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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, September 12, 1966, at 3 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Dr. Leslie Frerking, Pastor of Ascension Lutheran Church.

PLAQUES PRESENTED RETIRING CITY EMPLOYEES IN ACKNOWLEDGEMENT AND APPRECIATION OF THEIR SERVICE TO THE CITY.

Mayor Brookshire recognized Mrs. Ruby Simpson, Clerk in the Engineering Department and presented her with the Employee Award for her years of service with the City from November 10, 1935, to September 30, 1966, and also presented her with her 30-year service pin.

Mayor Brookshire then recognized Mr. Wade W. Welch, Water Department Employee, and presented him with the Employee Award for his service to the City from October 9, 1950, to August 31, 1966.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, the Minutes of the last Council Meeting on Monday, August 22, 1966, were approved as submitted.

ORDINANCE NO. 514-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

The scheduled hearing was held on petition filed by Hidden Valley Builders, Inc., for the annexation to the City of Charlotte of 158.48 acres of property along Montieith Drive and Tom Hunter Road, in Mallard Creek Township and contiguous to the city limits of the city.

Mr. Sol Levine, Attorney for the Petitioner, stated that Mr. Hobart Smith has developed all the property in Hidden Valley, and has had three annexations previously bringing the property into the city and bringing additional revenue into the city. This petition for annexation covers approximately 325 lots and over 150 of the houses will be completed within the next 12 months which will bring the City over one million and a half dollars in tangible taxable valuations. Consequently, they will complete over 325 of the houses within the next couple of years.

No objections were expressed to the proposed annexation.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 14, beginning at Page 378.

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RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON BAY STREET FROM PECAN AVENUE TO HANOVER STREET.

The public hearing was held relative to the confirmation of the Assessment Roll for improvements completed on Bay Street, from Pecan Avenue to Hanover Street, a total of 5,100.3 front feet, at a total project cost of \$37,740.42, of which the City's share is \$21,113.44, and the share to be assessed against the owners of the property abutting the improvements is \$16,626.98, at an assessment rate of \$3.26 per front foot.

No objections were expressed to the confirmation of the Assessment Roll.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject resolution was adopted at 3:11 o'clock p.m., and is recorded in full in Resolutions Book 5, at Page 317.

CITY MANAGER AND CITY ATTORNEY REQUESTED TO CHECK INTO USE OF PROPERTY ON OLD MONROE ROAD TO SEE WHAT ORDINANCES ARE BEING VIOLATED.

Mr. Marvin Mann, 4723 Doris Avenue, stated they have had a problem for the past several years with W. T. Hill's sandpile in the back of their lot. That they are covered with dust from this operation; they also have a surface water ditch, and it fills up with sand and floods over and also with oil that is poured out at the back of the garage and floods over and kills the grass. Mr. Mann stated he has a petition which he would like to file with Council asking for help in the situation. He stated this is located just across from Oakhurst School and is very dangerous for the children who cut across the lot behind the sandpile with the trunks running in and out. That for the past three nights this week they have unloaded past 10 o'clock.

Councilman Whittington stated he has talked with Mr. Mann about this matter and suggested that he bring the petition to Council. That this sandpile is east of Oakhurst School on Monroe Road; how long it has been there he does not know, and whether it is there non-conforming perhaps Mr. Fred Bryant would know. That it is a nuisance from the trucks and for the safety of the children and for the people who live behind it with the unloading and loading that goes on, not only during the daytime, but at night also.

Mr. Veeder, City Manager, stated this is not a new subject, and he would like to have the Petition and, also, any other facts he might have on the situation so that they can be reviewed and see if there is some way relief can be had by the residents.

Mr. Mann stated that Mr. McManus who owns the property came out about two weeks ago and said he has about ten acres of ground on the Boulevard at the county line, and he would be glad to move Mr. Hill down there if it were zoned for that.

Councilman Thrower asked Mr. Mann how his property is zoned, and Mr. Mann replied the lot above him is for business but his property is residential.

Councilman Tuttle asked Mr. Bryant, Assistant Planning Director, if Mr. Hill's operation is in this location under the grandfather clause, and Mr. Bryant replied this is; that the property is zoned B-1, and he has been a little concerned about whether or not this use has been gradually expanding illegally. Mr. Bryant stated he would be glad to have the zoning administrator's office to look into it.

Councilman Tuttle asked Mr. Kiser, City Attorney, about the noise at night, and Mr. Kiser replied there is an ordinance called the "anti-noise" ordinance; that he thinks all of this should be investigated to see which ordinances might be applicable.

Mayor Brookshire requested the City Manager and City Attorney to look into the facts of the situation and see what ordinances are being violated.

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MR. ALBERT PEARSON EXPRESSES OPPOSITION TO THE DOWNTOWN MASTER PLAN PRESENTED ON SEPTEMBER 8.

Mr. Albert Pearson stated that some time ago a study was proposed of Downtown Charlotte by the City of Charlotte and the Downtown Charlotte Association together, and at which time he opposed it, not because he was against the study as he personally had proposed a study some two or three years before, but because of the fact that his experience over his lifetime has proved that Associations such as the Downtown Charlotte Association and others have a tendency to look after their own. And a lot of times what is their own is not necessarily what this group should necessarily be looking after; they should be looking at it from the broad point of view of the City of Charlotte, and in this case the County as a whole. The outcome of the survey was not an independent study. It was a study that was shaded towards a certain desired end which was relatively known to those in advance of what would be the outcome for a particular reason. It was not a study of Downtown Charlotte to help improve all of Downtown Charlotte; it was a study to prove that first we need a convention hall downtown which certain members had said was needed; it was a study to prove that we need some federal money to use in the Downtown area to do away with the blighted area - he guessed they could not find enough structurally wrong with the parking lot to prove it anything else. Now they have come up with a master plan and what led up to it was a committee of 100, increased to a group of 300 interested citizens that he does not doubt they are all interested citizens - that he does feel that the people in Charlotte should have been given an opportunity to be heard at some meeting before this group sanctioned meetings by outsiders from as far away as Columbia; residents of the County were there; members of political groups were there, and it would appear to him - that he speaks only for himself - that there has been instead of a disinterested honest survey of Downtown Charlotte a politically involved survey headed by political leaders - that he is speaking now of the Task Force and the Committee of 100 and, also, the meeting of the 300 - to head toward a vote that would come out with the desired results which you evidently want. Mr. Pearson stated he is speaking to all the Council, not just the two who were on the Committee for Downtown, because he believes they have gone hook, line and sinker for a certain point of view that is not of interest and not of benefit to the citizens as a whole. That he thinks they have catered entirely to the ego of some, and the business commitments of others. The ego of some in the fact that we have to catch up to Atlanta, and we have to catch up to these others places; that they are getting this money, and we are tired of seeing these other towns get this federal money; we do not care much whether it ruins the economy of the country or not, we are tired of other people getting it, and we want to get our share. Other people say we are getting more than our share; that we are paying in less than we get back.

Mr. Pearson stated he finds it hard to believe that the seven men on the Council and the Mayor would do something of this type without at least asking the members of the area involved to a meeting even though the outcome is already pre-planned as some of the others have been. That they have not at any time or any place been given the opportunity to be heard. He asked if this is a fair way to treat these people. That they may not be able to put this across, as they are creating opposition at the precincts; that somebody has oiled the wheel pretty well to try to put it across. He stated he is not against the improvement of Downtown Charlotte or any other part of Charlotte; that he is not afraid of change; that he would like to suggest a change. That he would like to suggest a change that we get away from the power structure thinking and bring it back to the people and that we check with the people, and then if a parking lot is needed at the corner of College and Fourth Street, make an effort to have the people in the area do something about it. That this Council, nor the one before or the

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one before that, has never offered a plan to any member of the City of Charlotte that would involve them in trying to produce a plan that they could finance themselves. That this all came about when the Downtown Charlotte Association was formed; when the federal money got on the horizon and came in here. That he thinks we should cooperate with the federal government and the state government, and he feels like the President of the Bankers Association does at the present time, that we are not giving our federal government the proper consideration; that we are too interested in being "bleeders" of the federal government instead of trying to help it. That we are not trying to get people like the Union National Bank, the North Carolina National Bank and Mr. Barr who is one of our Senators and his building involved with a little money of their own; put it on a percentage basis of what they took in last year; but at least try.

That the Plan calls for College Street, between Trade and Fifth Street, to be built by private enterprise. That there are several small enterprise merchants there with pawn shops and other things but they have never been consulted. That he does not know if an effort is going to be made to liquidate them and then come out with a master department store downtown. That there has never been anybody in this city administration attempt to bring in any department store of any size and put it in any other part of town or suggest it or have any plans. Mr. Pearson stated the Newspapers have either come out with some dreams or stupidity personified when they mention the Coliseum as being the radiator of the business out there. That is a lot of bull, and nobody knows it any better than the Council. This Council, the one before this and the one before that ruined Independence Boulevard by letting them build all over it; so now they have to worry about several more million; that he guesses they hope to get it from the state and federal government to build a by-pass to the Independence Boulevard. That he respectfully suggests that it is time that this City Council took over its obligation again that they have given to other people who at the best are politically involved, who at the worse are financially involved and in position to capitalize on the twenty millions dollars they figure it will cost the federal government and other governments.

He asked what they think it will cost to buy the Kress Store. That he thinks it is a sin to tear down places like that - like Lebo's Shoe Store, like the Charlotte Fish and Oyster. That no attempt has been made on any study of any type to blend into the area improvements for Charlotte that will help Charlotte without the bleeding of the Federal Government and the taxpayers. That the piece in the paper that said there would be no increase in taxes is, of course, a lie; there was an increase in taxes last year with this in mind, and when it was found they could drop it back, it was not done. There was a bond issue put through a year or two ago with this in mind. This is not just a study and plan which has not been given a lot of thought by a great many people other than Council. That he does not think Council has been the controllers of this plan. That he agrees with one of the Councilman who said that certain interests downtown should be considered; they are downtown, and he thinks that is fair, but he does not think they should be given all the consideration.

Mr. Pearson stated no one is against improving Downtown Charlotte; but there are very few who will accept the declaration of Mr. Touchberry of the Real Estate Group who stated he realizes a few of the little merchants might get hurt. Mr. Pearson stated he is a little merchant, and he does not care whether they hurt him or not, that he just hates to see the principle of what we claimed we are fighting for in Viet Nam being destroyed right here in Charlotte; that we are having taxation without representation. That he thinks it is a very dangerous thing to bring out a program that has been steamrolling to such an extent that it will be difficult to stop; that even

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though pressure has been put on the School Board, and they have withdrawn an election to have the City's bond election first, there is no assurance that it will pass, and, unless it is handled in a little more democratic manner, he is sure it will not pass. That he realizes they have said there will be no increases in bonds - that it will pay for itself in ten years which is a deliberate lie. It is a deliberate lie; that it will not pay the taxes in ten years.

Mr. Pearson asked Council to throw some burden of proof among these people or to ask Mr. Belk and the Belk enterprises to come up and improve their property; to ask the Union National Bank and the North Carolina Bank and the little merchants to put some percentage to try to buy a piece of property to build that parking lot on Fourth Street before the other is gone into.

Councilman Short replied at the meeting on June 30, he is sure that the Chairman of the Task Force invited all of the businessmen there, and this was a meeting where businessmen of every type in uptown Charlotte were present. They were all invited and urged to get up and say anything that they wanted to say and one gentleman did. At the meeting on September 8, Mr. Tate went out of his way to urge anyone there to give any critical or other comment that he had and particularly emphasized critical comments, and Mr. Sidney Levin got up and gave such comments. Councilman Short stated he believes that Mr. Pearson under estimates this Council and perhaps criticized it unfairly to say that the comments of these gentlemen were not heeded and did not get attention. That he has discussed Mr. Levin's comments with various people, and he is very much interested in the subject. With reference to the comment about the \$100,000,000, he thinks Mr. Pearson is referring to Mr. Tate's comments about the increase in private spending - that his comments along this line were in the context of a prophecy about the future, not a factual statement, and to say that his comments were deliberate lies is not a proper framing of his comments. That a prophecy of the future can have some element of conjecture in it without being designated as deliberate lies.

Mr. Pearson stated that he told Mr. Levin about the meeting so that the first meeting he attended was his fault. A group of businessmen in that area called Mr. Tate and asked Mr. Tate to attend a meeting at a Downtown Restaurant at which time they would like to have explained to them just what it was all about. Mr. Pearson stated he admitted to start with that most likely everybody at that meeting was an interested citizen of Charlotte - that he said and he will repeat for Mr. Short that this Council through a lot of its deliberations have never made any attempt to have the members of the area involved in the program asked to any type meeting nor has Mr. Tate nor anyone else tried to come out with their information. That it is true that Mr. Levin did speak, and it is true that his father was at the next meeting. That he has never said that any of these organizations, once you are fool-hardy enough or brave enough to throw yourself on them without an invitation, would not hear you. They are very good in that respect. That as far as his saying it was a deliberate lie, it is quite possible he should not have said it was a lie. That he will say this that when that statement was made, it was made with the purpose, in his opinion, of misleading the people in the fact that we would have back the taxpayers money in ten years for the simple reason it ignored the federal taxpayers dollars that was being spent; and he does not feel that it was an oversight on Mr. Tate's or the sellers of this organization's part; he feels it was deliberate.

Mayor Brookshire stated to Mr. Pearson that he had a right as a Citizen to come to Council and express himself; that he would have to say that he does not agree with him; and he does not think that most of the people in Charlotte could agree with him. However, in Mr. Pearson's defense he said that critics often serve a useful purpose, and thanked him for coming.

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PETITION NO. 66-60 BY AMERICAN LEGION, WOODLAWN POST 68, INC. FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 100 FEET ON THE SOUTH SIDE OF YORKWOOD DRIVE, BEGINNING ABOUT 122 FEET WEST OF THE RIGHT OF WAY OF GENERAL YOUNTS EXPRESSWAY, AND EXTENDING SOUTHWARD TO THE CENTER LINE OF THE SOUTHERN RAILROAD, DEFERRED FOR ONE WEEK.

Councilman Thrower moved that action on the subject petition be deferred for one week. The motion was seconded by Councilman Whittington and carried unanimously.

ORDINANCE NO. 515-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM O-15 TO B-2 OF A 2.04-ACRE TRACT OF LAND LOCATED AT THE SOUTH-EAST CORNER OF NATIONS FORD ROAD AND GENERAL YOUNTS EXPRESSWAY FRONTING 135 FEET ON NATIONS FORD ROAD AND 340 FEET ON GENERAL YOUNTS EXPRESSWAY ADOPTED.

Motion was made by Councilman Thrower adopting the subject ordinance, changing the zoning from O-15 to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 380.

ORDINANCE NO. 516-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-9MF TO B-1 S.C.D. OF A 13.1-ACRE TRACT OF LAND ON THE SOUTH SIDE OF ALBEMARLE ROAD AND LAWYERS ROAD AT THEIR INTERSECTION.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, the subject ordinance was adopted changing the zoning from R-9MF to B-1 S.C.D. as recommended by the Planning Commission with the Development Plan filed in the office of the City Clerk.

The ordinance is recorded in full in Ordinance Book 14, at Page 381.

ORDINANCE NO. 517-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-6MF TO B-2 OF A TRACT OF LAND BETWEEN JEREMIAH AVENUE AND PRESSLEY ROAD, BEGINNING ABOUT 355 FEET WEST OF SOUTH TRYON STREET.

Councilman Jordan moved the adoption of the subject ordinance changing the zoning from R-6MF to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 382.

PETITION NO. 66-70 BY JOHN CROSLAND COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF TRACT OF LAND ON BOTH SIDES OF BARRINGTON DRIVE, BEGINNING AT THE PLAZA AND EXTENDING SOUTHEAST TO THE MECKLENBURG COUNTY BOARD OF EDUCATION PROPERTY, DENIED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, the subject petition was denied.

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ORDINANCE NO. 518-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM B-2 TO I-2 OF PROPERTY ON BOTH SIDES OF DAVIDSON STREET, FROM BELMONT AVENUE TO THE EXISTING I-2 ZONING DISTRICT NEAR EAST 13TH STREET.

Motion was made by Councilman Jordan, seconded by Councilman Albea and unanimously carried, adopting the subject ordinance, changing the zoning from B-2 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 383.

PETITION NO. 66-73 BY W. F. EZELL, JR. FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT 1932 NORTH HARRILL STREET REFERRED BACK TO THE PLANNING COMMISSION

Councilman Thrower moved that the subject petition for a change in zoning from R-6MF to B-1 be approved; that the petitioner wants to take his present structure and modernize it and it will serve the same function it now serves. The motion was seconded by Councilman Jordan.

Councilman Whittington stated this is the petition where 250 people signed for the petition asking for the improvements to be granted. That he has reservations about the petition as it is with all the Planning Commission voting against it and the fact that its location is contiguous to Villa Heights School and also the development beyond the School going towards North Charlotte. That on three occasions he has been out there, both day and night; that here is a place that is doing more business perhaps than any business in that location unless it is in a shopping center like on the Plaza, or perhaps Statons Grocery at North Charlotte; that people are lined up to get in and made a purchase - when someone comes out, they let somebody else in; that this goes on every night. That he would recommend that this go back to the Planning Commission for further consideration before Council acts on it and have them take another look at it and come up with something other than a flat denial.

Councilman Thrower stated the only people who opposed this were people who owned property directly behind the building.

Councilman Whittington stated the thing he is concerned about is that they are selling beer within a half a clock of an elementary school; granted he has off-premises takeout, but this is what worries him. Councilman Thrower stated this is not going to change the situation; as he is going to continue doing business there.

Councilman Whittington made a substitute motion that the petition be delayed and referred back to the Planning Commission at their next meeting and ask them to reconsider it and bring in any other recommendation they can give. The motion was seconded by Councilman Albea.

Councilman Tuttle asked if it is because he is doing a land-slide business that he wants to expand the business. Councilman Thrower stated you are not going to change the character of the business; you do not have the authority. Councilman Tuttle replied you may do what the Planning Commission has in mind and that is for the business to move up into the area already established for business. Councilman Thrower stated the petitioner is merely asking to do the same thing we are spending millions of tax dollars for and that is urban redevelopment.

Mr. Fred Bryant, Assistant Planning Director, stated they will be glad to return the petition to the Planning Commission and see if they can come up

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with something different. That he thinks from a planning standpoint this is one of the clearest cases of spot zoning that you could ever expect to have; this is a 50-foot lot in an otherwise completely residential zoned neighborhood. That it is a non-conforming use. Mr. Bryant stated that the Planning Commission has been aware of a number of these cases where non-conforming uses have been before Council requesting that they be permitted to make some small additions to their facilities; and we have pending at least one case that has been pending for several months concerning the same type thing, and they are working towards some possible text amendments that will under very, very controlled circumstances permit a man having a non-conforming use to expand it in a very limited fashion; they feel this will give the operators of a non-conforming use some opportunity to continue his business under slightly modified conditions but, at the same time, would basically control it as a non-conforming use and not come in and zone it business and, therefore, recognize it not only for its present use but any use that would be permitted under the B-1 classification in this case. That you have to keep in mind that you are rezoning not for just the purpose of permitting this man to make a small addition to his property but you also have to consider the fact when you rezone it to B-1, you are permitting any use that is permitted in that district. That the Commission is aware of some of the problems of non-conformance, but they do not feel that rezoning the property is the answer. That they have been working on the text amendments for sometime and are now in the process of making some field studies of non-conforming uses, and he would say it would be at least another six weeks or two months before they complete their study.

Councilman Short stated he would like to encourage Mr. Bryant to pursue as well as he can and as swiftly as he can the type of study that he has mentioned.

Councilman Whittington asked Mr. Bryant how long he would need to bring this particular petition back to Council, and Mr. Bryant stated they can discuss it with the Commission next Monday, and Councilman Whittington stated his motion is to delay it until the Planning Commission meets again.

The vote was taken on the substitute motion and carried unanimously.

ORDINANCE NO. 519-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM I-1 TO R-6MF OF A PARCEL OF LAND AT THE NORTHEAST CORNER OF GARDNER AVENUE AND CHAMBERLAIN AVENUE.

Councilman Albea moved that the subject ordinance be adopted changing the zoning from I-1 to R-6MF as recommended by the Planning Commission in lieu of R-6MFH as requested. The Motion was seconded by Councilman Jordan and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 385.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, N. C., APPROVING UNDERTAKING OF SURVEYS AND PLANS FOR AN URBAN RENEWAL PROJECT AND FILING OF AN APPLICATION. (DOWNTOWN AREA).

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, a resolution entitled: Resolution of the City Council of the City of Charlotte, Charlotte, North Carolina, Approving Undertaking of Surveys and Plans for an Urban Renewal Project and Filing of an Application, was adopted.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 319.

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CONTRACTS FOR APPRAISAL OF PROPERTY IN CONNECTION WITH THE EASTWAY DRIVE WIDENING PROJECT AND PLAZA ROAD WIDENING PROJECT, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Ablea and unanimously carried, contracts for the appraisal of property were approved as follows:

- (a) Contract with D. A. Stout for the appraisal of one parcel of land at the northeast quadrant of Central Avenue and Eastway Drive in connection with the Eastway Drive Widening Project.
- (b) Contract with James L. Varnadore for the appraisal of one parcel of land at the corner of Plaza Road and Commercial Avenue, in connection with the Plaza Road Widening Project.
- (c) Contract with A. H. Carrier, Jr. for the appraisal of one parcel of land at the corner of Plaza Road and Commercial Avenue in connection with the Plaza Road Widening Project.

ORDINANCE NO. 520-X AMENDING ORDINANCE NO. 498-X BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO TRAFFIC MAINTENANCE BUDGET ADOPTED.

Councilman Jordan moved approval of the subject ordinance authorizing the transfer of \$2,120.00 from the Contingency Account to Traffic Maintenance Budget for the installation of traffic signal at the intersection of Providence Road and Colville Road. The motion was seconded by Councilman Albea and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 386.

RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON PETITION OF NANCE-TROTTER REALTY, INC. FOR ANNEXATION OF 24.68 ACRES OF PROPERTY IN MALLARD CREEK TOWNSHIP ON MONDAY, SEPTEMBER 26, AT 3 O'CLOCK P.M.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle and unanimously carried, adopting the subject resolution. The resolution is recorded in full in Resolutions Book 5, at Page 321.

CONSTRUCTION OF SANITARY SEWER TRUNK AND MAINS.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the construction of sanitary sewer trunk and mains were authorized as follows:

- (a) Construction of 525 feet of main, to serve Cotswold Junior High School, inside the city, at the request of Charlotte Mecklenburg Board of Education, at an estimated cost of \$2,220.00, with all cost to be borne by the applicant whose deposit of the full amount has been received and will be refunded as per terms of the agreement.
- (b) Construction of 3,250 feet of main and 945 feet of trunk, to serve a portion of Robinhood Woods Subdivision, inside the city, at the request of The Windsor Company, at an estimated cost of \$24,680.00, with all cost to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

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- (c) Construction of 260 feet of 8-inch trunk, 430 feet of 15-inch trunk and 1,228 feet of 8-inch main, to serve a portion of Hampshire Hills Sub-division, inside the city, at the request of John Crosland Company, at an estimated cost of \$30,150.00, with all cost to be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO JOHN RICKWOOD.

Councilman Whittington moved approval of the issuance of a special officer permit to Mr. John Rickwood to serve on the premises of English Village Apartments, in the 400 and 500 blocks of West Craighead Road. The motion was seconded by Councilman Tuttle and carried unanimously.

CLAIM OF MR. WILLIAM L. MILLER AUTHORIZED PAID.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, claim in the amount of \$258.66 filed by Mr. William L. Miller of Stanley, North Carolina, for damages to automobile was authorized paid as recommended by the City Attorney.

CLAIM OF MR. JAMES TAYLOR DENIED.

Councilman Whittington moved that claim in the amount of \$125.00 filed by Mr. James Taylor, 2605 Chesterfield Avenue, for damages to his automobile windshield be denied as recommended by the City Attorney. The motion was seconded by Councilman Thrower and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Wm. Ray or Miriam R. Putman for Graves 3 and 4, in Lot No. 157, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with N. F. Quinn and Mrs. Myrtie S. Quinn for Lot No. 300, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with John L. Dabbs III for Lot No. 7, Section 2, Oaklawn Cemetery, transferred from Mrs. Nancy C. Dabbs-Hart and husband, at \$3.00 for transfer deed.
- (d) Deed with John L. Dabbs III for Lot No. 53, Section 1, Oaklawn Cemetery, transferred from Mrs. Nancy C. Dabbs-Hart and husband, at \$3.00 for transfer deed.
- (e) Deed with John L. Dabbs III for Lot No. 51, Section 1, Oaklawn Cemetery, transferred from Mrs. Nancy C. Dabbs-Hart and husband, at \$3.00 for transfer deed.

CONTRACT AWARDED THE LESLIE COMPANY FOR BUNKER SUITS.

Councilman Alexander moved award of contract to the low bidder, The Leslie Company, in the amount of \$2,251.90, for 48 Bunker Suits, as specified on

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a unit price basis. The motion was seconded by Councilman Albea and carried unanimously.

The following bids were received:

The Leslie Company	\$ 2,251.90
Goodall Rubber Co.	2,348.40
C. W. Williams & Co.	2,424.00
Dixie Fire & Safety Eqpt. Co.	2,792.44

CONTRACT AWARDED COX TIRE MACHINE, INC. FOR TIRE SPREADER.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, contract was awarded the local bidder meeting specifications, Cox Tire Machine, Inc. in the amount of \$1,247.35 for one heavy duty air-operated Tire Spreader.

The following bids were received:

Cox Tire Machine, Inc.	\$ 1,247.35
Tire Builders Supply, Inc.	1,247.35

Bids received not on specifications:

Retreading Equipment Company	\$ 893.42
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CONTRACT AWARDED CONCRETE SUPPLY COMPANY FOR READY-MIX CONCRETE.

Motion was made by Councilman Whittington, seconded by Councilman Albea and unanimously carried, awarding contract to the only bidder, Concrete Supply Company in the amount of \$32,447.80 on a unit price basis, for 2,000 cubic yards of Ready-Mix Concrete.

PUBLIC HEARING ON QUESTION OF GRANTING A FRANCHISE FOR A COMMUNITY ANTENNA TELEVISION SYSTEM SET FOR THURSDAY, SEPTEMBER 29, 1966.

Councilman Short moved that hearing on question of granting a franchise for a Community Antenna Television System be set for Thursday, September 29 at 2 o'clock p.m. in the Council Chamber. The motion was seconded by Councilman Tuttle and carried unanimously.

ORDINANCE NO. 521-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$28,457.60 from the General Fund Contingency Account to the Police Department.

The ordinance is recorded in full in Ordinance Book 14, at Page 387.

REORGANIZATION OF THE CHARLOTTE POLICE DEPARTMENT, AS RECOMMENDED BY CHIEF OF POLICE, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the reorganization of the Charlotte Police Department,

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as recommended by Chief of Police, John E. Ingersoll, was approved and includes the following:

1. The creation of one additional position of Assistant Chief of Police.
2. The creation of two additional positions of Captain.
3. The creation of two additional positions of Clerk-Steno 1.
4. The deletion of one position of Major.
5. The appropriation of \$13,770 to finance the additional costs.

Mayor Brookshire stated that in the informal session he commended Chief Ingersoll on the reorganizational plan and thanked him for having proceeded in the interest of law enforcement in Charlotte in such a very fine manner.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE SETTING THE SALARIES OF SCHOOL CROSSING GUARDS.

Upon motion of Councilman Jordan, seconded by Councilman Alexander and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 5, at Page 322.

Councilman Alexander requested the City Manager to contact other cities in relation to how they finance School Crossing Guards wages. That this is going to get bigger each year and it might help to give some leeway in turning this over to the School Board.

PROPERTY TRANSACTIONS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, the following property transactions were approved:

- (a) Acquisition of 740 sq. ft. of property at 3400 Eastway Drive, from Elsie T. Hungerford, in the amount of \$1,000.00, for the Eastway Drive Widening Project.
- (b) Acquisition of 300 sq. ft. of property at 2806 Eastway Drive, from Thomas Edward Wallace and wife, in the amount of \$1,650.00, for the Eastway Drive Widening Project.
- (c) Acquisition of 120 sq. ft. of property at 4214 The Plaza, from Mrs. Minnie D. Baker (widow), in the amount of \$110.00, for the Plaza Road Widening Project.
- (d) Acquisition of 79 sq. ft. of property on The Plaza at Sugar Creek Road, from Bennett A. Smith, Jr. and wife, in the amount of \$105.00, for the Plaza Road Widening Project.
- (e) Acquisition of 120 sq. ft. of property at 4216 The Plaza, from Mrs. Grace E. McConnell (widow), in the amount of \$300.00 for the Plaza Road Widening Project.
- (f) Acquisition of 257 sq. ft. of property at 4255 The Plaza, from Morris Wilson Chaney and wife, in the amount of \$300.00 for the Plaza Road Widening Project.
- (g) Acquisition of construction easement at 267 Sharon Amity Road North, from W. L. Steele and wife, in the amount of \$150.00, for the Sharon Amity Road Widening Project.

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- (h) Acquisition of drainage easement 200' x 10' at 4134 Sheridan Drive, from M. C. Conner, in the amount of \$200.00, for Sheridan Drive.
- (i) Acquisition of drainage easement 200' x 10' at 4128 Sheridan Drive, from Charles P. Lowe, in the amount of \$200.00, for Sheridan Drive.
- (j) Acquisition of right of way 10' x 648' at Marvin Road and Seaboard Railroad, from McAlway Industrial Park, Inc., in the amount of \$324.00, for sanitary sewer easement to serve Benfield Court.
- (k) Acquisition of right of way 10' x 200' at 3421 Marvin Road, from Susan Beaty, in the amount of \$100.00, for sanitary sewer easement to serve Benfield Court.
- (l) Acquisition of right of way 10' x 130' at 3433 Marvin Road, from Mary Gilmore, in the amount of \$65.00, for sanitary sewer easement to serve Benfield Court.
- (m) Acquisition of right of way 10' x 255' in 3500 block of Marvin Road, from Edward C. Griffin, in the amount of \$1.00, for sanitary sewer easement to serve Benfield Court.
- (n) Acquisition of right of way 10' x 104' in 3400 block Marvin Road, from John D. Shaw and daughter, Mary Gilchrist Shaw, in the amount of \$52.00, for sanitary sewer easement to serve Benfield Court.
- (o) Acquisition of right of way 15' x 54.14' at 1400 Lakedell Drive, from Motte Parks Stegall and wife, in the amount of \$27.07, for sanitary sewer easement to Lake Plaza Trunk.
- (p) Acquisition of right of way 10' x 158' at Highlake Drive, from C. D. Spangler Construction Company, in the amount of \$1.00, for sanitary sewer easement to Lake Plaza Trunk.
- (q) Acquisition of right of way 20' x 7.87' at 6515 Tensbury Court, from C. H. May, in the amount of \$7.87, for easement to Beverly Woods sanitary sewer.
- (r) Acquisition of right of way 20' x 5,130' in Beverly Woods, from John Crosland Company, in the amount of \$13.00, for easement to Beverly Woods sanitary sewer.
- (s) Acquisition of right of way 10' x 309' on Archdale Drive to Sunview Road, from John Crosland Company, in the amount of \$1.00, for easement to Spring Valley sanitary sewer.
- (t) Acquisition of easement on Independence Boulevard, from George W. McManus and wife, in the amount of \$1.00, for easement to Edwards Branch sanitary sewer.
- (u) Acquisition of right of way 10' x 200' on Water Oak Road to Inglewood Road, from O. T. Waggoner and wife, in the amount of \$1.00 for easement to Water Oak Road sanitary sewer.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF A. V. MOFFITT AND WIFE, MAGGIE C. MOFFITT, LOCATED AT 4301 THE PLAZA FOR THE PLAZA ROAD WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of A. V. Moffitt and Wife, Maggie C. Moffitt, Located at 4301 The Plaza for The Plaza Road Widening Project, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 323.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF EASTWAY BAPTIST CHURCH, LOCATED AT 2749 EASTWAY DRIVE FOR THE EASTWAY DRIVE WIDENING PROJECT.

Councilman Albea moved adoption of a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Eastway Baptist Church, Located at 2749 Eastway Drive for The Eastway Drive Widening Project, which was seconded by Councilman Jordan and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 324.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF PAUL H. STAFFORD AND WIFE, SUE W. STAFFORD, LOCATED AT 3401 EASTWAY DRIVE FOR THE EASTWAY DRIVE WIDENING PROJECT.

Motion was made by Councilman Albea, seconded by Councilman Jordan and unanimously carried adopting a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Paul H. Stafford and Wife, Sue W. Stafford, Located at 3401 Eastway Drive for the Eastway Drive Widening Project, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 325.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MRS. BESSIE G. ANDERSON, LOCATED AT 3427 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Mrs. Bessie G. Anderson, Located at 3427 Eastway Drive, for the Eastway Drive Widening Project, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 326.

DISCUSSION OF THE COMBINED CITY-COUNTY ANIMAL SHELTER BY PRESIDENT OF HUMANE SOCIETY.

Mayor Brookshire recognized the representatives of the Mecklenburg Humane Society present and stated in the Conference Session this afternoon, Council agreed to the suggestion on the part of the Chairman of the County Board of Commissioners that the matter of the Pet Department be delayed for three weeks in order to give the County an opportunity to see if they can put together suitable real estate in the area of their present shelter for a combined and enlarged City-County Shelter.

Councilman Tuttle stated in the Conference Session he moved to immediately proceed with building a City facility and was supported by Mr. Whittington and Mr. Jordan.

Councilman Short stated Council voted the three weeks in order to give the County this amount of time in which to find that they could not put together real estate.

Mrs. George Rawlins, President of the Humane Society, stated referring to the recommendations of the City Manager and County Manager, there are several questions she would like to ask. She asked what kind of legislation is

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required for the operation of the Pet Department as the law says the County is actually the person who appoints the county warden and operates the shelter, and she thinks that a lot of people forget that Charlotte is still a part of Mecklenburg County. Mayor Brookshire replied his understanding is that the County would need legislative authority to require licenses. Mr. Veeder, City Manager, stated there is no question but what the County would require legislative authority as it is quite an involved thing in some ways as to what might happen to the dog tax as it applies to ad valorem tax now, and involves the County's ability to charge a license fee, and the whole purpose on which this is based is that the program should be self-sustaining.

Mrs Rawlins stated currently the county dog tax is \$1.00 for male and \$2.00 for female and it is recommended that this be eliminated in favor of the county license fee, and she would like to suggest that this be \$2.00 across the board for both male and female for both the County and the City. That the county dogs should not run free any more than the city dogs. That the county building is a good building, but as far as being a modern facility according to this day's operation of the animal shelter, it is a long ways from being that.

#### CONDITION OF WOODLAWN ROAD AND INCONVENIENCE TO MOTORISTS DISCUSSED.

Councilman Whittington stated he again would like to bring up the condition of Woodlawn Road; that how this particular contractor can continue to put thousands of motorists as well as people who live there to this inconvenience, not only from traffic but from dust and dirt and everything else, he does not understand; and he thinks the Council should demand that the State do something about it and go ahead and finish this road. That this is the most disorganized, confused project that he has ever seen under construction.

Councilman Thrower remarked that two lanes are suppose to be open for traffic, and it is, but they are two lanes for hondas.

The City Manager stated if this were the City's job things would have been handled somewhat differently; but it is not our job, and it is not being handled to the satisfaction of the public. That he recognizes that the State has had real problems with this, and he does not think they will have problems like this in the future. That he is sure that future contracts for similar work will not be overlooked when recommendations come to the Council for action.

#### CITY MANAGER REQUESTED TO HAVE INSPECTION DEPARTMENT TO INVESTIGATE CITY'S REGULATIONS IN REGARD TO USE OF NATURAL GAS.

Councilman Short stated in one of the Newspapers recently, there were stories of two explosions from natural gas out in the midwest - one at Fort Wayne, Ind., and another at Plainview, Texas. That it was not put in properly. He requested the City Manager to have Mr. Jamison, Inspection Department Superintendent, to see if he can find out what was wrong that demolished a huge building in Fort Wayne and in Plainview, Texas, and what Charlotte has in its regulations that would prevent this sort of thing locally.

#### CITY ATTORNEY REQUESTED TO STUDY MATTER OF REGULATING MOTORCYCLES AND LICENSING OF DRIVERS.

Councilman Short stated he would like some reaction from Council members as to whether we should require motorcycle riders to wear crash helmets. That such an ordinance was passed in Duluth, Minn., and apparently we have no

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regulations to cover this situation at all. That youngsters are all over the streets on these vehicles, and it is hard for experienced drivers to feel that they are safely getting around them.

Mr. Kiser, City Attorney, stated he read recently that the State is studying the matter of regulating and imposing stricter regulations on motorcycles and the licensing of motorcycle drivers, and he would like to look into this further.

CITY ATTORNEY REQUESTED TO CHECK INTO AUTHORITY OF COUNCIL TO ENACT ORDINANCE TO PROHIBIT LOCAL SWITCHING OPERATION OF TRAINS AS AN EMERGENCY MEASURE ON CRAIGHEAD ROAD.

Councilman Short stated if someone attempts to go across Eastway Drive in the northeastern part of the city he is blocked; then he goes down to Sugar Creek Road, and he is blocked; he then goes down to the next possible crossing, and this is Craighead Road and is one of the worse offenders with reference to the switching operations of trains, so that a person is likely to find when he goes to Craighead Road the trains are doing local switching, the gate is down, and he cannot get through there, but he also cannot find the train. That this goes on during the rush hours of the morning. That he notices that Mr. Ingersoll is putting policemen all along there now which is a great help, and he would like to commend him publicly for this.

He stated he would like to know whether or not this Council has the authority to enact an ordinance that would prohibit local switching operations at that crossing between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. That this would be for the duration of the closing of these streets only as it is an emergency measure to help out in the detour situation in northeastern Charlotte which can be described as disastrous to anybody trying to get through there.

Mr. Kiser, City Attorney, stated he would like to give an answer on this question later.

TRAFFIC ENGINEERING REQUESTED TO CHECK INTERSECTION OF BEATTIES FORD ROAD, BOOKER AVENUE AND OAKLAWN ROAD TO STRAIGHTEN OUT STOP LIGHT SITUATION.

Councilman Alexander stated he would like to ask Mr. Hoose, Traffic Engineer, about Oaklawn Avenue and Beatties Ford Road and Booker Avenue. That in the last twelve months traffic has increased across this corner and around it 100 per cent, and it is going to become more so in the foreseeable future. That every time a block of apartments goes up, that means fifty more cars going across that corner.

The problem is that Oaklawn Avenue dead ends into Beatties Ford Road; Booker Avenue dead ends into Beatties Ford Road, but not at the same position as Oaklawn Avenue, and traffic traveling south on Beatties Ford Road gets confused because no one knows whether to stop on the north side of Booker Avenue or to cross Booker Avenue and come down to where Oaklawn Avenue runs into Beatties Ford Road. This means the traffic coming out of Booker Avenue into Beatties Ford Road has no control there. There is a stop sign there but they never know when to move, and this is where accidents occur frequently.

Councilman Alexander requested Mr. Hoose to look into the matter and see if he can straighten out the stop light situation so that traffic approaching Booker Avenue and coming out of Booker Avenue would know just what to do.

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ARTICLE IN NEWSPAPER REGARDING SCHOOL CROSSING ON COUNTRY CLUB DRIVE DISCUSSED AND COUNCIL NOTIFIED SITUATION HAS BEEN CORRECTED.

Councilman Tuttle stated there was an article in the September 8 Charlotte News with reference to the situation on Country Club Drive where you are told to proceed after a school sign and go around the corner fifty feet and find a crosswalk.

Mr. Hoose, Traffic Engineer, stated this is wrong and has been corrected. That the picture showed a crosswalk which is not a crosswalk but which is a school sign, and they were using the wrong crosswalks. The guard has been moved to the correct location.

CITY MANAGER REQUESTED TO EXPRESS APPRECIATION TO CHIEF OF POLICE FOR CHECKING BICYCLE SITUATION.

Councilman Tuttle requested the City Manager to express thanks to Chief Ingersoll for checking so thoroughly into the bicycle situation. That apparently there was some confusion about the way bicycles should travel.

STUDY ON SYSTEMATIC REPLACEMENT OF HEAVY EQUIPMENT REQUESTED CONTINUED.

Councilman Tuttle called the City Manager's attention to the Chamber of Commerce's report relating to the city's heavy equipment getting into bad shape and suggesting a study of systematic replacement of heavy equipment in the Fire Department, and he requested that this study be continued.

CITY MANAGER INSTRUCTED TO REQUEST PARK & RECREATION COMMISSION TO STUDY RECREATIONAL FACILITIES IN THOMASBORO AREA.

Mayor Brookshire stated one of the local papers carried a story recently about the lack of community facilities in the Thomasboro Area. That it seems they have even lost their playground where the Little League's Baseball team had operated, and he does not believe they have a community center, and he requested the City Manager to take this matter up with the Park & Recreation Commission to see if they will make a study of the needs in that area and see what they can do to supply it.

CONTRACT WITH I.A.C.P. FOR GENERAL SURVEY OF POLICE DEPARTMENT AUTHORIZED CHANGED IN EMPHASIS.

The City Manager recommended that Council change the contract the City has with the I.A.C.P. That the initial contract did not contemplate that the City would have the services of Chief Ingersoll as our Chief of Police, and the contract was based on having I.A.C.P. do certain things and identify certain areas that needed attention that he is doing. That Chief Ingersoll in negotiating with the I.A.C.P. would like to switch the emphasis from identifying those things that need attention to in some larger measure implementing those things that have been identified. That no money is involved in the change.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle and unanimously carried, the change in the contract with the I.A.C.P. was approved as recommended.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk