

October 14, 1963
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, October 14, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Sitting as a Joint Body with the City Council during the Hearings on Amendments to the Zoning Ordinance were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, Mr. Hanks, Mr. Jones, Mr. Suddreth, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Erwin, Mr. Lakey and Mr. Stone.

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INVOCATION.

The invocation was given by the Reverend Mills J. Peebles, Pastor of Nevin Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the Minutes of the last meeting on October 7th were approved as submitted.

HEARINGS ON AMENDMENTS TO ZONING ORDINANCE TO ADD DAIRY PRODUCTS AND WHOLESALE FLORISTS TO TABLE OF PERMITTED USES IN B-1 ZONED DISTRICTS, AND ADOPTION OF ORDINANCE NO. 211Z AMENDING ZONING ORDINANCE CHANGING ZONING FROM B-1 TO I-1 OF TRACT OF LAND AT SOUTHEAST SIDE OF THE PLAZA BETWEEN 36TH STREET & HERRIN AVENUE, AND ADOPTION OF ORDINANCE NO. 212 AMENDING THE ZONING ORDINANCE TABLE OF USES TO PERMIT WHOLESALE FLORISTS IN B-1 ZONED DISTRICTS, AND ADOPTION OF ORDINANCE NO. 213-Z AMENDING ZONING ORDINANCE CHANGING ZONING FROM R-6MF TO B-1 AT NORTH-EAST CORNER OF INDEPENDENCE BOULEVARD AND LAMAR AVENUE.

The public hearing was held on two Amendments to Chapter 23 of the City Code, entitled: Zoning, Article III, Division I, Section 23-31, to add to the Table of Permitted Uses: (1) Dairy Products Processing, Bottling and Distribution on a wholesale basis in Business-1 Districts, and (2) to add Wholesale Florists in Business-1 Districts.

Mr. Dick Wardlaw, Attorney representing Pet Milk Company, stated he is interested in the first Amendment to allow Dairy Products Processing, etc. as a Permitted Use in Business-1 zoned districts. He recalled that on September 16th he appeared before Council requesting a change in zoning from B-1 to I-1 of their property on the southeast side of The Plaza, for the reason they had been instructed by the Board of Health to make certain changes in their operations, otherwise they would be operating in violation of certain health regulations; that a building permit to make these changes was refused them as milk operations could only be carried out in Industrial zones. Mr. Wardlaw stated further that he conferred with Mr. Bryant of the Planning Commission staff with regard to the best plan of procedure in order to secure the permit to make the necessary changes at the earliest possible time, and they

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decided that to request an Amendment to the Zoning Ordinance to permit their operation in a B-1 zone would be too long and too tedious, therefore they decided to request a change in zoning to I-1, which they did. That at the Hearing on September 16th it was suggested that the Zoning Ordinance might be changed to permit Dairy Products Processing, etc. in a B-1 zone; however, he did not then realize that it would sidetrack their situation with the Board of Health. That their situation has now become acute as they must meet the requirements of the Board of Health, and either the change in zoning requested by them to I-1 or the Amendment to the Zoning Ordinance to permit their operation in a B-1 zone, which was instigated by the Council, will be satisfactory to them, they only ask that action be taken immediately.

Mr. Wardlaw stated with regard to the Amendment to allow their operation, which is processing and distribution of milk and dairy products, and not the manufacturing, could not be detrimental to the adjoining residential area in any manner. That simply saying a business is in a B-1 zone does not mean it is objectionable and by simply saying a business is in an I-1 zone does not mean it is not objectionable; that in a B-1 zone hotels, restaurants, funeral homes and movie theatres are permitted and certainly the operation of a Dairy Plant could not be more objectionable than any of these. That next door to their Plant is an A & P Supermarket and Shoney's Drive-In Restaurant, and their traffic, both day and night, would far exceed that which the Pet Milk Plant would ever have.

He assured Council that their operation would be in no way objectionable to the neighborhood nor mean any increase in traffic, and whichever way Council decides to give them relief will be greatly appreciated.

Mr. R.W. Bradshaw, Attorney representing Royal Investment Company, advised he wishes to speak on the second Amendment before Council with regard to allowing Wholesale Florist as a Permitted Usage in Business-1 zoned districts. He stated their petition for a change in zoning of the tract of land at the northeast corner of Independence Boulevard and Lamar Avenue, from B-1 and R-6MF to B-2 prompted the Council to initiate the Amendment. He advised he will not repeat his discussion of their request at the hearing on September 16th, as those things that made it necessary for them to petition for a change to B-2 would be corrected by the Amendment to the Zoning Ordinance. However, he would like to point out that under the ordinance at present, commercial green-houses and nurseries can operate in a B-1 district, so you have the situation that the producer of goods is operating in a more restrictive zone than the handler of these goods, so he suggests that an amendment to the ordinance to permit a handler or wholesaler in a B-1 zone is simply rectifying a situation. That through no fault of anyone, except legal requirements, their petition has now been pending over two months and they would urgently request that action on the amendment be taken today, and if the amendment is adopted that Council regard their petition for rezoning as amended to eliminate the three lots that are already classified B-1 and reduce it to a request for change in zoning from R-6MF to B-1 of the one lot that is now in a residential zone. He stated further that prior to the rezoning in 1962 all of these lots were zoned O-I, none of them were zoned Residential.

No objections were expressed to either of the proposed Amendments to the Zoning Ordinance, Table of Uses.

The Planning Commission retired at this time and Mayor Brookshire stated he has been advised by the Chairman of the Commission that they will hold a meeting now and bring back their recommendations on the proposed

Amendments within a hour.

Later in the meeting, Mr. Sibley, Chairman of the Planning Commission advised that the Commission has met and recommends that the proposed Amendment to the Zoning Ordinance Table of Uses to permit Dairy Products, etc. in B-1 zoned districts not be adopted.

That they recommend that Petition No. 63-57 by Pet Milk Company for a change in zoning of their property on The Plaza, between 36th Street and Herrin Avenue, from B-1 to I-1 be permitted.

He further advised that the Commission recommends that the proposed Amendment to the Zoning Ordinance Table of Uses to permit Wholesale Florists in B-1 zoned districts not be adopted.

He advised that in connection with Petition No. 63-60 by Dr. Laura Ross Venning for a change in zoning from O-6 to B-1 of four lots on the northeast side of East 5th Street to permit the operation of a Beauty Parlor, which was deferred by the Commission for further study, the Commission will recommend that the change be disapproved, and that the Zoning Ordinance Table of Uses be amended to permit the operation of Beauty Parlors and Barber Shops in O-6 and O-15 zoned districts.

Councilman Albea moved the adoption of Ordinance No. 211-Z to amend the Zoning Ordinance to change the zoning from B-1 to I-1 of a tract of land on the southeast side of The Plaza, between East 36th Street and Herrin Avenue, on petition of Pet Milk Company, as recommended by the Planning Commission. The motion was seconded by Councilman Bryant.

Councilman Smith asked what the Commission's reason was for the recommendation to change the zoning to Industrial-1, and Mr. Sibley, Chairman stated it is primarily because they have been operating at this location for a great many years without objections, and their continued operation will not hurt the neighborhood. Councilman Smith asked if he does not consider this spot zoning and Mr. Sibley replied that he does.

The vote was taken on the motion and unanimously carried.

Councilman Dellinger moved the adoption of an Ordinance to Amend the Zoning Ordinance to change the zoning from B-1 and R-6MF to B-2 on four lots at the northeast corner of Independence Boulevard and Lamar Avenue, as requested by Royal Investment Company. The motion was seconded by Councilman Whittington.

Councilman Smith stated the operation of Wholesale Florists in B-1 zoned districts would eliminate the necessity of spot zoning this particular property as B-2, and would conform with the B-1 zoning up and down the Boulevard. That he proposes that the simplest way to do this is to zone it B-1, and it cannot be more objectionable than Service Stations which are allowed in B-1 zones.

He offered a substitute motion that Ordinance No. 212 be adopted Amending the Zoning Ordinance Table of Uses to allow the operation of Wholesale Florist in B-1 zoned districts. The motion was seconded by Councilman Jordan.

In the discussion, Councilman Bryant cited the reason given by the Planning Commission as objecting to this that Wholesale Florists operations do not appear particularly offensive, however, there are numerous wholesale operations similar to this, which are comparatively quiet, well contained establishments, and because of this it appears that the principal significance in amending the Ordinance to allow Wholesale Florists in B-1 zones is in the precedent it would set; that it would open the door for other similar types of wholesale activities to request the same privilege, and the question would then arise where to draw the line.

contractors license to install air conditioning units in the 2.5 to 5 ton range, while these units were factory inspected and packaged and their installation consists only of setting them on a slab and connecting them to an electrical outlet, with no mechanical work involved at all. That the electrical contractors are capable of attending to their business if the governments would permit them to do so, and he hopes the people will become aware of what is going on before they are completely engulfed in socialism. He asked that the Council consider the ordinance carefully before adopting it simply for the purpose of getting more revenue, because the ordinance is not justified and he is sure the Electrical Contractors Association will agree with him on part of what he says, because the ordinance in its proposed form invades the Electrical Industry.

Mayor Brookshire asked if Mr. Horne is objecting to the entire proposed ordinance, and Mr. Horne replied he is objecting particularly to the air conditioning portion of it, that the 2.5 to 5 ton units and packaged units installed in homes, drug stores, etc. have no removable equipment, no mechanical work is involved and should be permitted installed by the Electrical Contractor without having to have a mechanical license, as it is not necessary.

Councilman Smith asked if Mr. Horne is not contending that the unit is ready to operate and there is no point in having a mechanical inspection? Mr. Horne stated that is correct, and also the ordinance requires them to have a mechanical license in order to just sit the unit down and connect it to the electrical outlet, that when there is no mechanical work involved, such license should not be required.

Councilman Smith asked if there is not some requirement that an engineer judge the size unit necessary to properly air condition a certain place? Mr. Horne stated the architect usually establishes that in new buildings and in small older businesses it is preferable, of course, but many store owners specify the size unit they want and it should be their privilege to do so. Councilman Smith replied it is the City's responsibility to represent the public and protect them, and they don't really know the size unit that will best serve their interest. Mr. Horne stated he agrees that a license is important where there is mechanical work involved, but these self-contained units should not come under a licensing category and the only license that should be required is from the Electrical Inspection Department.

Mr. R.G. Agnew, a member of the Mechanical Advisory Board, stated he thinks in order to have a complete picture of this situation we should go back to the inception of the Mechanical Advisory Board. He understands it came about as a result primarily of the calls and complaints being received concerning the fact there was no apparent protection or regulation for small business or homeowners in this range of installation with which this ordinance deals; as a result, the Mechanical Advisory Board was formed to help alleviate some of the conditions existing. He stated further they prepared an ordinance which the Council adopted a couple of years ago, and in the original ordinance the Mechanical Advisory Board had considerable pressure on it to get an ordinance on the books because of the Urban Redevelopment Funds which were pending at the time and could not be approved until the City had a suitable mechanical ordinance. That they simply adopted the State Code to the extent the North Carolina Building Code Council would let them go at that time without considerable hearings and discussions. The Administrative Section, which adopted the State Code contained limitations of 24 BTU, above which a Heating Contractors License would be required. Within the area of which we are speaking, there are many points that could be debated, but it all comes down to the fact that in so many cases the owner has no protection on getting

a satisfactory installation, unless he has a properly qualified contractor install it. The only way the Board can see that the contractor can be properly qualified in this regard is to pass an examination and get a license. That he will admit that will not make every contractor do a good job but at least it qualifies his capabilities so to do and it gives the City Government a lever that they can use on this man in case he puts in installations in violation of the Code or good practice. That Mr. Horne brought up the matter of putting in a unit that the owner requested installed; this may be done occasionally generally the owner will leave it up to the contractor he employs, unless he has guidance from a professional architect or engineer. That the State Electrical Contractors examination does not provide for any qualification of a man's capabilities in regard to mechanical equipment. He stated some reference has been made to the Inspection Department forcing owners to buy more than they want - that to his knowledge the Department does not want to be responsible for selecting the capacity of equipment, all they want to do is to check it as to meeting Code requirements. That in the area of small commercial or residential units, there is admittedly the possibility that you would want to put in a unit of 2, 3 or maybe 5 tons without any connection except the electrical lead, but for the small number of times this type of installation would occur he believes they are not being unnecessarily discriminatory in asking the man to get a license. That the question of electricity in this connection is fundamental and seems to be quite besides the point. Mr. Agnew stated that there is no intent on the part of the Mechanical Advisory Board to usurp an Electrical Contractors job in installing electrical wires; that the Mechanical Contractor in installing a piece of equipment would have to call an electrical contractor to do any wiring associated with the piece of equipment.

Councilman Dellinger asked in what way our Code differs from the State Code now as to the BTU? Mr. Agnew stated the State Code does not have any jurisdiction below 15 tons capacity.

Mr. David Gossett, representing the Warm Air Heating & Air Conditioning Association stated he is also a member of the contracting firm of Engineering, Inc., and advised that the members of his Association are greatly interested and dedicated to the promotion of high standard workmanship and installations in the realm of warm air heating and air conditioning, and each member is an established and competent dealer of sales and service. That the members of the Association are in complete agreeable with the points in controversy before the Council today - that the health and safety of the public can best be assured by denying concessions to any person or firm not licensed under the Charlotte Mechanical Code, for it is a desirable Code for the upgrading of our heating and cooling industry, and reducing the qualifications for a license will defeat the goal, and those participating in this industry should demonstrate their qualifications by taking the licensing test required; that the selection, installation and servicing of an air conditioning unit above 32,000 BTU should be by a qualified and licensed firm.

Mr. J.B. Andrews, Chairman of the Buildings Standard Board, stated they heard all of these statements and arguments on August 28th and at that time passed favoring on this piece of legislation by a unanimous vote.

Councilman Whittington moved the adoption of Ordinance No. 210 Amending Chapter 5, Article II of the City Code Entitled "Mechanical Systems" by re-writing Article II., as recommended by the various related Boards of the City of Charlotte. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book beginning at Page 461.

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ERECTION OF "WELCOME" SIGN ABOVE PRESENT "CHARLOTTE, N.C." SIGN AT AIRPORT TERMINAL AUTHORIZED SUBJECT TO APPROVAL OF THE AIRPORT ADVISORY COMMITTEE.

Mr. Bob Alander, representing the Chamber of Commerce, advised the Board of Directors recommend that a WELCOME Sign be erected at the Airport, to reflect a real southern welcome to our City. He stated this has been discussed for four years, and he is glad to at last have something concrete to offer the Council. Mr. Alander advised that the Sign will sit atop the present CHARLOTTE, N.C. sign and the letters will be built to match the letters in the present Sign, except for a single line of neon instead of the double line around the existing sign, and ready for electrical connections. Mr. Alander submitted a drawing of the proposed Welcome Sign and stated the Sign will be 14 feet high and 12 feet long and the letter 3 feet high and all metal work will be of 22 gauge steel and built to conform with the present specifications of the City Code. He stated that Grady Sign Company who built the original sign has submitted a proposal at a total cost of \$1,292.00 plus North Carolina Sales Tax.

Councilman Whittington asked if Mr. Raffety, Airport Manager, approves the Sign and Mr. Alander replied that he does.

Councilman Dellinger asked if the Chamber of Commerce is paying for the Sign, and Mr. Alander said no., they are asking the City Council to do so.

Councilman Smith stated he is wondering if this should not be a recommendation from the Airport Advisory Committee, as they run the Airport and they should make the decision.

Councilman Dellinger moved that the Sign be erected and the money come from the Airport Fund, subject to the approval of the Airport Advisory Committee. The motion was seconded by Councilman Thrower.

Councilman Bryant asked if it would not be well to have Welcoming Signs over each entrance to the concourse and Mr. Alander stated this has been done at the expense of the Chamber of Commerce and the signs are being put up this week.

Councilman Jordan stated he has just returned from Europe and most of the Airports there had a Welcome Sign in three different languages and he would like to see one on the Charlotte Airport.

The vote was taken on the motion and unanimously carried.

AMENDED PETITION NO. 63-51 FOR CHANGE IN ZONING OF PROPERTY ON PURSER DRIVE, BETWEEN MIRAMAR DRIVE AND LECLINE DRIVE, REFERRED TO PLANNING COMMISSION FOR RECOMMENDATION.

Mr. William Allan of Allan-Trotter Company, Agents for Mr. C.A. Butler and Mr. L.S. Hill, petitioners for a change in zoning from R-9 to R-9MF of six lots on the south side of Purser Drive, which was heard on September 16th and action deferred on September 23rd at his request so that he might confer with the residents who filed a protest petition to the change in zoning, was present and advised they have worked out a compromise and the residents have gone along with them 100% on their new proposal and he wishes to submit it to Council. He stated further he has a Petition signed by these same residents, stating they feel the compromise proposal to be the best neighborhood development plan and the highest and best use of this relatively under-developed land and requesting Council to approve the new proposal. The Petition was filed with the City Clerk.

Following the discussion of the proper manner in which to proceed, Mr. Allan was advised to present his proposal and it would be referred back to the Planning Commission for recommendation.

Mr. Allan explained that their proposal to which the residents have agreed is to (1) delete all of lots 1 and 2 of Block G of Eastwood Acres and (2) delete a portion of lots 3-6 of Block G, that portion being the front 124.9 feet of lots 3-6, Block G, and leave in the original request for a change in zoning the rear portion of lots 3-6, Block G, said rear portion being a tract approximately 74.6 feet x 216.2 feet x 132.1 feet x 237.55 feet.

Councilman Smith moved that action on the Petition for the change in zoning be deferred and it be sent back to the Planning Commission, together with the Petition filed by Mr. Allan today, for the recommendation of the Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCES NOS. 200-X THROUGH 207-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS AT 319 SOUTH MYERS STREET, 321-23 SOUTH MYERS STREET, 325 SOUTH MYERS STREET, 327 SOUTH MYERS STREET, 807-807½ EAST SECOND STREET, 809-809½ EAST SECOND STREET, 811-811½ EAST SECOND STREET, AND 813-813½ EAST SECOND STREET, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Councilman Thrower moved the adoption of Ordinances Nos. 200-X through 207-X Ordering the Demolition and Removal of Dwellings at 319 South Myers Street, 321-23 South Myers Street, 325 South Myers Street, 327 South Myers Street, 807-807½ East Second Street, 809-809½ East Second Street, 811-811½ East Second Street and 813-813½ East Second Street, Pursuant to the Housing Code of the City of Charlotte and Article 15, Chapter 160 of the General Statutes of North Carolina. The motion was seconded by Councilman Dellinger.

Councilman Smith stated he thinks this is the proper procedure when you are tearing down a person's house, and he would like to recommend that this procedure be followed in the future.

The vote was taken on the motion for the adoption of each of the ordinances numbered 200-X through 207-X, and unanimously carried.

The ordinances are individually recorded in Ordinance Book 13, beginning at Page 453 and ending at Page 460.

CONTRACT WITH STATE HIGHWAY COMMISSION FOR RIGHT OF WAY IN INTERSTATE #85 FOR CONSTRUCTION OF SANITARY SEWER TRUNK LINE.

Councilman Bryant moved approval of a contract with the State Highway Commission for the encroachment in Interstate #85 at Thrift Road and Bradford Drive, for the construction of a sanitary sewer trunk line. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER TRUNK LINES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the construction of sanitary sewer trunk lines was approved as follows:

The following bids were received:

Hutton Scott Company	\$1,974.18
Martin-Guy Motor Company	1,980.37
Courtesy Motors, Inc.	2,071.97
Young Motor Company	2,079.38
City Chevrolet Company	2,179.94

CONTRACT AWARDED CREECH MOTORCYCLE COMPANY, INC. FOR TWO MOTORCYCLES.

Motion was made by Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Creech Motorcycle Company, Inc., for two Motorcycles, as specified, at their bid price of \$3,377.31.

The following bids were received:

Creech Motorcycle Company, Inc.	\$3,377.31
Harley-Davidson Motor Company	3,506.11

CONTRACT AWARDED HENDERSON MARINE COMPANY FOR TWO TRUCKSTERS.

Councilman Dellinger moved the award of contract to the only bidder, Henderson Marine Company, for Two Trucksters, as specified, at their bid price of \$2,915.77. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED PRISMO SAFETY CORP. FOR PAVEMENT MARKING MATERIAL.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, contract was awarded the only bidder, Prismo Safety Corporation, for 34 Rolls of White Step-down Plastic Pavement Marking Material, as specified, at their bid price of \$2,389.60.

CONTRACT AWARDED KALE-LAWING COMPANY FOR 15 DESKS.

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, awarding contract to the low bidder, Kale-Lawing Company for 15 Desks, as specified, at their bid price of \$2,144.98.

The following bids were received:

Kale Lawing Company	\$2,144.98
Bill Shaw Company	2,148.67
Funderburk Office Supply Company	2,253.27
Sears, Roebuck Company	2,282.37
Miller's Office Equipment Company	2,282.48
Fowler's	2,360.40
Dorsey's, Inc.	2,416.24
Southern Business Systems	2,755.70

CONTRACT AWARDED KALE-LAWING COMPANY FOR 85 CHAIRS.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Kale-Lawing Company for 85 chairs as specified, at their bid price of \$2,493.53.

The following bids were received:

Kale-Lawing Company	\$2,493.53
Bill Shaw Company	2,506.49
Dorsey's, Inc.	2,537.16
Fowler's	2,643.12
Fowler's <u>Alternate Bid</u>	2,927.08
Miller's Office Equipment Company	2,985.27

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CONTRACT AWARDED C.D. SPANGLER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS.

Councilman Dellinger moved the award of contract to the low bidder, C.D. Spangler Construction Company, for the construction of sanitary sewer trunks and mains in various subdivisions, on a unit price basis, at their bid price of \$87,146.00. The motion was seconded by Councilman Smith, and unanimously carried.

The following bids were received:

C.D. Spangler Construction Company	\$ 87,146.00
Noll Construction Company	88,755.50
D.W. Flowe & Sons, Inc.	93,706.00
A.P. White & Associates	94,308.00
Boyd & Goforth, Inc.	104,997.10

EMPLOYMENT OF CLERK-TYPIST AUTHORIZED IN BUILDING INSPECTION DEPARTMENT AND FUNDS TRANSFERRED FROM THE CONTINGENCY ACCOUNT FOR THIS PURPOSE.

Councilman Whittington moved approval of the employment of a Clerk-Typist in the Building Inspection Department, and the transfer of \$1,800.00 from the Contingency Account to the Building Inspection Department Account for this purpose. The motion was seconded by Councilman Jordan, and unanimously carried.

ACQUISITION OF RIGHT-OF-WAY FOR NORTHWEST EXPRESSWAY AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, the acquisition of a house and lot (8,075 sq. feet) on North Brevard Street was authorized from Cora Barber at a total price of \$5,000.00, for right of way for the Northwest Expressway.

TRAFFIC ENGINEER EXPLAINS SAFETY PRECAUTIONS TO SCHOOL CHILDREN AT THE INTERSECTION OF BRIARCREEK ROAD AND COMMONWEALTH AVENUE.

Councilman Smith stated he has had a report from Mr. Hoose on the Traffic Signal that was requested by the Chantilly School people at Briarcreek Road and Commonwealth Avenue, saying it was not needed and he would like Mr. Hoose to discuss it.

Mr. Hoose advised they ran a survey twice, on September 21st and 26th and a check back survey; that we have a School Boy Control and an Adult Guard at this intersection with marked crossings all around, and Stop signs on Briar Creek Road and Flashing Neon Signs in advance of this crossing and the word School painted on the pavement and signs saying 20 M.P.H. and an End of School Zone Sign on the other end, and he thinks we have adequate safety protection.

Councilman Albea stated he has heard many complaints about the crossing from other than school people but from the general public.

Mr. Hoose stated in the last three years there have been six collisions at this intersection, mainly from turning and he has made seven surveys in all at this location, and he really thinks we have adequate protection; in fact, often the Adult Guard down at Briar Creek and Independence will walk the children up to the Adult Guard at this intersection.

Councilman Smith stated this answers his question.

REQUEST OF GENERAL TIRE COMPANY FOR DRIVEWAY ENTRANCE ON SOUTH TRYON STREET DISCUSSED.

Councilman Dellinger stated that Mr. John Carter came to see him the other day with regard to his application for a driveway-entrance on South Tryon Street into his place of business, General Tire Company at South Tryon and First Streets, which was refused him. That he and Councilman Smith went down and looked at the situation and found there are several similar driveways along South Tryon Street, and he is wondering if Mr. Hoose should not reconsider his decision.

Councilman Smith stated the driveway entrances to the Tire Company are on West First Street, which is a one-way street east and they get no benefit from the Tryon Street side of their property but pays taxes on it just the same, and the Tryon Street traffic cannot turn into First Street to their driveway; that all of the other businesses around there seem to have driveways on Tryon Street.

Mr. Hoose stated they investigated this request; that the Tire Company fronts on West First Street and the property is only 30 feet deep on Tryon Street from the intersection and they want a 15 foot driveway entrance on Tryon Street, which would put it right up against their building where their recapping equipment is located, and the driveway would not be of any great benefit to them, to say nothing of what it would do to traffic moving north on Tryon Street by people making left hand turns into the driveway and also backing up traffic on Tryon Street moving south. He stated they have one driveway entrance on First Street 72 feet long, another 20 feet long and another 10 feet long. That persons wanting to do business with the Company can go around just one block and enter their First Street driveways.

Councilman Dellinger stated he does not think we can deny a person the right of egress and ingress to his place of business, and he could certainly ask for a driveway on South Tryon Street if his business was located at this site.

TRAFFIC ENGINEER REQUESTED TO MAKE ANOTHER TRAFFIC SURVEY AT ST. GABRIEL'S CHURCH.

Councilman Whittington requested Mr. Hoose to please make another survey at St. Gabriel's Church on Providence Road, as the survey he made recently was on a day when two children were unloading their cars from the north side of Providence Road. Mr. Hoose said he would be glad to do so.

TRAFFIC ENGINEER REQUESTED TO CHECK NEED FOR ADDITIONAL STREET LIGHTING ON SHEFFIELD DRIVE.

Councilman Whittington requested Mr. Hoose to check and see if more street lighting is needed on Sheffield Drive.

CITY ATTORNEY COMMENTS ON CITY ATTORNEY'S NATIONAL MEETING IN DALLAS.

Mr. Morrissey, City Attorney, commented that he was in Dallas last week attending the National Meeting of City Attorneys from all over the country and he would like the Council to know that he is very, very proud to be from Charlotte when he goes to a meeting of that nature and that he was particularly proud of it at this meeting. That a good part of the meeting was devoted to the discussion of civil rights from the City Attorney's point of view; that for a minimum of two hours when the session started, the discussion was had by attorneys representing cities from other than the southern part of our United States, and was carried on with great dignity by way of contrast with the similar discussion at the same meeting one year ago and Charlotte received the ultimate compliment from City Attorneys from other parts of the Country for the way it has handled the problems here and he was proud and he wanted the Council to know it.

SETTLEMENT AUTHORIZED TO KENNETH J. SMITH OF WORKMEN'S COMPENSATION CLAIM FOR PERSONAL INJURY.

The City Attorney advised that in January 1961 an employee of the Street Division of the Engineering Department suffered an on-the-job injury in which his right index finger was almost severed by one of the pieces of equipment he was working on. Since then there has been surgery on the finger several times in an attempt to save it, and most recently it was removed at the second joint. That the City has paid medical expenses of \$1,104.06 and they have paid compensation over this period of time in the amount of \$1,250.00. After the latest surgery the employee is entitled under the law to \$560.00, representing \$35.00 a week for 16 weeks additional representing permanent partial disability; he is also entitled to \$105.00 for three additional weeks of compensation earned during the last period of surgery, for a total of \$665.00. For an additional \$35.00, or a total of \$700.00 Mr. Smith has expressed his willingness to settle with the City for a total of \$700.00 after an explanation to him of what his rights are and it would negate the necessity of going before the Industrial Commission for a hearing at which he would receive the award, after which the City would remain under risk for an additional year. Therefore, he recommends that the Council authorize settlement for \$700.00 with the employee upon execution of a release.

Councilman Albea stated he does not want him to sign away his rights, suppose something further happens to him and he has signed a release? Mr. Morrissey stated if anything happens to him within one year of the day of payment of his compensation he would be entitled to ask for a hearing before the Commission at which time, on competent medical evidence that there was a change in condition, he might be entitled to something additional and the amount he would receive would be for medical expenses because he would have received the maximum compensation upon payment of this award, and he understands all of this because it was explained to him and he has done pretty well so far without being represented by Counsel.

Councilman Thrower moved that settlement be made as recommended by the City Attorney. The motion was seconded by Councilman Bryant and unanimously carried.

ADJOURNMENT

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk