

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 13, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Alexander, Jordan, Short, Thrower, Tuttle and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Henry D. Mooney, Pastor of Clinton Memorial Presbyterian Church.

APPROVAL OF MINUTES.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on August 30th were approved as submitted to Council.

REPORT SUBMITTED BY THE CITIZENS STUDY COMMITTEE OF PROBLEMS ARISING FROM THE PUBLICATION, DISTRIBUTION AND DISSEMINATION OF INDECENT AND OBSCENE MATTER IN CHARLOTTE, AND COMMITTEE REQUESTED TO CONTINUE AS A PERMANENT COMMITTEE.

Mr. Paul Ervin, Chairman of the Citizens Study Committee of Problems arising from the Publication, Distribution and Dissemination in our Community of Indecent and Obscene Matter, appointed by the Mayor in November 1964, stated the Committee has met on many occasions and has attempted to come up with a Report which they hope will be helpful and interesting in this troublesome field.

He introduced the members of the Committee who were able to be present today - Rabbi Israel J. Gerber, Mr. James H. Barnhardt, Mr. Robert Hewitt, Mr. A. E. Spears, Mr. Charles Henderson and Mr. John Plumides, and commented that the Committee was a very good cross-section of the city, and for each of them it was an educational experience. That each member of the Committee was appalled at the size of the problem of obscenity in this community, and were distressed to find the extent of it, and were distressed to find the number of magazines and periodicals that are for sale here at practically every newsstand, which are suggestive, often times lewd and frequently pornographic. That they feel this is not a problem peculiar to the City of Charlotte, because they know that in many cities and states across the country similar committee have been conducting similar studies, and they have attached to their Report a copy of the report of the Committee in New York City which has recently come out. He stated further they knew they could come up with some superficial, off-the-cuff solutions to the problems but the more they studied the more they became convinced that these were not the real, lasting solutions and the only way in which the level of the entertainment and the literature of our people could improve is by raising the level of their appetites, and this is not something that can be legislated or forced upon people, it is something they have to be trained to like. That they feel that in the final analysis the answers to this whole problem lie primarily in the hands of those agencies that mould the character of our young people. Therefore, by design they place their fingers squarely upon

the parents and upon the ministers and priests and rabbis and teachers in our community and say to them "upon your shoulders rest the primary responsibility", because they know there will be no market for the obscene unless there is a demand for it. That the Committee realizes that this is no easy answer, this is no short solution, but they believe it is the ultimate solution. This does not mean that they are unprovoked by the obscene matter that is found in our community, this does not mean that they are content to let this go on unhampered, and this does not mean that they do not feel that the full force of the law ought to be brought to bear upon those who violate the very good law which we have here in our State at the present time on this particular subject. That in our country there are fifty states and fifty supreme courts, and they often do not agree on this subject and the final adjudicant is the Supreme Court and they often split on what is and what is not obscene. All of which means what is, or what is not obscene depends on the eye and heart and mind of the person.

He stated further that they hope that their suggestions will be helpful. That he does not think the members of the Committee have any illusions as to what they have accomplished. That they know they have met the problem they also are aware that they have not solved the problem, and their most sincere hope is that they have made a start, that they have done something which will point the way to some ultimate solution to the problem. That they feel that it would be wise and they so recommend for the Council to consider the appointment of a Permanent Committee, their Committee was a Study Committee and they were not directed to take up the hatchet and break any windows or anything of that sort, and this problem is something that is going to take a long time and a lot of work and a lot of dedication.

He stated he would like to say to the Mayor and Council that he cannot praise too highly the members of this Committee who have labored together; they did not mind speaking out positively and expressing their views, and they labored without stint, many of them spent many hours in this study, and some of them spent some little money as they had no appropriation but they were glad to make that contribution as well as their time, and he, personally, is deeply grateful to each one of them for what they did.

Mr. Ervin stated that the Chairman of their Reading Committee went to the newsstands and selected material which is available to anyone and if some of it is not hard core pornography then he does not know what that is, and so that the members of the Council may not be in the dark, they want to share some of this material with them. He gave each member of the Council a package of the material for their own viewing.

He remarked that the matter of obscenity is not confined to the written page, the same problem exists in some way in the Moving Pictures in our city, and some of them are viewed by people who are mentally and emotionally ill and the continued viewing of this sort of picture certainly contributes to their illness.

Mr. Ervin presented to Council copies of the Report of the Committee and stated he would also file a copy for the record and also other exhibits including the Minutes of the Committee as they met from time to time, as in the months and years to come it may be of interest to those who are interested in this cause.

Mr. Ervin stated that speaking for himself, and also for the members of the Committee, it has been a pleasure for them to have done this work, and if they have in any way contributed to the good of our community they are glad.

On behalf of the Council and the citizens of Charlotte, Mayor Brookshire

thanked Mr. Ervin and the members of the Study Committee for the tremendous job they have done, without appropriation, and stated that he thinks they have worked fruitfully and have been helpful to a situation that we all recognize. Following Mr. Ervin's suggestion, without objections on the part of the Council, he asks the Committee to continue as a permanent committee but under a different name to be decided upon. That they now have the background of the problem itself and he does not think another committee could be named that would be as effective.

Mr. Ervin expressed his appreciation for the Mayor's commendation of their efforts and stated that they were not asking for a continuation, however he will ask the Committee to reconvene and submit the request to them and get their feeling as to what direction the work might move, and he will then make a report to the Mayor and Council.

AIR POLLUTION CONTROL ADVISORY & APPEAL BOARD ADVISES WILL RENDER FINAL REPORT AS COUNTY HAS ASSUMED RESPONSIBILITY FOR CONTROL OF AIR POLLUTION.

Mr. Charles Henderson, Chairman of the Air Pollution Control Advisory and Appeal Board, asked what Council's wishes are for the continued activity of the Board, as there is no longer a staff.

Mayor Brookshire advised Mr. Henderson that since this is a county-wide problem, the responsibilities have been assumed by the County Commissioners.

Mr. Henderson stated in that case he will arrange for the Board to render a final report to the Council.

DECISION ON PETITIONS NO. 65-74 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF SHARON ROAD NORTH OF SHARON HILLS ROAD, AND PETITION NO. 65-75 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF SHARON ROAD NORTH OF NEW QUAIL HOLLOW ROAD, DEFERRED UNTIL FIRST MEETING ALL MEMBERS OF COUNCIL ARE PRESENT.

Councilman Whittington advised that he requested the Planning Commission to be present and give us their thoughts in their recommendation on Petition No. 65-74 by Mr. David McConnell for change in zoning of a tract of land on the east side of Sharon Road north of Sharon Hills Road, from R-15 to R-15MF and Petition No. 65-75 by Gambrell Investment Company for a similar change in zoning of a tract on the east side of Sharon Road north of new Quail Hollow Road.

Mr. George Sibley, Chairman of the Commission and Mr. Fred Bryant of the Planning Staff were present, and Mr. Bryant presented maps of the area pointing out the site of the McConnell 12 acre tract and stated the recommendation of the Commission was based to a large degree on the relationship of the property to the existing Thoroughfare Plan and the existing roads in the area. He pointed out the Gambrell tract and called attention to, and explained in detail the major roads already existing or that are a part of the Thoroughfare Plan. He stated the recommendation of the Commission on this tract was based to a large extent on the relationship of the tract to the intersection of all of these major roads. He stated this is a situation that has been considered by the Planning Commission at various other locations in the zoning pattern of the city; for example, at the intersection of Providence Road and Sardis Road, two major roads, there is a multi-family zoned area and the same thing is true at Providence Road and Old Providence Road. The relationship of these tracts to the

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intersection of all these major roads, existing and planned, are one prime consideration. The Commission certainly takes into consideration the fact that there is only a limited amount of area that would be directly affected by the intersection of these roads, but they do feel that the tracts within that area should be given a little more lenient use than the present single family classification.

Councilman Whittington asked about the status of Chandworth Road, and Mr. Bryant replied that it is an existing street through the Beverly Woods Subdivision; it is a normal residential street, with 60 feet of right of way, and paved 28 feet back to back curb; the missing link is in the vicinity of Sharon Golf Course, and then again it picks up on the ground an existing road in the Huntingtown Farms Subdivision and follows the existing road into Carmel Road, and with the exception of the one tract is laid out all the way to Pineville Road.

Councilman Whittington asked how far the Gambrell property is from Beverly Woods East, and Mr. Bryant pointed it out on the map. Councilman Whittington asked if there are any cul-de-sacs in Beverly Woods East that would come to the Gambrell property, and Mr. Bryant stated the rear lots in Beverly Woods would adjoin both the Gambrell and McConnell property.

Councilman Alexander asked Mr. Bryant if there exists the possibility of any buffer areas between Beverly Woods and this property, and Mr. Bryant stated that there are not any natural buffer areas. That both properties have extensive wooded areas on them and a creek that are natural features, which he pointed out on the map.

Councilman Alexander then asked the distance of the residences from where the development will face along Sharon Road, and Mr. Bryant stated the area proposed for rezoning is directly across the street from these homes, the area shown on the plan for the actual use of the property would be back 200 to 300 feet from Sharon Road.

Mr. Sibley, Chairman of the Planning Commission, commented that he could see no reason for not making this change in question. That it will have no ill effect on anybody else in that area. That if it goes as they expect it to there will be a half million people here by 1980 and we are going to have to build apartments all over the country to take care of the population. And this is a perfect location for this type use.

Councilman Tuttle stated in the light of this last information he moves that action on the two Petitions be deferred for the moment. The motion was seconded by Councilman Whittington.

Councilman Alexander asked Councilman Tuttle if it would be acceptable to include in his motion that action be deferred "until the first regular meeting of Council that all seven members are present", and Councilman Tuttle stated it is acceptable to him.

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

YEAS: Councilmen Tuttle, Whittington, Alexander, Jordan, Short and Thrower.
 NAYS: Councilman Albea.

Councilman Albea commented that in his opinion we will not know any more about it in two or three weeks than we do now, and if anything gripes him it is procrastination.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 4TH ON PETITION NO. 65-89 TO AMEND THE ZONING ORDINANCE, ARTICLE III, DIVISION I, SECTION 23-31, CATEGORY (c) TABLE OF PERMITTED USES RELATIVE TO FREIGHT AND TRUCK TERMINALS IN I-1 ZONED DISTRICTS.

Councilman Jordan moved the adoption of a RESOLUTION PROVIDING FOR A PUBLIC HEARING ON OCTOBER 4TH ON PETITION NO. 65-89 BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE, ARTICLE III, DIVISION I, SECTION 23-31, CATEGORY (c) TABLE OF PERMITTED USES TO PROHIBIT IN I-1 DISTRICTS FREIGHT TERMINALS AND TRUCK TERMINALS ON PROPERTY WITHIN 300 FEET OF RESIDENTIAL DISTRICTS FOR STORAGE, LOADING OR MOVEMENT OF TRACTORS OR TRACTOR-TRAILER UNITS. The motion was seconded by Councilman Alexander, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 82.

REVISED SITE PLAN FOR COULWOOD SHOPPING CENTER ON HIGHWAY NO. 16 WEST AUTHORIZED ON REQUEST OF MCCLURE LAND COMPANY.

The request of McClure Land Company for approval of a revision in the Site Plan of Coulwood Shopping Center on Highway No. 16 West, which plan was included in the approval of his Petition for B-1 Shopping Center District Zoning of the Shopping Center property on December 28, 1964, was presented for consideration, and Council was advised that the Planning Commission has reviewed the revised plan and recommends its approval.

Mr. Fred Bryant of the Planning Staff, stated that the location of the Shopping Center is at the intersection of new Highway No. 16 and old Highway No. 16 and Rozwood Drive. The new Site Plan is for a slightly enlarged version of the square footage of area, being 90,000 square feet while the original Plan was for 38,000 sq. feet. The original plan had a driveway coming out on Rozwood Drive and the new plan does not have it. The original plan called for a Branch Library site located on Highway 16, this now has been moved over to a small tract at the corner of McClure Circle which is an improvement since this is a quieter residential street. He stated they are now providing for deceleration lanes along Highway 16 to give greater ease and safety to entering and leaving the Shopping Center.

Councilman Jordan moved approval of the revised Site Plan, which was seconded by Councilman Short.

Councilman Short asked if there were any protests at the hearing last December, and Mr. Bryant replied that the only protest was that one of the residents asked questions about the plan and to a certain extent objected to it, and he would like to point out that this Plan is much more acceptable than the original.

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

Councilman Alexander asked should Council make a decision on a zoning matter and later would like to reconsider his decision, would that be possible or would his decision have to stand? Mr. Kiser, Acting City Attorney, replied that when Council makes a decision on a zoning matter, then a petition for the rezoning of that particular property cannot again be considered for two years. That he thinks Council should wait until the two year period expires the same as the Petitioner. Councilman Alexander asked if at that time the existing usage as of that date would not have to be considered and the former usage could not be considered even if some factors had come up that Council did not have at the time of their decision? Mr. Kiser replied that the property would have to be considered as it is at the time it is again considered for rezoning.

LEASE AUTHORIZED WITH WEATHER BUREAU OF THE UNITED STATES GOVERNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, a new Lease was authorized entered into with the Weather Bureau of the United States Government, for space in the Airport Terminal Building, for a period of ten years, at \$1,192.80 per annum.

CHANGE ORDER NO. 3 AUTHORIZED IN CONTRACT WITH BLYTHE BROTHERS COMPANY FOR CONSTRUCTION OF LOWER SUGAR CREEK OUTFALL.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, approving Change Order No. 3 in the contract with Blythe Brothers Company for the construction of Lower Sugar Creek Outfall, in the amount of \$2,210.00 increase in the contract price, covering the following:

- (1) Provide improvements in the access road to the diversion box.
- (2) Provide additional area lighting.
- (3) Provide a concrete sidewalk between the diversion box and the existing preliminary treatment area.
- (4) Modification of the existing foam spray piping within Manhole No. 27.

STREETS TAKEN OVER FOR CITY MAINTENANCE.

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

- (a) Kentland Lane, from old pavement to Flagstaff Drive.
- (b) Flagstaff Drive, from old pavement to Kentland Drive.
- (c) Colony Road, from Runnymede Lane to end of pavement south.
- (d) Clarendon Road, from Colony Road to 150' east of Merrifield.
- (e) Cloverfield Road, from Colony Road to Wickersham Road.
- (f) Pontifex Court, from Cloverfield Road to end.
- (g) Wickersham Road, from 100' east of Merrifield to 115' east of Cloverfield Road.
- (h) Ferncliff Road, from 215' east of Lacie Lane to 165' east of Lathrop Lane.
- (i) Lathrop Lane from Ferncliff Road to 160' south.
- (j) Carriage Drive, from Rosehaven Drive to end of pavement.
- (k) Woodbriar Trail, from Birchcrest Drive to 180' east of Maypole Court.
- (l) Maypole Court, from Woodbriar Trail to 500' south.
- (m) Maypole Court, from Woodbriar Trail to 350' north.

CONTRACT AUTHORIZED WITH ALFRED E. SMITH FOR APPRAISAL OF PROPERTY IN CONNECTION WITH THE WOODLAWN ROAD WIDENING PROJECT.

Councilman Whittington moved approval of a contract with Mr. Alfred E. Smith for the appraisal of two parcels of land on Woodlawn Road, in connection with the Woodlawn Road Widening Project. The motion was seconded by Councilman Jordan, and unanimously carried.

CITY AUTHORIZED TO COSIGN AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FOR RIGHT OF WAY FOR INSTALLATION OF WATER MAINS.

Councilman Tuttle moved that the Mayor and City Clerk be authorized to co-sign an agreement for the City between the State Highway Commission and the Charlotte-Mecklenburg Board of Education for right of way for the installation of 6-inch water mains in Allenbrook Drive and Tanglebriar Drive. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS IN DOGGETT STREET AND STONEHAVEN SUBDIVISION NO. 6.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Metal Finishing Corporation for the installation of 600 feet of 6-inch water mains to serve property abutting on Doggett Street, inside the city limits, at an estimated cost of \$1,920.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Alta Enterprises, Inc. for the installation of 510 feet of 6 and 8-inch water mains and one hydrant in Stonehaven Subdivision No. 6, inside the city limits, at an estimated cost of \$2,300.00. The city to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (c) Contract with Alta Enterprises, Inc. for the installation of 2,685 feet of 6 and 8-inch water mains and two hydrants in Stonehaven Subdivision No. 6, outside the city limits, at an estimated cost of \$10,500.00. The Applicant will pay the entire cost of said mains and hydrants and own same until such time as the area is incorporated into the city limits, when the mains will become the property of the city without further agreement.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED AT VARIOUS LOCATIONS.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing the construction of sanitary sewers as follows:

- (a) Construction of 5,080 feet of 8-inch sewer trunk and 2,861-feet of 8-inch sewer main in Spring Valley Subdivision and Sharon Colony II located inside the area to be annexed December 27, 1965, at an estimated cost of \$10,400.00, at the request of John Crosland Company. All cost to be borne by the Applicant, whose deposit of the \$10,400.00 will be refunded as per terms of the agreement.
- (b) Construction of 226 feet of 8-inch sewer main in Watson Drive, inside the city limits, at an estimated cost of \$1,004.00, at the request of Withrow Realty Company. All cost to be borne by the Applicant whose deposit of the \$1,004 will be refunded as per terms of the agreement.

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- (c) Construction of 1,075 feet of 8-inch sewer main in Sherwood Forest, inside the city limits, at an estimated cost of \$4,970.00, at the request of N. M. Criag and Son. All cost to be borne by the Applicant, whose deposit of the \$4,970.00 will be refunded as per terms of the agreement.
- (d) Construction of 393 feet of 8-inch sewer main in Craighead Road, inside the city limits, at an estimated cost of \$2,705.00, at the request of Nance-Trotter Builders. All cost to be borne by the Applicant, whose deposit of the \$2,705.00 will be refunded as per terms of the agreement.
- (e) Construction of 3,705 feet of 8-inch sewer main in Virginia Manor Subdivision, inside the city limits, at an estimated cost of \$14,240.00, at the request of A. V. Blankenship Company. All cost to be borne by the Applicant, whose deposit of the \$14,240.00 will be refunded as per terms of the agreement.
- (f) Construction of 250-feet of 8-inch sewer main in Archdale Drive, inside the area to be annexed December 27, 1965, at an estimated cost of \$1,020.00, at the request of Incarnation Lutheran Church. All cost to be borne by the Applicant, whose deposit of the \$1,020.00 will be refunded as per terms of the agreement.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Paul E. Ledbetter, for Grave No. 7, in Lot 138, and Grave No. 6 in Lot 15, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mrs Louise R. Calarino, for Graves No. 9 and 10, in Lot 157, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs Margaret B. Culp, for Graves 7 and 8, in Lot 154, Section 2, Evergreen Cemetery, at \$120.00.
- (d) Deed with Mrs Cristina W. Britton, for Grave No. 1 in Lot 165, Section 2, Evergreen Cemetery, at \$60.00.
- (e) Deed with Mr Rex L. Tomb, for Perpetual Care on Lot 242, Section U, Elmwood Cemetery, at \$50.40.

CONTRACT AWARDED MINNESOTA MINING AND MFG. COMPANY FOR SCOTCHLITE MATERIAL.

Councilman Albea moved the award of contract for seven rolls of Scotchlite, as specified, to the only bidder, Minnesota Mining and Manufacturing Company, in the amount of \$2,628.05 on a unit price basis. The motion was seconded by Councilman Thrower, and unanimously carried.

TASK FORCE TO INVESTIGATE & EXPEDITE FEDERAL ASSISTANCE FOR CHARLOTTE INSTRUCTED TO DETERMINE WHETHER FEDERAL FUNDS AVAILABLE ON ANY BASIS FOR ACQUISITION BY CITY OF BLOCK OF LAND IN CENTRAL SECTOR OF CITY FOR PARKING GARAGE TO BE CONSTRUCTED AND THAT PARKING COMMITTEE BE RETAINED ON STANDBY BASIS FOR FURTHER SERVICE IN CONNECTION WITH THIS PROJECT.

Councilman Short stated he would like to formalize the recommendation of the

Parking Committee that the City acquire the entire block bounded by College, Fourth, A and Third Streets and construct and operate a parking garage thereon that was made in their Report earlier in the Conference Session. He moved that the Council instruct the Task Force recently appointed to investigate and expedite federal assistance for Charlotte (this being the task force headed by General Paul Younts) to determine whether any federal assistance funds are available on a matching fund basis, or any other basis, for this project, and to report back to Council within 90 days, and that a copy of this motion be sent immediately to each member of the Task Force. He further moved that the members of the Mayor's and Council's Parking Committee be thanked for their work and that this committee not be dissolved but retained on a standby basis for such other service as Council and Mayor might call on it to render during the progress of this project. The motion was seconded by Councilman Albea, and carried unanimously.

CITY TO ENDORSE AND SUPPORT EFFORTS OF PIEDMONT AREA DEVELOPMENT ASSOCIATION IN SEEKING AN EXPANSION OF EXTENSION SERVICE WORK IN URBAN AREAS, AND CITY MANAGER AUTHORIZED TO MEET WITH COUNTY MANAGER TO EXPLORE WAYS AND MEANS FOR SAID EXPANSION.

Councilman Alexander stated that for fifteen years he has been concerned with the possibility of getting the services of our extension departments into urban areas and he is happy to know that the Piedmont Area Development Association is concerning itself with the problem and wants to do something about it. He thinks this is something that would be of much benefit to our City and County and he would like to submit the following motion and ask for Council's adoption. He moved that the City Council give its endorsement and support to the efforts being taken by the Piedmont Area Development Association in taking the lead in seeking an expansion of extension service work in the urban areas, and authorize the City Manager to meet with the County Manager, Mr. Weatherly, to explore the possibilities of ways and means as to how the expansion of such a program could be best implemented through City and County cooperation. The motion was seconded by Councilman Tuttle.

Councilman Alexander stated it would be exploratory based on the possibility of bringing the work of our extension service into the city. That he is not proposing to transfer any City authority into the hands of anybody else. That the Piedmont Area organization is interested in the project and they want to develop it. All the motion would do would be give the Committee Council's endorsement and ask that our City Manager work with Mr. Weatherly to see what could be done, and the City and County implement it.

Councilman Albea stated he would vote for the motion but he wants it understood that when the time comes to vote if the people selected by the citizens of Charlotte are not in complete control of it, he is against it.

Mr. Veeder stated he is aware of the interest of the Piedmont Area Development Association in this area and has had an opportunity to discuss it with representatives of the Association and with the County Manager. That he thinks it appropriate to discuss it further with him, recognizing that if any endorsement is to be forthcoming from either the County or the City it would almost of necessity have to be a joint endorsement because the County Government is the unit of government that has money invested in the program and not the City Government. That it would be rather pointless for the City to concern itself with this without some prior understanding with the County.

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Councilman Tuttle stated he thinks this is one of the most constructive thoughts that has come before Council in a long time. Here is an organization about to die for lack of customers because the urban area is taking over the suburban area. It is just as important for mothers to know how to bathe their babies and can beans inside the city limits as it is outside and he heartily endorses the motion.

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

ACQUISITION OF PROPERTY AT VARIOUS LOCATIONS FOR SANITARY SEWER EASEMENT FOR KILBORNE ACRES, PARKSTONE-FAIRMEADOWS, AND HIDDEN VALLEY, AND RAW WATER TRANSMISSION LINE EASEMENT AND NORTHWEST EXPRESSWAY RIGHTS OF WAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the following property was acquired:

- (a) Acquisition of 10' x 221.57' of property off Kilborne and Lawyers Road, from F. G. Templeton, at \$221.57, for Kilborne Acres Sanitary Sewer line.
- (b) Acquisition of 156' x 2.75' of property at 5616 Glenkirk Road, from Farrel F. Potts and wife, Lula D., at \$50.00 for Parkstone-Fairmeadows Sanitary Sewer line.
- (c) Acquisition of 775.5 sq. ft. of property on Squirrell Hill Road, from Harold Stokes Williams, at \$103.40, for Hidden Valley Sanitary Sewer No. 8.
- (d) Acquisition of 2,352.24 sq. ft. of property at the corner of Oakdale and Plank Road, from Albert Palmer Kendall and wife, Julia B., at \$500.00 for raw water transmission line.
- (e) Acquisition of 9,801 sq. ft. of property at 813 N. Caldwell Street, from Jack D. Norman and wife, Doris E., at \$6,050.00 for Northwest Expressway.
- (f) Acquisition of 463 sq. ft. of property at 700 N. Myers Street, from Mrs. Nell S. Cornwall, widow, at \$300.00 for Northwest Expressway.
- (g) Acquisition of 2,274 sq. ft. of property at 500 Jackson Avenue, from Adele B. Noles, widow, at \$8,700.00 for Northwest Expressway.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MISS SARAH E. DODD LOCATED AT 1715 NORTH PINE STREET FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved adoption of a Resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MISS SARAH E. DODD LOCATED AT 1715 NORTH PINE STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, at Page 83.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF T. R. HELMS LOCATED AT 821 NORTH JOHNSON STREET FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea for the adoption of a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION

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OF PROPERTY OF T. R. HELMS LOCATED AT 821 NORTH JOHNSON STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and un-animously carried. The resolution is recorded in full in Resolutions Book 5, at Page 84.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF LELIA M. ALEXANDER LOCATED AT 414 WEST 10TH STREET FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF LELIA M. ALEXANDER LOCATED AT 414 WEST 10TH STREET FOR NORTHWEST EXPRESSWAY, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 85.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF B & H REALTY COMPANY LOCATED AT 810 NORTH POPLAR STREET FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved adoption of a Resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF B & H REALTY COMPANY LOCATED AT 810 NORTH POPLAR STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and un-animously carried. The resolution is recorded in full in Resolutions Book 5, at Page 86.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF E. R. RUSSELL LOCATED AT THE CORNER OF WEST ELEVENTH AND NORTH CHURCH STREETS FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF E. R. RUSSELL LOCATED AT THE CORNER OF WEST ELEVENTH AND NORTH CHURCH STREETS FOR NORTHWEST EXPRESSWAY, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 87.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF N. W. HASTY LOCATED AT 823 NORTH CHURCH STREET FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved adoption of a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF N. W. HASTY LOCATED AT 823 NORTH CHURCH STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and un-animously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 88.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF JOHN F. LADLEY LOCATED IN THE 300 BLOCK OF EAST TWELFTH STREET FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea adopting a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF JOHN F. LADLEY LOCATED IN THE 300 BLOCK OF EAST TWELFTH STREET FOR NORTHWEST EXPRESSWAY. The motion was seconded by Councilman Jordan, and carried un-animously. The resolution is recorded in full in Resolutions Book 5, at Page 89.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CARL H. GRAHAM AND WIFE, EVA F. GRAHAM, LOCATED AT 812-22 NORTH COLLEGE STREET FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, adopting resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CARL H. GRAHAM AND WIFE, EVA F. GRAHAM, LOCATED AT 812-22 NORTH COLLEGE STREET FOR NORTHWEST EXPRESSWAY. The resolution is recorded in full in Resolutions Book 5, at Page 90.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF GUY T. CARSWELL AND WIFE, CLARA H. CARSWELL, LOCATED AT 925 AND 931-35 NORTH COLLEGE STREET FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved adoption of a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF GUY T. CARSWELL AND WIFE, CLARA H. CARSWELL, LOCATED AT 925 AND 931-35 NORTH COLLEGE STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and carried unanimously. The resolution is recorded in full in Resolutions Book 5, at Page 91.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CELIA D. GOTTLIEB LOCATED AT 125-27 EAST 11TH STREET FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, a Resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CELIA D. GOTTLIEB LOCATED AT 125-27 EAST 11TH STREET FOR NORTHWEST EXPRESSWAY, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 92.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF PAUL GOTTLIEB LOCATED AT THE CORNER OF 12TH AND NORTH CALDWELL STREETS FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea for the adoption of a Resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF PAUL GOTTLIEB LOCATED AT THE CORNER OF 12TH AND NORTH CALDWELL STREETS FOR NORTHWEST EXPRESSWAY. The motion was seconded by Councilman Jordan, and carried unanimously. The resolution is recorded in full in Resolutions Book 5, at Page 93.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF J. H. TERRELL AND JUDY TERRELL LOCATED AT NORTH TRYON AND EAST THIRTEENTH STREETS FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF J. H. TERRELL AND JUDY TERRELL LOCATED AT NORTH TRYON AND EAST THIRTEENTH STREETS FOR NORTHWEST EXPRESSWAY, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 94.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CHAMPION MANUFACTURING COMPANY LOCATED AT 820-24 NORTH CALDWELL AND 508 EAST 12TH STREET FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved the adoption of a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CHAMPION MANUFACTURING COMPANY LOCATED AT 820-24 NORTH CALDWELL AND 508 EAST 12TH STREET FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, at Page 95.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF T. A. SHERRILL LOCATED AT 816 NORTH BREVARD STREET FOR NORTHWEST EXPRESSWAY.

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 T. A. SHERRILL LOCATED AT 816 NORTH BREVARD STREET FOR NORTHWEST EXPRESSWAY. The resolution is recorded in full in Resolutions Book 5, at Page 96.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MRS T. R. GARRISON, SR. LOCATED AT 1020-22 EAST 7TH STREET FOR NORTHWEST EXPRESSWAY.

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 T. R. GARRISON, SR. LOCATED AT 1020-22 EAST 7TH STREET FOR NORTHWEST EXPRESSWAY, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 97.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF TRUSTEES FOR APOSTOLIC MISSION CHURCH OF GOD LOCATED AT EAST FIFTH AND MORROW STREETS FOR NORTHWEST EXPRESSWAY.

Councilman Albea moved adoption of a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF TRUSTEES FOR APOSTOLIC MISSION CHURCH OF GOD LOCATED AT EAST FIFTH AND MORROW STREETS FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 98.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF AMOS S. BUMGARDNER LOCATED AT THE CORNER OF EAST 8TH AND NORTH LONG STREETS FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea adopting a resolution entitled: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF AMOS S. BUMGARDNER LOCATED AT THE CORNER OF EAST 8TH AND NORTH LONG STREETS FOR NORTHWEST EXPRESSWAY, which was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, Page 99.

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CITY COACH COMPANY REQUESTED TO COME TO CITY HALL AND DISCUSS BUS SERVICE.

Councilman Whittington stated he has a petition signed by 71 people who live in Huffman's Motor Court on Wilkinson Boulevard and Tanzy Trailer Park, requesting bus service be extended. As he understands it the bus stops 3 blocks from these two localities and there are no sidewalks on Wilkinson Boulevard and no place for anyone to walk except in the street and there are a good many of these people who use the bus service to go back and forth to their employment on a daily basis. This is also true on petitions that were turned down by the bus company from people at the airport. That he does not know what the status is between the City Coach Lines and the City of Charlotte, but he thinks it might be well if we ask them to come down here and let's have a little discussion on what they are doing and what they are not doing and what they can do about providing a bus. He filed the petition with the City Clerk.

CITY MANAGER REQUESTED TO MAKE SURVEY OF NEED OF TEMPORARY SIDEWALK ON LANIER AVENUE, FROM INDEPENDENCE BOULEVARD TO MONROE ROAD.

Councilman Whittington requested a survey on Lanier Avenue, from Independence Boulevard, which is Amity Gardens, to Monroe Road or 7th Street, for the need of temporary sidewalks for use of school children.

INCREASE IN SALARY OF JIMMIE KISER, ACTING CITY ATTORNEY, AUTHORIZED.

Councilman Whittington stated two weeks ago at the last Council Meeting, Council appointed Mr. Jim Kiser as Acting City Attorney. Because of the additional work load and because of the fact that he is now in this office and in this capacity by himself, he moved that Council grant him one pay increase or one step increase in the pay plan because of this additional responsibility. The motion was seconded by Councilman Tuttle, and unanimously carried.

Councilman Short asked if there is anything in the making with reference to increasing the personnel of this department as authorized last summer? Mr. Veeder replied that he and Mr. Kiser have discussed this as recently as this morning and he has some ideas that hopefully will be dealt with.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWAGE WORKS IMPROVEMENTS.

Mr. Veeder, City Manager, commented that Council may recall that with its approval he applied to the State Stream Sanitation Commission for a grant in connection with the construction on the sewerage treatment outfall connecting Sugar Creek Treatment Plant and the new plant at Pineville. That we received a quarter of a million dollar grant to aid in this project. The purpose of mentioning this is by way of background to request Council's approval for filing additional application for additional grants for the same purpose for other outfalls. He stated we have either new or reworking outfall work scheduled in four different areas. He asked Council to confirm a resolution authorizing the filing of the application. That authorization to file does not mean that it is at all likely that approval or money is to be forthcoming quickly. This would be filing an application through the State Stream Sanitation Committee and their money, the U. S. Public Health Service is limited, the priorities are many and we do not know where we would land in the overall scheme of things but he thinks it appropriate that we make the necessary application.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, a resolution entitled: Resolution Authorizing the City Manager to file Application for Federal Grant for Sewage Works Improvement, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 100.

ACTION ON RECOMMENDED USE OF POWELL BILL FUNDS FOR PURCHASE OF EQUIPMENT FOR EXCLUSIVE USE IN STREET MAINTENANCE WORK, DEFERRED UNTIL PRESENTATION OF STREET MAINTENANCE PROGRAM AT NEXT MEETING.

The City Manager advised that we had anticipated the Powell Bill allocation for the present fiscal year to be used exclusively for street purposes in Charlotte would be about \$760,000.00 and the actual amount we are going to receive is \$789,325.00. That his reason for bringing this up today is to request that Council permit the use of this money in the acquisition of equipment for street purposes, that we need an additional 10-ton Roller, that we did not feel free to recommend previously, especially relevant to the area to be annexed, and need badly another Loader especially to serve the additional maintenance. He stated these are expensive items but he would request Council approval to use this additional money to obtain this equipment for maintenance purpose.

Councilman Albea moved that the City Manager's request be approved, which was seconded by Councilman Thrower.

Councilman Whittington commented that he does not quite understand Mr. Veeder's request and he asked him if he has not said before that we could not use Powell Bill money for anything except bridges, curbs and gutters and streets? Mr. Veeder replied that is correct and we can also use it for road equipment, that the amount he is talking about is in round figures \$30,000.00, that one piece of equipment will cost about \$14,000 and the other about \$13,700.00. Councilman Whittington remarked that apparently we need this equipment but he wishes that Mr. Veeder would not spring it on the Council in this way because you get this type of report out and people are interested in getting their street paved and not in equipment. Mr. Veeder stated his purpose in making the request is to permit us to do a better job in maintaining streets and this is equipment to be used exclusively for this purpose. That he agrees with Mr. Whittington that this is coming up cold in a sense and he recognizes this and suggest that Council might want to take a week to think about this. That the equipment is badly needed and we do not have the money and the Powell Bill Fund must be used on the roads and this is a part of our road program.

The City Manager stated that they have scheduled for Council next Monday in the Conference Session a presentation of our program on street maintenance to bring you up to date on it, and he thinks it would be most appropriate if Council so wishes to defer action on his recommendation until after that presentation. Councilman Whittington stated he would prefer deferring it until that time; that he is not objecting to the equipment, and he offered a substitute motion that action on the City Manager's recommendation be deferred until the presentation of the street maintenance program. The motion was seconded by Councilman Jordan.

Councilman Thrower remarked that the reason he seconded the motion to use the funds for the purchase of this equipment was that he recently made a survey of city equipment and he sees no objection to this.

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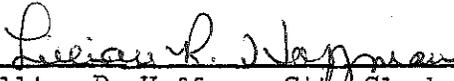
Councilman Alba stated that he and another member of the Council are going to be out of town at the next Council Meeting and he sees no objection to voting on the question today.

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

YEAS: Councilmen Whittington, Jordan, Alexander, Short, Thrower and Tuttle.
NAYS: Councilman Alba.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk