

February 6, 1967
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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 City Hall, on Monday, February 6, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Milton Short and Jerry Tuttle present.

ABSENT: Councilmen Sandy R. Jordan, John H. Thrower and James B. Whittington.

INVOCATION.

The invocation was given by Reverend Fred C. Holder, Minister of Amity Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Short, and unanimously carried, the Minutes of the last Council Meeting on Monday, January 30, were approved as submitted.

VISITORS WELCOMED TO COUNCIL MEETING.

Mayor Brookshire welcomed all visitors to the Council Meeting and stated he is particularly happy to have Mrs. Steele and thirty-two of her students from Irwin Avenue Junior High School present.

MAYOR ADVISED AUDIENCE THAT NO ACTION WILL BE TAKEN ON THREE PENDING ZONING MATTERS AS THREE MEMBERS OF COUNCIL ARE ABSENT.

Mayor Brookshire announced that one member of Council is out of the country, another is in the hospital and the third one is in Raleigh today and that means there are only four members of Council present and they have previously agreed not to take any action on the three pending zoning petitions.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF EDRIE KING SEIGLER, AND AUTHORIZING THE ISSUANCE OF TWO (2) CERTIFICATES TO EDRIE KING SEIGLER, IN ACCORDANCE WITH THE CODE OF THE CITY OF CHARLOTTE.

The public hearing was held on the application by Mrs. Edrie King Seigler for issuance of two (2) certificates of public convenience and necessity for the operation of taxicabs in the City of Charlotte.

Mr. Henry Strickland, Attorney for the Petitioner, stated the petition was filed by Mrs. Seigler whose husband died during the past year leaving two motor vehicles which have been operated under the name of the Victory Cab Company. That her father also operates out of Victory Cab and will be glad to look after the petitioner's interest. The taxicabs will be operated in the same manner and under the same safety provisions as heretofore.

Councilman Alexander asked if the two cabs are in operation at present and if Mrs. Seigler just wants to continue their operation under her name, and Mr. Strickland replied that is right.

Councilman Short asked if this is not a private cab operation and in effect not related to the four or five larger companies? Mr. Strickland replied that is true; there are many owners of vehicles operating under the various cab companies. The Cab Companies do not own the cabs outright, some of them are owned by the companies and a number of people own a number of franchises or certificates, and this is one of them. That Mr. King, the father of the petitioner, has four or five operating out of the same tunnel as Victory Cab Company. That they are fully insured and are in good condition.

Mr. Strickland stated further that the Taxicab Inspector has approved the transfer of the certificates.

Councilman Alba moved the adoption of the subject resolution, which was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 400.

DECISION ON PETITION NO. 66-92, PETITION 67-1 AND PETITION NO. 67-2 FOR ZONING CHANGES DEFERRED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, decision on the following zoning petitioners were deferred:

- (a) Petition No. 66-92 by J. A. Jones Construction Company, et al, for change in zoning from B-1 and B-2 to B-3 of the block bounded by Royal Court, Euclid Avenue, Morehead Street and Caldwell Street; the block bounded by Liberty Street, Caldwell Street, Morehead Street and Independence Boulevard; property fronting on Morehead Street, extending from Independence Boulevard to College Street, having a depth of from 100 feet to 200 feet and three lots on the northwest corner of College Street and Morehead Street, fronting approximately 100 feet on College Street and 175 feet on Morehead Street.
- (b) Petition No. 67-1 by D. L. Phillips Investment for change in zoning from O-6 and I-2 to R-9MF of a 25-acre tract of land located at the deadend of Scottsdale Road, south of Broadview Road.
- (c) Petition No. 67-2 by Dolph M. Young for change in zoning from O-6 to B-2 of a lot 75' x 150' located on the south side of East Park Avenue, beginning 100 feet west of Cleveland Avenue.

PLANNING OFFICE REQUESTED TO INVESTIGATE WHETHER THE CITY NEEDS LEGISLATION WITH REFERENCE TO GRANTING CONDITIONAL ENLARGEMENTS OF NON-CONFORMING USES.

Councilman Short requested Mr. Fred Bryant, Assistant Planning Director, to investigate during the coming week whether the City needs some legislation in our legislative package with reference to our ability to grant conditional enlargements of non-conforming uses. That he is under the impression that legislation is needed for this purpose. That he does not know that we want it, but the time has come when, if we do want it, we would have to present it to our delegation, and nothing of this sort is included in the package that has been gone over previously. That he has been advised that legislation would be necessary if Council finds this a desirable procedure. He requested Mr. Bryant to examine into this and to let Council know about it along with their recommendation of whether we would want such a procedure.

Mr. Bryant replied there is no reason why he would not be able to report by next week on whether or not legislation is actually needed in order to accomplish what Mr. Short has spoken of. As far as a recommendation on the advisability of it, he thinks he would have to go through Planning Commission itself to give such a recommendation, and that would not be possible by next week.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Albea, seconded by Councilman Tuttle, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Henry E. Bryant for appraisal of seven (7) parcels of land in connection with the Airport Clear Zone;
- (b) Contract with Zollie A. Collins for appraisal of five (5) parcels of land in connection with the Sixth Street Project.

CHANGE ORDER NO. G-2 IN CONTRACT WITH BLYTHE BROTHERS COMPANY FOR CATAWBA RIVER PUMPING STATION APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, Change Order No. G-2 in general contract with Blythe Brothers Company for the Catawba River Pumping Station by adding \$166.00 to the contract price was approved, as follows:

(1) Additions to hydro-pneumatic systems	Add	\$506.00
(2) Omit interior grouting of roof slabs	Deduct	340.00
Net change in contract	Add	\$166.00

RESOLUTION FIXING DATE OF PUBLIC HEARING ON FEBRUARY 20 ON APPLICATION OF GERTRUDE C. ROBINSON, FOR ISSUANCE OF ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB IN THE CITY OF CHARLOTTE.

Councilman Short moved approval of the subject resolution authorizing a public hearing on February 20, at 2 o'clock p.m. on the application of Mrs. Robinson for the issuance of a taxicab certificate. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 401.

SPECIAL OFFICER PERMIT ISSUED TO GEORGE D. CHERRY.

Motion was made by Councilman Alexander approving the issuance of a Special Officer Permit to Mr. George D. Cherry to serve on the premises of Kingspark Apartments, in the 2400 and 2500 blocks of Kingspark Drive. The motion was seconded by Councilman Albea, and carried unanimously.

TRANSFER OF CEMETERY DEED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Miss Elizabeth Woodward for Graves No. 1 and 2, in Lot No. 184, Section 2, Evergreen Cemetery, at \$120.00.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE FILING OF AN APPLICATION FOR CODE ENFORCEMENT GRANT FOR BELMONT NEIGHBORHOOD IMPROVEMENT PROGRAM.

Councilman Short moved adoption of the subject resolution as presented to Council with reference to the Belmont Neighborhood Improvement Program. The motion was seconded by Councilman Albea, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 402.

ORDINANCE NO. 587-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$4,662 from the General Fund Contingency Appropriation for non-departmental expense - street lighting to be used for street lighting on Woodlawn Road, Eastway Drive and Sugar Creek Road. The motion was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 484.

PROPERTY TRANSACTIONS.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of easement 10' x 199.39' along Mulberry Road, from Furr, Inc., at \$200.00 for right of way for sanitary sewer trunk to I-85;
- (b) Acquisition of easement 10' x 348.80', at 1111 Hawthorne Lane, from Bancroft Wholesale, at \$1.00, for right of way relocation of sanitary sewer line in Hawthorne Lane;
- (c) Acquisition of property at 215-17 South Victoria Avenue, from Joseph Clyde Witherspoon, at \$9,300.00 for West Fourth Street Extension;

- (d) Acquisition of 7,051.37 sq. ft. of property at 905 West Fourth Street, from Carl R. and wife, Ola C. Fuller, at \$9,000 for the West Fourth Street Extension;
- (e) Acquisition of 2,446 sq. ft. of property at 134 North College Street, from W. I. Henderson, Trustee, at \$50,000, for the East Fifth Street Widening.

ENCROACHMENT CONTRACT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF SANITARY SEWER LINE UNDER I-85 NORTH OF MINERAL SPRINGS ROAD.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the Mayor and City Clerk were authorized to execute an encroachment contract with the North Carolina State Highway Commission in connection with the installation of a sanitary sewer line under I-85 north of Mineral Springs Road.

INTERIM COMMITTEE TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL AND BOARD OF COUNTY COMMISSIONERS ON HOW TO SET UP A CONTINUING BOARD TO OVERSEE ASPECTS OF THE DEVELOPMENT OF THE GOVERNMENTAL CENTER TO BE APPOINTED JOINTLY BY MAYOR AND CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS.

Mr. Veeder, City Manager, stated Council on last Monday discussed some further definition and implementation of the concept of a governmental center commission or board to have certain responsibilities as relates to the development center. Following the discussion, a meeting was held last Friday and those present were the Mayor, Mr. Peterson, representing the County Commissioners, Mr. McIntrye, County Manager, City Attorney, City Manager and Mr. J. Norman Pease, Jr.

As a result of the discussion on Friday, an approach was suggested that would call for the Chairman of the Board of County Commissioners and the Mayor to jointly designate several people who would be charged with the responsibility of coming back to the Board of County Commissioners and City Council with recommendations as to how to set up a continuing agency, board or commission to oversee some aspects of the development of the Governmental Center.

This was discussed this morning by the County Commissioners and the approach that evolved out of the meeting on Friday was approved by the Commissioners with the addition of one new group to be represented on this board.

Those who would serve on the interim study group would be a member of the City Council, member of the Board of County Commissioners, representative of the Planning Commission, representative of the Redevelopment Commission, representative of the Chamber of Commerce, J. Norman Pease, Jr., representative of the local Architects chapter, County Manager, City Manager and the tenth representative which the County Commissioners requested this morning would be a representative of the School Board. That the Planning Commission staff would act as staff to the interim study group.

Councilman Tuttle stated he did not hear anyone mentioned from the Master Plan Committee nor from the Downtown Association.

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That he cannot conceive of anything as important as this without having the Chairman of the Master Plan Committee or the President of the Downtown Association as a member of this Committee.


Councilman Tuttle moved approval of the appointment of the committee jointly by the Chairman of the Board of County Commissioners and Mayor Brookshire and requested that someone from the Master Plan Committee and Downtown Association be named to the Committee. The motion was seconded by Councilman Albea, and carried unanimously.

MAYOR ADVISED THAT ALL MATTERS HANDLED BY COUNCIL THIS AFTERNOON HAVE BEEN ON A UNANIMOUS VOTE.

Mayor Brookshire stated that all matters handled by Council this afternoon have been on a unanimous vote, which is necessary for any action to be legal since actions of Council, regardless of the number present - the minimum quorum being present - does require four votes of Council to pass on any matter officially.

ADJOURNMENT.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk