its decision in accordance with law and he does not see any recourse.

The ordinance is recorded in full in Ordinance Book 13, at Page 411.

CLAIM OF MR & MRS GRANT PERRY AND CLAIM OF MR. R. H. PRESSLEY AUTHORIZED SETTLED.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and un-animously carried, the following claims were authorized settled as recommended by the City Attorney:

- (a) Claim of Mr & Mrs Grant Perry in the amount of \$65.00 for damages to their vegetable garden in July 1962 by flooding while the Water Department was doing work on a water main along Pineville Street. Settlement in the amount of \$45.00 agreed upon and recommended.
- (b) Claim of Mr R. H. Pressley in the amount of \$500.00 for damages to his duplex apartment building at 3422-24 East 7th Street on March 5, 1963, caused by sewage backing up into the building, due to the construction of the sewer line having been done negligently. Settlement in the amount of \$500.00 recommended.

CLAIM OF MRS HERBERT J. LIPE AND CLAIM OF MRS BETTY S. FISHER DENIED.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, authorizing the following claims denied, as recommended by the City Attorney:

- (a) Claim of Mrs Herbert J. Lipe for payment of medical fees and loss of eye glasses resulting from a fall on the sidewalk in the 1900 block of East 8th Street on April 19, 1963. Investigation does not indicate negligence on the part of the city.
- (b) Claim of Mrs Betty S. Fisher in the amount of \$4,255.00 for personal injuries allegedly sustained in a fall on the sidewalk on Second Street on February 13, 1963. Investigation does not indicate any breach of legal duty of the City in maintaining the sidewalk in question.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, the following streets were taken over for continuous maintenance by the City:

	<u>From</u>	<u>To</u>
Dewitt Lane	Freeland Lane	350' N. of Freeland Lane
Devon Road	Willow Oak Road	Carowil Circle
Marvista Circle	Devon Road	200' N to Cul-de-sac
Carowil Circle	Devon Road	200' N. to Cul-de-sac
Purnell Court	150' SW of Vernon Dr	250' SW to Cul-de-sac

(continued)

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	<u>From</u>	<u>To</u>
Mockingbird Lane	730' E. of Park Rd.	22' E. of Hedgemore Drive
Hedgemore Drive	60' N. of Mockingbird	240' S. of Mockingbird
Somerdale Drive	Seaforth Road	50' E. of Woodgreen Ter.
Firethorne Road	125' E. of Seaforth	Crestmont Drive
Woodgreen Terrace	45' N. of Somerdale	45' E. of Crestmont Dr.
Crestmont Drive	Sudbury Road	45' N. of Firethorne Rd.
Sudbury Road	100' E. of Glenstar	Hickory Grove Road
Iredell Lane	Sudbury Road	45' North to end
Northmore Street	240' E. of Norwell Pl.	100' W. of Sugaw Creek Rd.
Anderson Street	19' N. of Atmore St.	200' S. of Atmore St.
Atmore Street	Anderson St.	19' E. of Norwell Place
McManus Drive	80' SE of Rosehaven	160' SE of Driftwood Dr.
Driftwood Drive	160' NE of Winter- field Drive	100' NE of McManus Drive
Lyerly Drive	Ascot Drive	180' W. of Ascot Drive
Ascot Drive	170' E. of Aintree	430' S. of Lyerly Drive
Donnybrook Drive	Crestmont Drive	1100' northwest
Crestmont Drive	Shamrock Drive	13' SW of Donnybrook Dr.
Carrowmore Place	Alleghany Street	160' E. of Afton Lane
Afton Lane	Carrowmore Place	110' NW of Thornton Road
McKinley Drive	Alleghany Street	370' E. and 150' W.
Pebblebrook Drive	Alleghany Street	180' west
Carlyle Drive	Alleghany Street	150' east
Galax Drive	120' W of Barrymore	Leafmore Drive
Leafmore Drive	Galax Drive	Clintwood Drive
Clintwood Drive	Leafmore Drive	Barrymore Drive
Barrymore Drive	Clintwood Drive	Galax Drive
Leafmore Drive	Clintwood Drive	200' S of Clintwood Dr.
Edward Street	Prince Charles St.	170' W. of St. Anne Place
Prince Charles St.	170' N of Edward St.	St. Anne Place
St. Anne Place	Edward Street	140' S. of Prince Charles St.
Inverness Road	Cul-de-sac	600' N & E to existing paving

#### CONSTRUCTION OF SANITARY SEWERS IN VARIOUS LOCATIONS APPROVED.

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

- (a) Construction of 2,502 feet of sanitary sewer in Churchill Downs Sub-division, at request of Marsh-Broadway Construction Company, at an estimated cost of \$9,310.00. All costs to be borne by the Applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) Construction of 1,399 feet of sanitary sewer in Rama Woods Subdivision, at request of Kavanagh-Smith & Company, at an estimated cost of \$20,815.00. All costs to be borne by the Applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

MAYOR AND CITY CLERK AUTHORIZED TO CO-SIGN AN AGREEMENT BETWEEN THE NORFOLK-SOUTHERN INDUSTRIAL DEVELOPMENT CORP. AND STATE HIGHWAY COMMISSION FOR R/W FOR INSTALLATION OF WATER MAIN.

Councilman Albea moved that the Mayor and City Clerk be authorized to co-sign an agreement between the Norfolk-Southern Industrial Development Corp. and State Highway Commission for right of way for the installation of a 12-inch main in Milton Road, Dillard Drive and Cagle Avenue, outside the city limits, and along Milton Road, between Oak Forest Drive and the existing city limits, inside the city limits. The motion was seconded by Councilman Dellinger, and unanimously carried.

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CONTRACTS FOR THE INSTALLATION OF WATER MAINS IN VARIOUS LOCATIONS AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, authorizing contracts for the installation of water mains in various locations as follows:

- (a) Contract with Kavanagh-Smith-Weaver for the installation of 33,290 feet of water mains and 20 hydrants in Rama Woods Subdivision and Queens Grant Subdivision, outside the city limits, at an estimated cost of \$122,000.00. The applicant to pay the entire cost and own same until such time as the area is incorporated into the city limits, when the mains will become the property of the City without further agreement.
- (b) Supplementary Contract (to contract dated Nov. 28, 1956) with Alson Goode Corporation, for the installation of 1,260-feet of additional water mains and one hydrant in York Road, between Yorkmount Road and Skipwith Place, outside the city limits, at an estimated cost of \$4,130.00. All costs to be borne by the Applicant, who will dedicate same to the City without cost upon acceptance by the City.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JUNE 17TH ON PETITIONS FOR ZONING CHANGES AND THE PUBLICATION OF NOTICE THEREOF, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, a Resolution Providing for Public Hearings on June 17th on Petitions No. 63-32 and 63-34 was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 294.

PAYMENT OF LEGAL FEE TO RAY RANKIN IN CONNECTION WITH KENILWORTH AVENUE EXTENSION PROJECT.

Councilman Dellinger moved approval of the payment of \$150.00 to Mr. Ray Rankin, for legal services in connection with the condemnation proceedings against W. G. Cornelius and wife for right of way for the Kenilworth Avenue Extension Project. The motion was seconded by Councilman Bryant, and unanimously carried.

PAYMENTS AUTHORIZED TO CLERK OF SUPERIOR COURT IN CONNECTION WITH THE ACQUISITION OF RIGHTS OF WAY FOR THE KENILWORTH AVENUE EXTENSION PROJECT.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, payments were authorized to Mr. J. Ed Stukes, Clerk of Superior Court, in connection with the acquisition of rights of way for the Kenilworth Avenue Extension Project, as follows:

- (a) Payment of Court costs in the amount of \$26.75 in the condemnation proceedings against W. G. Cornelius and wife.
- (b) Payment of Commissioners fees in the amount of \$300.00 in the condemnation case against C. L. Kiser and wife.
- (c) Payment of Commissioners fees in the amount of \$450.00 in the condemnation case against W. G. Cornelius and wife.
- (d) Payment of \$4,125.00 as a deposit in the condemnation case against James B. Rowe and wife, so that the City may take possession of this right of way.
- (e) Payment of \$28,288.50 as a deposit in the condemnation case against Joseph E. Conrad and wife, so that the City may take possession of this right of way.



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ACQUISITION OF RIGHTS OF WAY FOR CONSTRUCTION OF SANITARY SEWER LINES TO SERVE WILKINSON BOULEVARD AREA AND GOSHEN PLACE.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and unanimously carried, authorizing payment for the acquisition of the following rights of way for the construction of sanitary sewer lines:

- (a) Acquisition of right of way 25' wide x 1,375' long and 12½' wide x 205' long in Wilkinson Boulevard at a price of \$790.00 from Charles H. Tatum and wife for the Wilkinson Boulevard Sanitary Sewer line.
- (b) Acquisition of right of way 10' x 371.36' in Wilkinson Boulevard at a price of \$185.68 from Wilson Lewith Machinery Corporation, for the Wilkinson Boulevard Sanitary sewer line.
- (c) Acquisition of right of way 10' x 179.66' in Wilkinson Boulevard at a price of \$89.83, from Frank Lewith, for the Wilkinson Boulevard Sanitary sewer line.
- (d) Acquisition of right of way 10' x 36.10' in Kings' Grant Subdivision, Goshen Place, at a price of \$36.10, from The Carolina Conference Association of Seventh-Day Adventists, for the construction of a sanitary sewer line to serve the said Subdivision.

SPECIAL OFFICER PERMIT GRANTED ROBERT C. RICE FOR USE ON PREMISES OF CHARLOTTE PIPE & FOUNDRY COMPANY.

Councilman Jordan moved approval of the issuance of a Special Officer Permit to Mr. Robert C. Rice, 1012 Fern Avenue, for use on the premises of Charlotte Pipe & Foundry Company. The motion was seconded by Councilman Bryant, and unanimously carried.

APPOINTMENT OF MR. CLARENCE WALKER TO PARK & RECREATION COMMISSION.

moved  
Councilman Smith ~~for the unexpired term of Mr. Joe Brier ending on March 21, 1964.~~ the appointment of Mr. Clarence Walker to the Park & Recreation Commission for a term of 5 years. The motion was seconded by Councilman Jordan.

Councilman Bryant made a substitute motion for the appointment of Mr. Roy McKnight for a term of 5 years. The motion was seconded by Councilman Thrower.

The vote was taken on the substitute motion for the appointment of Mr. McKnight to the position and lost by the following vote:

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

The vote was taken on the original motion for the appointment of Mr. Clarence Walker and carried unanimously.

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 Mary Lou White Basnight, for Lot No. 25D, Grave L, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with Robert M. Graham and Virginia Peirce Graham, for Lot No. 20 Graves 1 and 2, Section 3, Evergreen Cemetery, at \$120.00.

Corrected  
6-3-63  
see Page  
129.

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CITY MANAGER REQUESTED TO REPORT ON REQUEST OF RESIDENTS OF CARDIFF AVENUE FOR STREET PAVING.

Councilman Albea stated he has a petition signed by several families on Cardiff Avenue asking that their street be paved. He turned the petition over to the City Manager and asked that he look into the petition and report back to Council.

CITY MANAGER REQUESTED TO CHECK CONTAMINATED WATER ON SENECA PLACE.

Councilman Jordan called the City Manager's attention to a request from Mr. Graham C. Reich to check the contaminated water on Seneca Place and asked him to check into it.

REAPPOINTMENT OF JOHN T. MORRISEY AS CITY ATTORNEY.

Councilman Smith moved the reappointment of Mr. John T. Morrissey as City Attorney, at his present salary. The motion was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF THOMAS L. ODOM AS ASSISTANT CITY ATTORNEY.

Councilman Bryant moved the appointment of Mr. Thomas L. Odom as Assistant City Attorney, at salary range 23, step 1, \$6,000.00, effective July 1, 1963. The motion was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF RUTH ARMSTRONG AS DEPUTY CITY CLERK.

Councilman Dellinger moved the appointment of Miss Ruth Armstrong as Deputy City Clerk. The motion was seconded by Councilman Albea, and unanimously carried.

REAPPOINTMENT OF JOHN S. HORD AS CHIEF OF POLICE.

Councilman Jordan moved the reappointment of Mr. John S. Hord as Chief of Police, at his present salary. The motion was seconded by Councilman Smith, and unanimously carried.

REAPPOINTMENT OF GEORGE B. LIVINGSTON AS CITY ACCOUNTANT.

Councilman Dellinger moved the reappointment of Mr. George B. Livingston as City Accountant at his present salary. The motion was seconded by Councilman Albea, and unanimously carried.

REAPPOINTMENT OF P. B. BEACHUM, JR. AS CHIEF RECORDER OF CITY RECORDER'S COURT.

Councilman Jordan moved the reappointment of Mr. P. B. Beachum, Jr. as Chief Recorder, at his present salary. The motion was seconded by Councilman Albea, and unanimously carried.

REAPPOINTMENT OF WILLIAM T. GRIST AS ASSOCIATE RECORDER OF CITY RECORDER'S COURT.

Councilman Thrower moved the reappointment of Mr. William T. Grist as Associate Recorder, at his present salary. The motion was seconded by Councilman Dellinger, and unanimously carried.

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REAPPOINTMENT OF WILLIAM H. SCARBOROUGH AS CITY SOLICITOR.

Councilman Dellinger moved the reappointment of William H. Scarborough as Solicitor, at his present salary. The motion was seconded by Councilman Albea, and unanimously carried.

APPOINTMENT OF MARSHALL HAYWOOD AS ASSISTANT CITY SOLICITOR.

Councilman Albea moved the appointment of Mr. Marshall Haywood, as Assistant Solicitor, at the present salary. The motion was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF C. W. YORK AS CLERK OF RECORDER'S COURT.

Councilman Smith moved the appointment of Mr. C. W. York as Clerk of Recorder's Court. The motion was seconded by Councilman Jordan, and unanimously carried.

Councilman Smith stated with two courts in operation the work is going to build up and will develop into a very large and responsible job and he believes Mr. York should be in the salary bracket from \$7,560 to \$9,000.00, at the first step which is \$7,560. He stated further this job has developed terrifically since he has been on the Council and with plans to take the warrants out of the Police Department and put them in the Court, it has become a top administrative job in the city government and it is very important that a man have experience in administration and handling money to handle this position.

At the suggestion of the City Manager it was agreed that the changes in the Clerk's office would be effective July 1, 1963.

APPOINTMENT OF HAL L. ROGERS AS ASSISTANT CLERK OF RECORDER'S COURT.

Councilman Dellinger moved the appointment of Mr. Hal L. Rogers as Assistant Clerk, ~~at his present salary~~. The motion was seconded by Councilman Smith, and unanimously carried.

REAPPOINTMENT OF MRS ELOISE STILWELL AND MISS EDNA HARTSELL AS ASSISTANT CLERKS.


Councilman Dellinger moved the reappointment of Mrs Eloise Stilwell and Miss Edna Louise Hartsell as Assistant Clerk, at their present salaries. The motion was seconded by Councilman Albea, and unanimously carried.

REPORT OF COMMITTEE TO SELECT CITY TREASURER.

Councilman Smith reported that he and Councilman Dellinger are on the Committee to select a Treasurer. That they have some applications and met today with members of the Committee and they hope to give Council a report in the next two or three weeks on a Treasurer for the City.

ADJOURNMENT.

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

  
Ruth Armstrong, Deputy Clerk