

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 7, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Dellinger, Smith, Thrower and Whittington present.

ABSENT: Councilmen Bryant and Jordan.

\* \* \* \* \*

#### INVOCATION.

The invocation was given by the Reverend Martin R. Tilson, Rector of Saint John's Episcopal Church.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last Council Meeting on September 30th were approved as submitted.

#### RESIDENTS OF EASTWAY PARK AREA EXPRESS OBJECTIONS TO CITY FENCING IN PORTION OF EVERGREEN CEMETERY PROPERTY.

Mr. Edward A. Funderburk, 1248 Roanoke Avenue, appeared before Council and filed a Petition, which he stated was signed by 59 residents of the area bordering on Evergreen Cemetery, protesting the erection of an extensive fence of 2,000 feet to enclose a wooded lot belonging to Evergreen Cemetery, on the grounds that it was a misuse of city funds, and they believed the money so allotted could be used for more important projects.

Mr. Funderburk stated they feel the money could better be used for a Traffic Light at Eastway Drive and Woodland Avenue, as there have been several accidents at this intersection; or the money could go to help eliminate the many temporary classrooms in the Schools or for school books, as he understands children in many schools are taking turns studying from the same books. Too, he was told today by a City Fireman about how money is not spent in proper channels, that he picked up a pair of his boots and ran his hand through them and three of his fingers came out the sole of the boot, and he said that for 9 months he has been trying to get some new boots but the City of Charlotte can't afford to get them. Mr. Funderburk stated if the cemetery was used up to the point the stakes are being erected for the fence, then he would be the first person to say the fence should be erected, but that is not the case, it is just a wooded area belonging to the Cemetery.

At the question of Councilman Dellinger as to the name of the Fireman who made the statement about the boots, Mr. Funderburk stated he was Mr. Don Knox at No. 7 Fire Station. Councilman Dellinger called attention that there is a fence around a portion of the Cemetery property, and Mr. Funderburk stated there is but only on the section of the property that borders Norland Road, which does not border on any developed property.

Mayor Brookshire advised that the Council is aware of the objections to the fence, and he has noted that Mr. Funderburk has not mentioned that some of this wooded area not presently used for cemetery purposes is being used for a playground, and he is wondering if that is not one of the reasons for the objections? Mr. Funderburk stated this fact was mentioned but it is definitely not the main reason. Mayor Brookshire asked if it is then correct that

October 7, 1963  
Minute Book 43 - Page 317

all of the objections are made on what they consider the improper or unwise use of city funds to buy a fence? Mr. Funderburk stated that is correct. Mayor Brookshire stated that it is a matter for the City Council to decide, that they have thoroughly discussed the need for the fence, and they are satisfied there is a need for it and the money can be expeditiously used for that purpose, and they have determined to erect the fence, which is being done piece-meal, so much each year, not all at one time. Mr. Funderburk stated as a taxpayer he feels he has the right to express his opinion and to discuss it with Council, in which the Mayor agreed.

Mr. R. C. Ashcraft, 2933 Sheffield Drive, stated that the wooded section is a very valuable playground area; that the children have done no damage to the property and he is interested in a playground area for the children and any consideration given the children will be appreciated. He stated his property is located not more than 10 feet from the property line and it is about 500 feet to the first mowed area of the cemetery property, but his children play not more than 50 feet from his house. Councilman Albea asked if there is not a Park and Playground in the area, and Mr. Funderburk stated there is a Park and it is about three-quarters of a mile away.

Mayor Brookshire thanked the residents for coming to the meeting.

DECISION ON PETITION NO. 63-58 BY ROYAL INVESTMENT COMPANY FOR CHANGE IN ZONING OF TRACT AT NORTHEAST CORNER OF INDEPENDENCE BOULEVARD AND LAMAR AVENUE POSTPONED UNTIL OCTOBER 21ST.

Councilman Albea moved that Council decision on Petition No. 63-58 by Royal Investment Company for change in zoning of tract of land at the northeast corner of Independence Boulevard and Lamar Avenue from B-1 and R-6MF to B-2 be postponed until October 21st. The motion was seconded by Councilman Thrower, and unanimously carried.

DECISION ON PETITION NO. 63-57 BY PET MILK COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTHEAST SIDE OF THE PLAZA, BETWEEN EAST 36TH STREET AND HERRIN AVENUE POSTPONED UNTIL OCTOBER 21ST.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, decision on Petition No. 63-57 by Pet Milk Company for change in 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, was postponed until October 21st.

ORDINANCE NO. 208-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 44.019 ACRES OF PROPERTY IN SHARON TOWNSHIP, ON PETITION OF S & T DEVELOPMENT COMPANY,

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, adopting Ordinance No. 208-X Extending the Corporate Limits of the City of Charlotte by Annexing 44.019 Acres of Property in Sharon Township, on petition of S & T Development Company, and the Company will pay for the construction of the Pumping Station. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 450.

ORDINANCE NO. 209-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 14.4 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP, ON PETITION OF JAMES C. EVANS AND ALICE B. EVANS.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and

unanimously carried, Ordinance No. 209-X Extending the Corporate Limits of the City of Charlotte by Annexing 14.4 acres of Property in Crab Orchard Township, on petition of James C. Evans and Alice B. Evans was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 452.

DECISION ON APPLICATION OF WILLIAM JENNINGS JOHNSON, SR. FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF VICTORY CAB NO. 129 DEFERRED UNTIL OCTOBER 21ST.

Councilman Dellinger stated he suggested at the last meeting that action be deferred until today on the application of Mr. W. J. Johnson, Sr. for a Certificate of Public Convenience and Necessity for the Operation of Victory Cab No. 129, so that Mr. Johnson could be present and explain about his financial status, which it was stated did not warrant approval of his application.

Mr. Herbert Lee Johnson stated he has agreed to sell his brother, W. J. Johnson, one of his cabs, and he understands he is in poor shape financially and he is perfectly willing to back him if he needs it, as this cab will be a great help to him. That last week Council approved his selling two of his cabs to Mr. Seigler and two to Mr. King, and he would appreciate Council permitting him to sell Cab No. 129 to his brother.

Councilman Albea stated he was not so much interested in the finances of Mr. Johnson because he is satisfied the two brothers together could work out the financial situation but his question is why the Police Department does not approve the transfer?

Mr. H. L. Johnson stated his brother has been driving a cab about thirty years and he thought it would help him to have another cab, and he assures everyone that he will back him. That it is true he might have a few little charges against him for being drunk, but he is not what you would call a liquor-head altogether but he doesn't guess they would hold that against him. That Mr. Cleveland, the Taxicab Inspector, took his permit away from him once for being drunk and getting locked up, but that was five or seven years ago, and he got his permit back and he is a good driver.

Mr. Milton Hulsey stated that Mr. W. J. Johnson has been his personal cab driver for almost three years, and he thinks he is one of the finest men that ever drove a cab in the City of Charlotte; that he has talked with the Chief of Police and Mr. Cleveland concerning Mr. Johnson and Mr. Cleveland says it was not the fact that he has a record but that he is not financially able to buy a cab, as he is in debt and owes about \$3,000.00. Mr. Hulsey said in his opinion any man buying his home is going to be in debt to an extent and he does not think that should be permitted to hamper a man in trying to advance himself. He stated further he talked with Chief Hord last Saturday, who is out of town today, and he also talked with Chief Selvey this morning who suggested that Mr. Johnson ask that his request be postponed until Chief Hord is back; however, both the Chief and Mr. Cleveland say their approval was withheld on account of his finances only and not because of any police record.

Mayor Brookshire asked Mr. W. J. Johnson, the applicant, to explain about the police record, and Mr. Johnson said he thought it was some 7 or 8 years ago, but he could have been picked up for being drunk in the last two or three years. That the last time he was caught driving drunk, he knows was 7 or 8 years ago, and he has been driving ever since.

Councilman Albea stated if Mr. Johnson is allowed to drive a cab for a Cab Company he can't see any difference in his driving one for himself.

October 7, 1963  
Minute Book 43 - Page 319

Councilman Dellinger stated he would like a clarification from Chief Hord and the Taxicab Inspector, and he moved that the matter be postponed until October 21st. The motion was seconded by Councilman Thrower, and unanimously carried.

Councilman Whittington requested the City Manager to have the Chief of Police or Taxi Inspector present in the future when similar applications are presented.

**ACTION ON THE DEMOLITION AND REMOVAL OF EIGHT DWELLINGS UNFIT FOR HUMAN HABITATION DEFERRED FOR ONE WEEK.**

Councilman Thrower moved that action be deferred for one week on the recommendation for the Demolition and Removal of Eight Dwellings Unfit for Human Habitation. The motion was seconded by Councilman Whittington, and unanimously carried.

**LEASE WITH SOUTH CENTRAL AIRLINES, INC. OF OFFICE SPACE ON FIRST FLOOR OF AIRPORT TERMINAL BUILDING, AS TICKET OFFICE.**

Councilman Dellinger moved that the Mayor and City Clerk be authorized to execute a Lease with South Central Airlines, Inc., for space on the first floor of the Airport Terminal Building for use as a ticket office for their air-taxi operations, at a rental of \$50.00 per month plus landing fee of \$0.75 for each revenue landing made by aircraft of 4,800 pounds gross weight, for a period of one year from October 1, 1963. The motion was seconded by Councilman Whittington, and unanimously carried.

**CONTRACT AUTHORIZED WITH ROBERT B. PHARR FOR INSTALLATION OF WATER MAINS IN A PORTION OF PHARR ACRES.**

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was authorized with Robert B. Pharr for the installation of 1,270 feet of water mains and one hydrant in a portion of Pharr Acres, at an estimated cost of \$3,500.00. All costs to be borne by the applicant, who will be reimbursed the first cost of the project without interest, if and when the mains produce a revenue equal to 5% of the cost during any 12 months continuous period.

**CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR ASPHALT RESURFACING VARIOUS STREETS.**

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, awarding contract to Rea Construction Company, the low bidder, for Asphalt Resurfacing Various Streets inside the city limits, at their bid price of \$96,078.32.

The following bids were received:

Rea Construction Company	\$ 96,078.32
Blythe Construction Company	97,916.20
Neal Hawkins, Contractors	107,727.70
Dickerson, Inc.	109,893.00
Tarheel Construction Company	119,277.20

## RENEWAL OF SPECIAL OFFICER PERMIT TO JOHN WESLEY PATTON FOR USE ON PREMISES OF JOHNSON C. SMITH UNIVERSITY.

Councilman Thrower moved approval of the renewal of Special Officer Permit to John Wesley Patton for a period of one year for use on the premises of Johnson C. Smith University. The motion was seconded by Councilman Dellinger, and unanimously carried.

## CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the construction of the following sanitary sewer lines, inside the city limits, was authorized; the applicants deposits to be refunded as per terms of the contracts:

- (a) Construction of 6,656 feet of trunk and 4,792 feet of mains in Northwood Estates, at request of Ervin Construction Company, at an estimated cost of \$51,420.00.
- (b) Construction of 980 feet of main in Pharr Acres, at request of Robert B. and Walter S. Pharr, at an estimated cost of \$2,865.00.
- (c) Construction of 572 feet of main in Yancey Drive, at request of H. L. Bowers Company, at an estimated cost of \$1,895.00.

## TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds with the following persons for the transfer of cemetery lots:

- (a) Deed with Mr. F. Terrell Fridell, for Lot 184, Section 3, Evergreen Cemetery, transferred from Mr. F. A. Fridell, at \$3.00 for transfer deed.
- (b) New deed to Mrs M. F. Wooten for Lot 54, Section D, Elmwood Cemetery, containing 363 square feet, to correct error in original deed which showed 400 square feet.

## RESOLUTION IN MEMORY OF WALTER W. HOOK.

The following resolution in Memory of Mr. Walter W. Hook was introduced by Councilman Dellinger, who moved its adoption, which was seconded by Councilman Albea, and unanimously carried:

WHEREAS, with deep regret and a feeling of loss the City Council of the City of Charlotte takes note of the passing of Walter Williams Hook on September 29, 1963, and

WHEREAS, Walter Williams Hook for many years rendered valuable public service to the citizens of his City and County as a member and leader of the Zoning Board of Adjustment, Charlotte-Mecklenburg Planning Commission, North Carolina Building Code Council, Charlotte Chamber of Commerce, Mint Museum of Art, and other organizations, and

WHEREAS, Walter Williams Hook, as an architect, has left numerous works of his skill and ability across this State,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the deepest sympathy of the members of the City Council is hereby extended to the members of the family of Walter Williams Hook and that the name of Walter Williams Hook is hereby memorialized and honored, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family and to the newspapers of Charlotte, and that this resolution be spread upon the minutes of this meeting.

ACQUISITION OF RIGHT OF WAY FOR STORM DRAIN IMPROVEMENT IN MYERS PARK MANOR SUBDIVISION, AND FOR KENILWORTH AVENUE EXTENSION PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the acquisition of the following rights-of-way was authorized:

FIVE TRACTS FOR STORM DRAIN IMPROVEMENTS IN MYERS PARK MANOR SUBDIVISION

- (a) Acquisition of right of way 5' wide by 150.32' long at 3316 Westfield Drive, from William G. Faires, at a total price of \$75.16.
- (b) Acquisition of right of way 5' wide by 145' long on Westfield Drive, from Bennett A. Smith, Jr., at a total price of \$72.50.
- (c) Acquisition of right of way 5' wide by 150.58' long on Westfield Drive, from Jane K. Duncan, at a total price of \$75.29.
- (d) Acquisition of right of way 5' wide by 150.58' long at 3300 Westfield Drive, from William K. Crane, at a total price of \$75.29.
- (e) Acquisition of right of way 5' wide by 145' long at 3312 Westfield Drive, from Ned R. West, at a total price of \$72.50.

TWO TRACTS OF LAND FOR KENILWORTH AVENUE EXTENSION PROJECT.

- (f) Acquisition of right of way 75 sq. feet at 2209 Charlotte Drive, from Charles I. Myers and Cleola H. Myers, at a total price of \$310.00.
- (g) Acquisition of right of way 116 sq. feet at 800 Kenilworth Avenue, from Fred R. Clark and wife, Joyce Wellborn Clark, at a total price of \$146.25.

CITY MANAGER REQUESTED TO INVESTIGATE STATEMENT THAT FIREMAN DON KNOX HAS BEEN WORKING IN BOOTS WITH HOLES IN THEM FOR NINE MONTHS AND UNABLE TO GET A REPLACEMENT.

Councilman Albea stated he is greatly concerned over the report by Mr. Funderburk that Fireman Don Knox stated he has been working for nine months in boots with holes in them and unable to secure the issuance of new ones. He requested the City Manager to check into the matter and if the report is true, find out why he has not been furnished with the proper boots.

CITY MANAGER DIRECTED TO NEGOTIATE A CONTRACT WITH J. N. PEASE & COMPANY AND OTHER FIRMS HE MAY DESIRE TO CONTACT, FOR THE POSITION OF CONSULTANT IN THE IMPROVEMENT AND WIDENING OF EASTWAY DRIVE FROM NORTH 29 TO INDEPENDENCE BOULEVARD, SUBJECT TO COUNCIL APPROVAL.

Councilman Whittington asked the City Manager what progress is being made on the widening and improving of Eastway Drive from North 29 to Independence Boulevard?

Mr. Veeder replied he was just ready to advise Council we are now in need of employing a consultant for this project; that he has worked out a formal contract for that purpose that is acceptable to the State Highway Commission and will accomplish all things that are required from the State's point of view.

Mayor Brookshire asked if Mr. Veeder has a recommendation for a consultant? Mr. Veeder stated the firm of J. N. Pease & Company has been suggested to be given an opportunity.

Councilman Smith stated he is in accordance with the Pease Company doing the work but in the past we have consulted two or three engineering firms and secured a statement from each of them as to the time in which they could do the work. That the main thing, in his opinion, is to expedite the work. Mr. Veeder stated that based on Council's direction as to the consultant and a contract worked out that is satisfactory to both the Consultant and the City, bring it back for Council's formal approval. Councilman Smith stated he would like for Mr. Veeder to talk with more than one consultant as to the work, how long it would take, what facilities are available and have some kind of guide line for this particular job.

Councilman Whittington moved that the City Manager contact J. N. Pease & Company and any other firms he wishes, and negotiate a contract as consultant for that portion of the road from North 29 to Independence Boulevard, subject to approval of Council. The motion was seconded by Councilman Thrower, and unanimously carried.

#### CITY MANAGER REQUESTED TO CHECK INTO THE NEED FOR A TRAFFIC SIGNAL AT BRIAR CREEK ROAD AND COMMONWEALTH AVENUE.

Councilman Smith advised that both he and Councilman Dellinger have had a call from Chantilly School for a traffic signal at the intersection of Briar Creek Road and Commonwealth Avenue, as it is a bad corner for children attending the School. He requested the City Manager to check into the need for a Signal.

#### NEED FOR MORE LEFT-TURN TRAFFIC LANES IN DOWNTOWN AREA.

Councilman Smith stated the lay-traffic experts are saying we need more left turn lanes at intersections in the Downtown area, for example at Trade and Church, in making a left turn you stop the traffic behind you.

Mr. Veeder stated there are new developments in this area in recent weeks, for example the signalization at Hawthorne and Independence Boulevard has been changed for the better and we will be seeing more of this type from now on.

#### FOUR ADDITIONAL PERSONS ADDED TO LIST OF APPROVED APPRAISERS.

Councilman Dellinger advised that Mr. George Jones is now available and would like to do some appraisal work for the City, he moved that Mr. Jones, Mr. Dick Stover, Mr. L. D. Bass and Mr. James Belton be added to the list of approved appraisers. The motion was seconded by Councilman Smith, and unanimously carried.

#### SUGGESTION MADE THAT SOME SOLUTION BE FOUND TO WARN TRAFFIC OF END OF WIDENED PORTION OF CITY STREETS OR REQUIRE DEVELOPER TO COMPLETE WIDENING TO END OF BLOCK.

Councilman Whittington advised that in many areas where a developer widens

October 7, 1963  
Minute Book 43 - Page 323

a street from an intersection perhaps half-way down the street and the widening is stopped, a dangerous traffic situation is created - that he is thinking of Shamrock up toward The Plaza, also on Walker Road, and also on Sharon Amity Road, and a good many other locations. He asked if we could not have a requirement in the Subdivision Ordinance that the widening must be taken to the end of the block, or perhaps some policy between the Developer and the City to this effect? Mr. Veeder advised that when regulations require a Subdivision Developer to put in curb and gutter, and the City paves up to it, it should be done in such fashion not to create a traffic hazard by virtue of the widening on adjacent property. That an extension of the pavement would have to be under a financial agreement between the property owner and developer or city. However, anything that creates a safety hazard must have something done about it, and would depend upon each individual case. Mayor Brookshire suggested that at least signs could be erected "Narrowed pavement ahead", or warning reflectors or something of that type.

**IMPROVEMENT AUTHORIZED MADE TO HYDE DRIVE, FROM CRAIGHEAD ROAD TO DARE DRIVE, UNDER CONTRACT WITH THE PETITIONER ED GRIFFIN DEVELOPMENT COMPANY.**

The City Manager advised that a petition has been received for improvements to Hyde Drive, from Craighead Road to Dare Drive, a distance of 330 feet, which is signed by one property owner, Ed Griffin Development Company, who owns all of the property on one side of the street and who offers and agrees to pay the cost of the improvement on both sides of the street in order to get it made, at a maximum of \$5.00 per front foot. That the City can proceed on the usual basis, advertising notice of hearing, holding the public hearing, et cetera; however, much red tape can be eliminated by having the petitioner give us a check to cover the entire cost and the City proceed with the work under a contract with him. He stated that Ed Griffin Development Company has submitted his check for \$1,650.00 to cover the cost, in case the Council is agreeable to handling the work under contract.

Councilman Whittington moved that the improvement be made under contract with Ed Griffin Development Company as suggested. The motion was seconded by Councilman Dellinger, and unanimously carried.

**CONSTRUCTION OF SIDEWALKS WHERE NONE NOW EXIST IN KENILWORTH AVENUE EXTENSION PROJECT AUTHORIZED PAID FOR BY CITY.**

In reporting on the sidewalk situation in the Kenilworth Avenue Widening and Extension Project, the City Manager presented a map showing existing sidewalks that were not disturbed by the Project and therefore not necessary to replace, those that will be torn out by the contractor that will be replaced at the expense of the State Highway Department and new ones where none now exist that it will be necessary to be constructed at the City's expense in order to provide sidewalks for the entire length of the street. Mr Veeder highly recommended that the sidewalks, as outlined, be constructed by the City in the interest of continuity.

Councilman Smith moved that the sidewalks be constructed at the City's expense as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

**CITY MANAGER TO ATTEND INTERNATIONAL CITY MANAGER'S CONVENTION.**

Mr. Veeder advised that he plans to attend the International City Manager's Convention next week and will not be here for the Council Meeting on next Monday. The Council concurred in his attending the meeting.

**ADJOURNMENT.**

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk