

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, December 9, 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 Hearing on the Petition for Conditional Approval of Use of property fronting on the north side of Hiddenbrook Drive as a Parking Area for a theatre, were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, and Mr. Erwin, Mr. Jones, Mr. Stone, Mr. Toy and Mr. Turner.

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

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last Council Meeting on December 2nd were approved as submitted.

RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF JAMES MURREY ATKINS.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and un-animously carried, the following resolution was unanimously adopted:

RESOLUTION EXPRESSING SYMPATHY ON
THE DEATH OF JAMES MURREY ATKINS.

WHEREAS, it was with profound sorrow that the City Council learned of the passing on December 2, 1963, of James Murrey Atkins, former City Councilman of the City of Charlotte; and

WHEREAS, it may be truly said that his death was hastened by his de- dication and devotion to the welfare of his fellowmen through tireless activity in civic, educational, charitable and patriotic enterprises; and

WHEREAS, he carried out his duties and responsibilities in such a manner that his unusual talents were clearly reflected in constructive and lasting achievement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that this Council does hereby declare its deepest regret at the untimely passing of James Murrey Atkins and does convey its sincere sympathy and condolences to his family; and

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

HEARING ON PETITION NO. 63-74 BY TAR HEEL THEATRES, INC. FOR CONDITIONAL APPROVAL OF USE OF PROPERTY FRONTING ON THE NORTH SIDE OF HIDDENBROOK DRIVE AS PARKING AREA FOR THEATRE.

The public hearing was held on Petition No. 63-74 by Tar Heel Theatres, Inc., for Conditional Approval of Use of property fronting on the north side of Hiddenbrook Drive, zoned R-9MF, as a parking area for a Theatre, said hearing having been authorized by the City Council on its own motion on November 18th.

The Planning Director advised the property is on Hiddenbrook Drive, a street running off Commonwealth Avenue one block removed from Independence Boulevard and backs up to property that fronts on the Boulevard; on Hiddenbrook Drive, which is a residential street in general, this particular property has the side line of a residential lot on one side of it, and the rear line of other residential property that fronts on Commonwealth Avenue; along its rear boundary it has vacant land which is subject to business development since it fronts on Independence Boulevard; directly across Hiddenbrook Drive from the property, there is a vacant lot, and adjacent lots on Hiddenbrook are developed residentially. The property is zoned R-9MF and is surrounded on three sides by R-9MF zoning and immediately to the rear the property is zoned for business.

Mr. R. E. Goodman, 4025 Hiddenbrook Drive, spoke in protest of the proposed change, stating he realizes the plan is to build the Theatre down on Independence Boulevard, which is business property; however, the property fronts on Hiddenbrook Drive and is adjacent to his property on which his home is located, and that is the reason for his protest. Mr. Goodman presented a Petition signed by himself and four other property owners on Hiddenbrook Drive and one on Commonwealth Avenue, stating the rezoning of the property in the 4000 block of Hiddenbrook Drive will have a bad effect on their property; that the street is fully developed with single unit family dwellings and there are no prospects of the street becoming other than residential as it is not a thoroughfare and has no physical connection with Independence Boulevard. That theatre parking is mainly in late afternoon until midnight, with car doors slamming, engines starting and associated obnoxious noises. That the proposed screening will not be beneficial as it will not keep out the noise and will result in beer cans being thrown over it into private yards; that their property will be greatly devalued in that it will be extremely difficult to dispose of residential property next to this type of parking lot; that the parking lot will produce a nuisance in general to the neighborhood.

Mr. Goodman stated he will be affected more than all others as his residential lot adjoins the Parking Lot, as shown on the Map he submitted with the Petition, and he feels that this Parking Lot under his bedroom window will cause him to suffer \$10,000 devaluation on his property; that he does not feel the parking lot is necessary, that Mr. Trexler told him how he obtained the property, he more or less fell heir to the lot.

Councilman Whittington asked Mr. Goodman to take one of his maps and put the names of the residents in their proper places on it and give it to the City Clerk, so the Council could get it from her. Mr. Goodman stated he would be glad to do so.

Mr. Goodman stated further that when this petition was previously heard by Council and the Planning Board, both he and Mr. Sharpe appeared and spoke in protest of its adoption.

He stated if the rezoning is allowed for the Parking Lot, he feels he should be awarded damages up to \$10,000.00 on his house.

Mr. C. B. Trexler, representing the petitioners Tar Heel Theatres, Inc., stated he would like to say that ownership of Tar Heel Theatres is by residents of Charlotte or by an estate that is involved by an administration here and its beneficiaries are involved in Charlotte, and both he and the others connected with the Company have lived in Charlotte for some time. That he visited with the people on Hiddenbrook Drive, including Mr. Goodman, and he is in error in stating that Tar Heel Theatres just automatically fell heir to this property, that is contrary to the conditions under which this property was titled to the Theatres.

That they propose to build a so-called Twin Theatre; it is estimated that over 50,000 people live in that general area of Charlotte and it is growing and they feel from surveys they have taken that the people of this area are very desirous of having a facility such as is proposed to be built out there. He stated they own 3 1/2 acres out there, and are caught up in a situation wherein to build a Theatre there must be provided under the Charlotte Code a parking space for each 4 seats. That the proposed theatre will seat 1,200 people, therefore, they need 300 parking spaces. That there is a creek running at the rear of the property and they propose to culvert the creek to obscure it and ingress and egress to the Parking Lot would be from Independence Boulevard. That they have not proposed at any time to go out by Hiddenbrook Drive and he told Mr. Goodman and the other residents this. He stated they do not want to disturb the tranquillity of the neighborhood in any way, and they do not think they will do so, as theatre parking is the nicest and quietest parking anywhere. Mr. Trexler stated he thinks Mr. Goodman's remarks about beer cans being thrown from the Parking Lot is out of order at this Hearing, as Theatres do not sell beer and he does not think this will happen at all. He stated there are only 35 parking spaces in the area involved and the property is depressed and below the level of Hiddenbrook Drive at its juncture with the street and would be considerably under the level as they propose to develop it. At the present time there is a sewer right of way over it and some sewer projections out of the ground which would have to be worked around in order to make it usable; that this is really salvage property and must be made into useful property. That these 35 parking spaces will mean approximately 140 more theatre seats and they can build a facility of a size and type they feel Charlotte will need for the future. Mr. Trexler submitted a drawing of the proposed Theatre and of the parking area proposed.

Councilman Dellinger asked if they cannot build the Theatre if the zoning change is not granted? Mr. Trexler replied they cannot build it as conceived if the change is not granted. That if it were not for the requirement as to the number of parking spaces in relation to the number of theatre seats, they would be glad to risk their investment with the parking spaces they could get on the B-2 zoned property.

Councilman Smith asked if he does not think it would be to their advantage to keep this area chained off except when it is needed for parking. Mr. Trexler stated they propose to do that because they do not feel it would be needed except for a very small percentage of the time, and they would have some means of directing the parking to the other areas when it is not needed. That he doubts it would ever be used in the day time and could be utilized as a play-area.

Mr. Goodman stated that is what he is arguing about, the use of the parking area at night and on Sunday which will be a nuisance to the residents of Hiddenbrook Drive. That he cannot see that theatres are so important to a city, they offer employment to only ten or twelve people after the initial construction, and every dollar they take in goes to Hollywood to build some movie star a big swimming pool and does not stay in Charlotte to help our economy.

Mayor Brookshire advised that the Planning Commission will now retire and Mr. Sibley, the Chairman, has agreed they will meet and consider the petition and bring back their recommendation while our meeting is in session.

Later in the meeting, Mr. Sibley advised Council that the Planning Commission voted 5 to 1 reaffirming their previous decision denying the petitioner's request.

Councilman Jordan moved that the petition be approved. The motion was seconded by Councilman Bryant.

Councilman Dellinger asked the City Attorney if it comes under the 20% clause? Mr. Morrissey replied that it does, that Mr. Goodman filed his protest petition and map when he was heard and he owns the adjoining property.

Councilman Whittington asked Mr. Goodman to tell the Council how far his house is from the proposed parking lot area and also approximately what the elevation of the parking lot would be in relation to the level of his house facing Hiddenbrook? Mr. Goodman replied that the lot is about 12 feet from his house, there is just the driveway between his house and the lot in question, and his lot is about 6 feet higher than the parking lot elevation.

Councilman Whittington offered a substitute motion that the request be postponed one week. The motion was seconded by Councilman Albea.

Councilman Dellinger stated he does not see any good from postponing action that the hearing was set today instead of next week when zoning requests are usually heard, for the primary purpose of speeding this up, and Mr. Whittington agreed to that when the hearing date was set, and he does not see what would be gained by postponing action. Councilman Whittington stated that is true, that he voted against the request previously; that he has been told by Mr. Trexler that the residents do not object but they are here today saying they do object and he would like to get all the facts together before he votes on it, therefore he is requesting postponement for one week, so that he can do what he thinks is fair and the best job he can on the request.

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

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

RESOLUTION APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR REDEVELOPMENT SECTION NO. 2 PROJECT NO. N.C. R-24, ADOPTED.

The public hearing was held on Redevelopment Plan for Redevelopment of Section No. 2, Brooklyn Urban Renewal Area.

No objections were expressed by the public.

Councilman Dellinger introduced a resolution entitled: "Resolution Approving the Redevelopment Plan and the Feasibility of Relocation for Redevelopment Section No. 2, Project No. N.C. R-24", and following the reading thereof moved its adoption. The motion was seconded by Councilman Thrower, and carried by the following recorded vote:

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

The resolution is recorded in full in Resolutions Book 4, beginning at Page 351.

CHANGE ORDER NO. 1 AUTHORIZED IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF MCALPINE CREEK WASTE TREATMENT PLANT.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, Change Order No. 1 in contract with Rea Construction Company for the general construction of the McAlpine Creek Waste Treatment Plant, covering the substitution of 26 Ball Valves manufactured by Williamette Iron & Steel Company in lieu of similar valves manufactured by Henry Pratt Company, resulting in a deduction of \$1,800.00 in the contract price, was approved.

CONTRACTS AUTHORIZED FOR APPRAISALS OF NINE TRACTS OF LAND FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY AND OF PROPERTY IN CONNECTION WITH THE RELOCATION OF BRUNSWICK AVENUE.

Motion was made by Councilman Smith, seconded by Councilman Bryant, and unanimously carried, approving contracts for appraisal of nine tracts of land for right of way for the Northwest Expressway and of property of E. C. Griffith in connection with the relocation of Brunswick Avenue, as follows:

- (a) Contract with John M. Gallagher for appraisal of 8 tracts of land on West 11th and Graham Streets, in connection with the Northwest Expressway.
- (b) Contract with Leo H. Phelan, Jr., for appraisal of 1 tract of land on Barbours Court, in connection with the Northwest Expressway.
- (c) Contract with B. Brevard Brookshire for appraisal of property of E. C. Griffith, located on Kings Drive and Brunswick Avenue, in connection with the relocation of Brunswick Avenue.

STREETS TAKEN OVER FOR MAINTENANCE.

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

STREET	FROM	TO
<u>Charcon</u>		
Bennett Street	Burroughs Street	Existing pavement
Burroughs Street	Holloway Street	Happy Valley Drive
Burroughs Street	Happy Valley Drive	Bennett Street
Burroughs Street	Bennett Street	End at cul-de-sac
<u>Driftwood</u>		
Driftwood Drive	50' E of Rosenhaven Drive	Burner Drive
Driftwood Drive	Burner Drive	110' N. of McManus Drive
Burner Drive	Driftwood Drive	End of street
<u>Farmcrest</u>		
Ridgedale Drive	Cushman St.	End at cul-de-sac
Farmcrest Drive	Suchman Street	End at cul-de-sac
Elmdale Court	Farmcrest Drive	End at cul-de-sac
Cushman Street	Existing Pavement at Ironwood Street	N.W. to end

(continued)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>Hillsborough Acres</u>		
Bobby Lane	Craig Avenue	End at cul-de-sac
Cul-de-sac	Bobby Lane	140' west
<u>Shannon Lake View</u>		
Adams Drive	Lakedell Drive	Lakedale Drive
<u>Hampshire Hills</u>		
Kelsey Drive	NE of Whitingham	Craftsbury Drive
Beecher Drive	175' SW of Craftsbury Dr.	Craftsbury Drive
Craftsbury Drive	100' NW of Kelsey Drive	SW to Kelsey Drive
Craftsbury Drive	Kelsey Drive	SW to Beecher Drive
Craftsbury Drive	Beecher Drive	SW to 350' of Beecher Dr.
<u>Shamrock Terrace</u>		
Herrin Avenue	Shamrock Drive	Downs Avenue
Herrin Avenue	Downs Avenue	35th Street
Herrin Avenue	E. 35th Street	Erskine Drive
Herrin Avenue	Erskine Drive	End at present paving.
Downs Avenue	Herrin Avenue	End at present paving.
East 35th Street	Herrin Avenue	End at present paving.
Erskine Drive	Herrin Avenue	SE to end.
<u>Ashbrook</u>		
Heather Lane	Ashbrook Place	Jersey Lane
Heather Lane	Jersey Lane	Paddock Circle
Heather Lane	Paddock Circle	End of street at property line
Jersey Lane	Heather Lane	Paddock Circle
Jersey Lane	Paddock Circle	End of street at property line
Paddock Circle	Heather Lane	Jersey Lane
Paddock Circle	Jersey Lane	Ashbrook Lane

CONSTRUCTION OF SANITARY SEWER AUTHORIZED IN WESTDALE DRIVE.

Councilman Smith moved approval of the construction of 620 feet of 8-inch sanitary sewer and 453-feet of 8-inch sewer trunk in Westdale Drive, inside the city limits, at the request of Nance-Trotter Realty, Inc., at an estimated cost of \$3,695.00. All cost to be borne by the Applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Dellinger, and unanimously carried.

LEASE OF AIRPORT BUILDINGS #80 AND #296 AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, authorizing the leasing of the following buildings at Douglas Municipal Airport:

- (a) Lease of Building No. 80, containing 3,996 square feet, to Van Dusen Aircraft Supplies, Inc. for a period of one year from November 1, 1963, at a monthly rental of \$78.50.
- (b) Lease of Building No. 296, containing 9,120 square feet together with an adjacent parcel of land 65' x 120' to Holman & Moody, Inc, for a period of one year from November 15, 1963, at a yearly rental of \$3,300.00.

CONTRACTS AUTHORIZED FOR INSTALLATION OF WATER MAINS.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and un-animously carried, contracts for the installation of water mains were authorized as follows:

- (a) Contract with Nance-Trotter Realty, Inc., for the installation of 860 feet of main and one hydrant in Westdale Subdivision, inside the city limits, at an estimated cost of \$1,900.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Charlotte & Derl, Inc. for the installation of 850-ft. of mains and one hydrant in Old Steel Creek Road, inside the city limits, at an estimated cost of \$3,750.00. The total construction cost to be borne by the Applicant, the said mains to become the property of the City of Charlotte if and when they produce a revenue equal to 5% of the cost during any 12 months continuous period, and the City will reimburse the Applicant the first cost of the project, without interest.
- (c) Supplemental Contract to contract dated January 28, 1963, with Ervin Construction Company, for the installation of 4,510 feet of main and 4 hydrants in Starmount Subdivision No. 9, outside the city limits, at an estimated cost of \$15,600.00. All costs to be borne by the Applicant, who will dedicate the mains to the City of Charlotte without cost or further agreement upon the acceptance of the work by the City.

ERVIN CONSTRUCTION COMPANY AUTHORIZED TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM IN THORNCLIFF ROAD, IN STARMOUNT NO. 9.

Councilman Bryant moved that Ervin Construction Company be permitted to connect private sanitary sewer lines to the City's Sanitary Sewerage System in Thorncliff Road, in Starmount No. 9, outside the city limits, to serve 88 residential lots in a 36 acre area. The motion was seconded by Councilman Smith, and un-animously carried.

APPOINTMENT OF CHARLES J. HENDERSON TO AIR POLLUTION CONTROL ADVISORY AND APPEAL BOARD.

Councilman Whittington withdrew the name of Mr. John A. McRae, Jr., whom he had nominated for appointment to the Air Pollution Control Advisory and Appeal Board, because he is serving on another City Board.

Councilman Thrower nominated Mr. Charles J. Henderson and moved his appointment to the Board. The motion was seconded by Councilman Albea, and un-animously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs J. Murrey Atkins for Lot 37, Section A-Annex, Elmwood Cemetery, transferred by the owners Mr B. L. Blackwell and Fannie Blackwell, at \$3.00 for transfer deed.

- (b) Deed with E. M. Gibbs and wife, Doshia S. Gibbs, for Graves 6 and 7, in Oaklawn Cemetery, transferred by the owners John L. Freeman and wife, Mary C. Freeman, at \$3.00 for transfer deed.
- (c) Deed with Mrs A. Jean Woehrle Holliday, for Graves 3 and 4, Lot 158, Section 2, Evergreen Cemetery, at \$90.00.

RESOLUTION DESIGNATING THURSDAY, DECEMBER 12TH AS CITY EMPLOYEE RECOGNITION DAY.

Councilman Dellinger introduced the following resolution, and following the reading thereof moved its adoption, which was seconded by Councilman Thrower, and unanimously carried:

RESOLUTION RELATIVE TO CITY
EMPLOYEE RECOGNITION DAY.

WHEREAS, more than 2,100 skilled, professional and experienced workers are engaged in providing varied services to the citizens of Charlotte; and

WHEREAS, these city employees labor long and faithfully in the performance of their duties necessary to the comfort, convenience and well-being of the residents of the city; and

WHEREAS, the City Council is anxious to recognize the import of these faithful services; and

WHEREAS, the City Council further wishes to acknowledge with appropriate ceremony, the loyalty, diligence and faithfulness of these city employees who have serve the public continuously for five or more years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that Thursday, December 12, 1963, is hereby designated as

CITY EMPLOYEE RECOGNITION DAY

which will be observed with proper ceremony to publicly express thanks for loyal and faithful service.

CONTRACT AWARDED GENERAL ELECTRIC SUPPLY COMPANY FOR 50 ONE-WAY TRAFFIC SIGNALS.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, contract was awarded General Electric Supply Company, the low bidder, for 50 One-way Three-Section Traffic Signals, as specified, at their bid price of \$2,600.75.

The following bids were received:

General Electric Supply Co.	\$ 2,600.75
Mill-Power Supply Company	2,613.11
Marbelite Company, Inc.	2,625.47
Graybar Electric Co., Inc.	2,634.23
Westinghouse Electric Supply	2,710.45

AWARD OF CONTRACT FOR SOUNDSCRIBER MONITOR & RECORDING EQUIPMENT FOR FIRE DEPARTMENT POSTPONED ONE WEEK.

The Council was advised that the following bids had been received for a Soundscraper Monitor and Recording Equipment for use by the Fire Department:

Bids meeting the specifications for sound tape equipment

Cooper D. Cass & Company	\$ 2,083.18
Dictaphone Corporation	3,090.00

Bids not meeting the specifications

Dictating Machine Edison Corporation (disc type recording)	\$ 1,670.85
Dictaphone Corporation (belt type recording)	2,049.70

The City Manager, Chief of the Fire Department and Purchasing Agent recommended the award of contract to the low bidder meeting the specifications, Cooper D. Cass & Company, offering sound tape equipment, at a price of \$2,083.18.

Mr. Arnold McBrayer, representing Thomas A. Edison Industries, stated the recommendation has been made that the soundscraper equipment be purchased from Cooper D. Cass & Company because it meets the specifications, and he would like to point out that the equipment now in use in the Fire Department was manufactured by his company, Thomas A. Edison Industries, and has been in use by the Fire Department for seven years. The only reason given for recommending the soundscraper equipment was it records on tape instead of a belt. That their feeling is although the only objections they have had from the Fire Department is that their recording medium cost too much, Council will see from the figures he just gave them, this is true, the recording medium for the requested equipment cost only \$256.60 for a 6 year period, which is the normal life of the equipment, and their recording medium would cost \$576.00; however, in looking at the total cost of the operation of this equipment along with the acquisition cost at this time is a difference of some \$641.00. That the continuous message recorder he is offering, one each for telephone recording and for radio recording, consists of two transistorized recording devices and only one of these devices run, the other is at rest, and should either of these devices fail the other can still be used. The requested equipment consists of only one recorder device for telephone and for radio and should this device fail either on telephone or radio, no recording can be done until it is repaired. In order to play back on the requested equipment, the system must be taken from recording service and in this event should a telephone call come into the switchboard and they were playing back the telephone recording, they would be out of the recording business during the time the phone calls came in, and all telephone calls must always be recorded. With their continuous recorder one device can be used for play-back while the other is being used for recording purposes. Since Edison has four recording devices, two for telephone and two for radio, their equipment will run only half as much as the requested equipment, and the possibility of having no recordings made because of breakdown is virtually eliminated. Over the past 7 years, the equipment in the Fire Department bears this out. In view of this fact and the fact that they are low bidders by \$423.00 on the equipment required, and will save the City an additional \$227.77 in the next 6 years, they respectively request that they be awarded the contract.

Councilman Dellinger asked the City Manager if this is additional equipment or replacement equipment for the Fire Department? Mr. Veeder replied this is

replacement equipment of the whole system. He asked that Mr. Beatty, Purchasing Agent, explain this and he would then like to offer some comments.

Councilman Smith asked how Mr. McBrayer arrived at the maintenance figures? Mr. McBrayer stated they were taken from their catalog of equipment. That this is the government catalog.

Councilman Whittington asked if the Edison equipment is presently in the Fire Department and the Chief of the Fire Department and the Purchasing Agent recommend that we make a change in equipment by purchasing the sound-scriber?

Mr. McBrayer stated to Mr. Whittington that in the recommendation they say the Edison equipment does not meet the specifications because their recording is done on a disc instead of magnetic tape. That both types of recording equipment is good, and so is the plastic belt type which is used here in the Council Chamber to record your Minutes. That the objection they got from the Fire Department was that their recording medium cost too much and they will concede this, but this is not the whole picture and that is why he passed around the information to each member of the Council. He stated further that the recording tape Cooper D. Cass Company proposed to use comes in a roll 300 feet long and is designed to record over a 24 hour period. By interrupting the recording nature of this, altho the specifications call for an un-interrupted disc, they do not propose to do this but since the recording time involved in each of these recording applications is only about 1 hour a day, they propose to interrupt the flow of it and record 24 days on a 24 hour tape, that is just one hour per day. Should they desire to search back through any one of these 24 days of recording, they must take the device out of service and if they want to resume recording they must put it back on the machine and search to the end of the last recording in order to play it back, which could be as much as 45 minutes to an hour.

Mr. Beatty, Purchasing Agent, stated they have gone into this matter with the Fire Department pretty thoroughly and it is true they are using a different type recording equipment but industry has presented us with the tape type which they like better and it has a good many advantages over the disc and over the belt, which we are using here in the Council Chamber where you have a short period of recording, and they think the tape will do a better job for a good many reasons, first, the disc is only for 30 minutes, it has to be taken out and turned over and you file it in a separate place; with a tape you have 24 hours for filing at one time and there is no possible way to disfigure a tape and a disc can be disfigured and it is important to have a complete, accurate record at times of investigation. In talking with the Chief, he has gone into it very carefully with the three companies that bid; either of the three will do the job but they think the tape will do this particular job better and will be cheaper, contrary to what the representative says, and they are therefore recommending the soundscriber with the 24 hour tape.

Councilman Dellinger asked Mr. Beatty if he would subscribe to the maintenance cost as set out in Mr. McBrayer's statement, as it is pretty expensive for a piece of equipment if this is right? It runs over 56%, and Mr. McBrayer says it will be \$1,220.00 against his \$888.00. Mr. Beatty stated they are calculating to use 27 tapes, which would carry them for 10 years and they figure they will save 50% of the cost of the records and tapes over the records we actually did spend in the last 6 to 7 years. Their equipment is scheduled to last 6 to 7 years and is now practically worn out and that is why we must have a replacement. Councilman Jordan stated that Mr. McBrayer's figures show that the requested tape is \$256.00 and the Edison \$576.00, he asked if that is the cost of the tapes etc? Mr. Beatty stated that is about correct. Councilman Whittington asked Mr. Beatty to comment on Mr. Brayer's

statement that should the recommended equipment fail there would be no recording done until it is repaired, also his statement that in order to play the tape back, you would have to take the system from the recording service? Mr. Beatty stated they plan to buy two units, one will be in service at all times, the other would be a standby unit and secondly, they prefer to have a tape that cannot be tampered with. They will be glad to take it and have it changed by someone, but this situation of having a machine that can be changed or can cancel out on its own, is not a safety factor for the City. That Cooper Cass Company will be glad to do this service for us and has offered to do so for the life of the unit. Mr. Veeder stated the tapes are reusable as long as the record on them is erased, and it is impossible for anyone with the City to erase the equipment they are requesting and we will not have the equipment to do so, which makes the tape tamper proof. It can only be erased by a special machine by the supplier and they will do so for us when we no longer need the tapes for record purposes, and send them back to us to be used over again. All three of the bidders manufacture good equipment but it just so happens that this particular application, in our opinion, is more satisfactory with the tape system and it just so happens that the soundsciber has submitted the best bid with the tape system.

Councilman Dellinger called attention that the bid is for one soundsciber, and he asked if it is intended to purchase another one? Mr. Beatty advised this bid includes two units, at \$990.00 each, which makes the total of the bid submitted to Council. Mayor Brookshire called attention that his explanation of the bids in the Agenda does not show this clearly. Councilman Dellinger said that puts a different light on it to him, and he thinks where it takes two pieces of equipment to do the job of one it is always more costly in upkeep and it would seem better to him to have one piece of equipment.

Councilman Whittington stated it is not clear to him, and while he respects Mr. Beatty's and Chief Black's recommendation, he would like to move that action be postponed for one week and ask Chief Black to be in attendance next week to explain the equipment, why we are buying two pieces of equipment instead of one and clear this up for the Council. The motion was seconded by Councilman Jordan.

Mr. Veeder stated he will provide a written report to Council so they can be thinking about it and evaluating their comments as they look at the written report by Mr. McBrayer.

Councilman Smith asked if Edison Corporation is not providing two pieces of equipment also, which in the end would be four pieces of equipment? Mr. McBrayer replied that he believes Mr. Beatty has been confused, as he made the statement that one of these pieces of equipment is to be used for the actual recording of the material and the other would be for standby; however, this is not the case. There are two recording applications in the Fire Department and in every case when a telephone call of a fire is made into the Department there must be a recording made of it, this is a requirement. One of the two pieces of equipment that has been requested will be attached to the telephone switchboard and the other piece will be for recording on the radio, so with the soundsciber system you do not have a standby piece of equipment; if either of these pieces fail then you are out of business until it is repaired. Cooper D. Cass Company customarily does their repairs within a two hour period, but during the two hours you are without recording and the FCC does not permit this. Now the Edison equipment that we provide, we are giving you four pieces of equipment instead of just two. That it works very much the same way as the equipment used here in the Council Chamber. He stated the performance of their equipment in the Fire Department over the past several years justifies their getting this contract; the only difference is in the price and they concede their recording medium will cost more but in the long

run it will cost the city less by some \$641.00, and they think this is a substantial saving on a contract bid of this size.

Mr. Veeder asked Mr. McBrayer why his Company does not manufacture a tape system, and is the fact that his Company has a disc 30 minutes on a side the reason they have two units rather than the fact that they have two units for standby purposes? Mr. McBrayer replied that is correct. That the reason they use two pieces of equipment is they only run half of the equipment at a time thus prolonging its life.

Mr. Gerald V. Ross, Manager of Cooper D. Cass Company, stated they have been distributors of transcriber equipment in North Carolina since 1947 and have made many installations with satisfactory results. He introduced Mr. J. E. Cunningham, one of their salesmen who has worked very closely with local governments on their recording equipment. Mr. Cunningham stated it is true that the City should have a piece of standby equipment and they have proposed two pieces of equipment now as the City's budget is limited, but they should actually have three pieces. In Winston-Salem the Fire Department has three pieces of equipment and they are buying the fourth piece this year. That their recommendation was, use one piece for the telephone switchboard, the other piece to the radio, and that does not include a standby piece of equipment, and use the piece of equipment presently in the Department which their competitor says is worn out at the end of 7 years and is therefore not worth much to anyone. If this piece of equipment should require service it automatically switches back to the piece of equipment they have been using for the past 7 years, therefore the City would not lose any recording time. That their equipment is in the Fire Department in Winston-Salem and also in the Police Department, and in other such departments all over the country, and they just recently installed two pieces at Fort Bragg, N. C. Councilman Dellinger asked if he is saying that in reality to do the job that his competitor bid we should have another piece of your equipment or else use the same equipment we now have? Mr. Cunningham stated it is certainly well to have the additional piece on hand in case of any emergency. He stated they have their equipment in Charlotte at WSOC and WGIV and they have made only one or two trips out there since its installation. That as far as cost is concerned, the Soundscriber also manufactures the disc type equipment and they could come up with it just as low as their competition, but the new tape type, which was manufactured specifically for the government originally is recommended by Communication Engineers for Police and Fire Departments, and Military Communications, Airway Communications, Railroads, etc.

Councilman Smith asked if it was not necessary to have someone present to change the discs personally? Mr. McBrayer stated that is correct; that a buzzer system reminds one it must be changed. Mr. Cunningham stated the Soundscriber tape will record on one tape for 24 days, one hour per day, automatically. Mr. McBrayer stated should the Council give them the contract today, the City will not need next year to buy another piece of Edison equipment to make the system work efficiently.

Councilman Bryant stated it is obvious the Council cannot award the contract today to anyone who does not meet the specifications, and if we do not award it to someone meeting the specifications, we will have to ask for more bids. We asked for bids on tape type equipment and we have two bids on this type equipment, and he would not be a party to awarding it to anyone not meeting the specifications. Councilman Dellinger asked if the specifications called for bids on tape type equipment only? Mr. Beatty stated the specifications called for tape type equipment as specified or approved equal. Mr. McBrayer stated the words "or approved equal" certainly applied to their equipment, as it has been approved for the past seven years and he can see no reason for changing to the tape medium. Councilman Dellinger asked the

City Attorney for a ruling on the meaning of the specifications, and Mr. Morrissey stated in view of the Purchasing Agent's comments he is constrained to say Council would have to reject all of these bids and readvertise if they propose to award the contract for other than tape equipment.

A substitute motion was made by Councilman Dellinger that all bids be rejected and they be readvertised. He stated his thought is that new bids would be requested on both type of equipment, as we have had no ill experience with the equipment we have. The motion did not receive a second.

Mr. McBrayer stated in view of the fact the City has had this good experience for the past seven years, he is at a loss to understand why anyone could say their equipment would not be an approved equal. That the specifications as written specified Soundsciber equipment by name, and he is sure that it is not the intent of the Council or Mr. Beatty to so write specifications that can be met by only one company. That the specifications spelled it out as Soundsciber Model P -124 Monitor for recording telephone messages as per specifications or approved equal; that theirs does not use a magnetic tape but it definitely is an approved equal. Councilman Dellinger stated from a legal standpoint he does not think Mr. McBrayer is right.

Councilman Smith stated it appears to him that the administration wants to put this on a 24 hour basis, with half-hour changes and he thinks what Mr. Veeder and the Fire Department is trying to do is turn this equipment on and forget about it for 24 hours; otherwise, every half hour they have to pull off the disc and file it and keep it, and this takes man hours. So they specified Soundsciber or a tape machine. Mr. Veeder stated in a nut shell, they cannot argue with this gentleman at all as the equipment the Fire Department has used for the past seven years has been satisfactory. The point they are trying to make is that their collective judgment is this equipment we have asked for bids on is superior for our usage.

Councilman Dellinger called the City Manager's attention to the remarks of Mr. Cunningham that his equipment might break down and we must keep our old Edison equipment to augment what he sells, and in that case we should buy three units, as we are buying a pig in a poke in this manner.

A substitute motion was made by Councilman Smith that we buy the equipment recommended by the City Manager, Chief of the Fire Department and Purchasing Agent at \$2,083.18. The motion was seconded by Councilman Bryant, and lost by the following recorded vote:

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

The vote was taken on the main motion to postpone action for one week, and carried by the following recorded vote:

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

Mr. Ross, Manager of Cooper D. Cass Company, asked what will be voted on at next week's meeting in this connection? Mayor Brookshire stated the vote will be on any motion that is made by any member of the Council.

Councilman Bryant stated he assumes that the postponement means that we will get further information from the City Manager regarding his appraisal and that of the Fire Chief and of Mr. Beatty, and any additional recommendations, and as far as he is concerned, unless it comes in differently or a motion by Council is different, we still have the bid to act on next week as such.

CONSTRUCTION OF STORM DRAINAGE IN 800 BLOCK OF SNOWBALL STREET AND TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT FOR THIS PURPOSE, AUTHORIZED.

Councilman Thrower moved that storm drainage be constructed in the 800 block of Snowball Street, as recommended, and \$4,500.00 be transferred from the Contingency Account for this purpose. The motion was seconded by Councilman Bryant.

Councilman Whittington asked the City Manager as to the alignment of the ditch after it has been piped? Mr. Veeder advised that the pipe will be installed for the complete length of the street in the right of way.

Councilman Smith stated it would seem to be very desirable to do this work but it would seem to him that we are approaching it on the inability of the people because of their economical circumstances to pay for the work, and these decisions are not made on that basis, but rather on a policy basis than how much a man can afford, and these people on the street have not petitioned for the work, nor even signed a petition; however, he thinks the work is needed and is in favor of it but for personal reasons he does not think he can vote for it.

Councilman Dellinger stated while he feels all of these areas should have attention and he only wishes the City were able to fix them, but he does not think the Council should allay any individual liable, but we have had some trouble down here about these things and he does not think he can support it.

Councilman Bryant stated this is the place where City Government can make a place in prospective blight areas and the manner in which it should be done. We are spending untold sums across 4th Street to take care of blighted areas after it has already been done, and he has maintained all along that if we at some expense to the City helped these people in a manner in which we can do it, strictly within the municipal framework that we can eliminate the possibility of some of these blighted areas, such as piping in such ditches as this, putting in streets where we can, street lights, and helping with sewer and water mains. To him this is a legitimate function of the city government where it is obvious it cannot be done otherwise, and he feels sure this work could not be done otherwise.

Councilman Dellinger stated another point is we removed some houses for some people who claimed they were not in position to do so from an economic standpoint and charged it to the property owners; now here you say these people are unable to do this and we will do it for them. That he thinks there are a number of questions on this matter that should be clarified.

Councilman Thrower stated if these people had come and asked the City to make the improvement perhaps he would not have made the motion to do so; however, he feels this is an improvement for the betterment of Charlotte, not for the upgrading of this particular property, therefore he made the motion on that basis. That he does not think it would be quite fair to the other residents of Charlotte if we appropriate this money at these people's request, but since it came from our administrative staff and everyone involved says it will be for the best of all involved, he so moved.

Councilman Bryant stated that six out of the twelve residents are occupant owners but can you hold the others responsible for the other six who own their homes but cannot afford to pay for the work.

Councilman Whittington stated he can appreciate what Mr. Smith and Mr. Dellinger said, but this ditch starts at 14th Street and North Tryon Street and runs through other people's property and somewhere between Snowball Street and 14th and N. Tryon Street it is piped in, and he cannot see any great

difference between the flood plains along Sugar and Briar Creek; that we have the same problem plus the fact that we have a lot of sewerage drainage into the ditch in front of these people's property, in fact 8 to 10 feet from their front doors. For that reason we would be improving property by helping the residents in this neighborhood.

Councilman Smith called attention that we turned down some people off of McAlway Road with a similar request on Anthony Circle that was in front of their houses and they were supposed to pipe it off and it is still there with snakes in it. Councilman Whittington recalled that at the same time the City constructed a sewer line out there in order to help those people.

Mr. Morrissey, City Attorney, stated it is his view of this situation that this would be a lawful expense by the Council for which no member would be personally liable, because the expenditure must be made in terms of the city's responsibility for that street, without reference to any benefit that may be derived incidentally by the abutting property; that he does not recall seeing a more dangerous condition existing on a public street than he has seen out there.

Councilman Smith stated that since Mr. Morrissey put it so strongly he is going to go along favoring the work.

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

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

INSTALLATION OF CHANNELIZATION AT INTERSECTION OF PROVIDENCE ROAD AND QUEENS ROAD, AND TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the installation of new channelization for traffic at the intersection of Providence and Queens Roads was authorized, and the transfer of \$5,300.00 from the Contingency Account for this purpose.

ACQUISITION OF RIGHTS OF WAY FOR SANITARY SEWER LINE IN PONDEROSA SUBDIVISION AND FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and unanimously carried, authorizing the acquisition of the following rights-of-way:

- (a) Acquisition of tract of land 10' wide and 261.18' long in Markland Drive from Catherine G. Dunavant Tatum and Charles H. Tatum, at \$391.77, as right of way for sanitary sewer line in Ponderosa Subdivision.
- (b) Acquisition of 5,253 sq. ft. of land (house and lot) in North Stephens Street, from Mrs Andree P. Montet, at \$3,750.00, as right of way for the Northwest Expressway.
- (c) Acquisition of 3,535 sq. ft. of land (house and Lot) in West 12th Street, from Sara Fine, at \$6,000.00 as right of way for the Northwest Expressway.

REDEVELOPMENT COMMISSION REQUESTED TO PRESENT RESOLUTION FOR COUNCIL CONSIDERATION ON THE FOURTH PHASE OF THE BROOKLYN REDEVELOPMENT PLAN, AT NEXT WEEK'S MEETING.

Councilman Smith moved that the Council request the Redevelopment Commission to prepare and present at next week's Council meeting a resolution for Council consideration of Phase No. 4 of the Brooklyn Redevelopment Plan. The motion was seconded by Councilman Albea, and carried by the following recorded vote:

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

SETTLEMENT AUTHORIZED TO WILSON LEWITH FOR RIGHT OF WAY FOR WENDOVER WOODS SANITARY SEWER LINE.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, settlement in the amount of \$549.01 was authorized with Mr. Wilson Lewith for right of way for Wendover Woods Sanitary Sewer line.

REQUEST THAT PARKING BAN ON KENILWORTH STREET BE TEMPORARILY LIFTED.

Mrs. T. P. Willard, 809 Kenilworth Avenue, between Harding Place and Greenwood Cliff, stated they have resided at this location for twenty years and have a joint driveway with their neighbors between their houses, which they have mutually enjoyed. Now with the widening of Kenilworth Avenue they understand 15,000 cars per day are expected to travel the street, and there is no parking on the street at any time. That last Saturday she counted cars and from 2:20 to 2:40 there were 36 cars going north and 53 going south; from 3:55 to 4:05 there were 23 cars going each way; from 5 p.m. to 5:10 there were 19 going north and 13 south; from 6:05 to 6:20 there were 21 going north and 32 south; and again that night there were 17 going north and 12 south during a 15 minute period - that in 70 minutes total that she counted cars there was a total of 266 cars, or 38 cars in a 20 minute period, or 228 cars per hour. She stated she recognizes the street is not officially opened but the cars are using it. That their family is coming home for Christmas, she knows it is a personal thing, but they are young people and she is wondering if they have to have no parking at any time on the street right now?

Mr. Veeder advised he will certainly take a close look at the situation and someone from the Traffic Engineering Department will be in touch with her within the next day or so and he will be happy to do whatever can be worked out.

Councilman Smith stated this emphasizes another point, when you start taking about this as just another urban street, but taking parking off makes it awfully tough on the people living on the street.

Mayor Brookshire asked the City Manager when the street will be officially opened? Mr. Veeder stated he does not know, but the volume will certainly increase.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and un-animously carried, the meeting was adjourned.

Lillian R. Hoffman

Lillian R. Hoffman, City Clerk