

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, December 21, 1964, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith and Whittington present.

ABSENT: Councilman Thrower.

Sitting as a Joint Body with the City Council to hear petitions for changes in zoning were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Mr. Gamble, Mr. Jones, Mr. Lakey, Mr. Suddreth and Mr. Turner.

ABSENT: Mr. Ervin, Mr. Olive, Mr. Stone and Mr. Toy.

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INVOCATION.

The invocation was given by Reverend Moses Belton, Johnson C. Smith University.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, the Minutes of the last meeting on Monday, December 14th were approved as submitted.

HEARING ON PETITION NO. 64-72 FOR CHANGE IN ZONING OF LOT AT 1413 CUMMINS AVENUE.

The scheduled hearing was held on Petition No. 64-72 by Melvin Williams and Harry Goines, for change in zoning from R-6MF to B-1 of a lot at 1413 Cummins Avenue.

Mr. McIntyre, Planning Director, stated the property is located on Cummins Avenue, a street that intersects Newland Road, and there is a business presently on the lot. The property is adjoined on practically all sides by multi-family developments, and at the rear is adjoined by a duplex development. Across Newland Road there is a country-type grocery store. The property is zoned R-6MF and is adjoined on all sides by R-6MF zoning.

Mr. W. H. Morrow, Jr. spoke for the petitioner, stating this is a case of absolute hardship without a doubt. That in 1954 Mr. Williams purchased the property, on which there was a building approximately 60% completed and at that time the property was outside the Charlotte city limits and was not zoned. In 1956 the property was zoned, and in 1958 Mr. Williams got a City Permit to complete the building, which was after it had been zoned, and he completed the building himself in his spare time, as he is a mason by profession. The building was wired by Chapman Electric Company and the water and sewer was connected and it passed all inspections by the City and he moved into the building hoping to carry on a business and have a steady income. That in 1964 he was ordered by the City to stop operating his business as it was nonconforming in a R-6MF zoned area. Mr. Morrow stated he has a petition signed by about 45 persons in the immediate vicinity asking that Mr. Williams be allowed to continue his business, as it is needed in the community and is the only place of its type within a mile. He asked that the zoning be changed to B-1 or that Mr. Williams be allowed to continue operating as a nonconforming business

Mr. Williams stated he bought his license from the City to operate his business and he operated it for three and a half months and then the City closed him up, and charged him a penalty of \$50.00 per day for violating the zoning law. Councilman Bryant asked if we have a law that says one can operate under a penalty of \$50.00 per day when it is in violation of the law? Mr. Kiser, Assistant City Attorney, replied that what he believes Mr. Williams is speaking about is that he was subject to violation of an order to close down his business in this residential area, as the violation to the Code is a misdemeanor subject to a \$50.00 fine for each day of the violation. In other words, he is subject to a punishment in Recorder's Court, and the punishment would be, if convicted of violating the Ordinance either a 30 days jail sentence or a \$50.00 fine; that he supposes that once he is convicted, if he continued the violation we could continue to prosecute him for each day he is in violation, or we could seek the Court's aid of an injunction to prevent him continuing the violation. Councilman Bryant remarked he is sure that would be the path that would be taken.

Councilman Smith asked Mr. Morrow to clear up one or two points - that in 1958 Mr. Williams got a permit to complete the building even though it was zoned multi-family at that time, and it took him five years to complete the building and then he got a privilege license to operate a business and he operated the business for three months before anyone brought the violation to his attention? Mr. Morrow stated that is correct. Mayor Brookshire asked how much construction Mr. Williams had done on the building before the property was zoned, and Mr. Williams replied that the building was 60% completed before it was zoned, and the Mayor asked the City Attorney if that would comply with the grandfather clause? Mr. Kiser replied he is a little puzzled about the status of the lot and building at the time the zoning ordinance went into effect; that he is not sure what the status of the completion was at that time. Mr. Morrow stated the City determined itself that the building was 60% completed when the property was zoned.

Mayor Brookshire advised Mr. Williams that the City Council and Planning Commission will take the matter under advisement.

Councilman Bryant asked if we determine that Mr. Williams is able to operate his business under the grandfather clause, should we not return him his fee for filing his application for the change in zoning? Mr. Veeder replied that would be something to be considered if the circumstances as he has related them are completely checked out. Councilman Bryant asked that this be kept in mind as Mr. Williams might not have filed his application when he did not need to do so. Councilman Smith stated that is what he was trying to arrive at, whether the City contributed to his situation, and if we did we are part and parcel of it. The City Manager asked if the building was originally constructed for business use or for residential use? Mr. Morrow stated it was originally started for a machine shop and he completed it to be used as a restaurant, which he operated himself. Councilman Whittington commented that Mr. Ritch of the Building Inspection Department has a file on this case; that he brought it to the attention of the City Manager over two years ago when the building had been completed and Mr. Williams had been in business for three months and Mr. Ritch had it stopped as it was non-conforming to the zoning. He stated before Mr. Williams completed the building, Mr. Waters constructed his apartments in and around this particular building and when the city limits were extended and zoning went into effect all of that property became multi-family.

Mr. James McKee stated he knows all about the case because he has some money invested in it himself; that Mr. Williams built the place and it took him about four years as he built it himself more or less. That he knows that Mr. Williams did not wilfully intend to open up a business in a place where he could not lawfully operate it, and he is hoping the Council will understand the situation; that Mr. Williams has spent all of his money and his house is mortgaged on account of the business.

No opposition was expressed to the petition for rezoning of the property. Council decision was postponed for a week.

HEARING ON PETITION NO. 64-73 FOR CHANGE IN ZONING OF AN 11.017 ACRE TRACT OF LAND ON THE SOUTHWESTERLY SIDE OF PROVIDENCE ROAD, BETWEEN MCMULLEN CREEK AND CARMEL ROAD.

The public hearing was held on Petition No. 64-73 by T. W. Pritchard for change in zoning from R-15MF to B-1 Shopping Center District of an 11.017 acre tract of land on the southwesterly side of Providence Road, between McMullen Creek and Carmel Road.

The Clerk advised that four petitions protesting the change in zoning have been filed and checked by the City Attorney who advised the petition filed by Mr. Lex Marsh invokes the 20% rule inasmuch as Mr. Marsh owns property directly opposite the property in question. The other three protest petitions contain signatures of 64 owners of property in the surrounding area but not close enough to the property in question to have any effect on the 20% rule.

Mr. McIntyre, Planning Director, advised the property is a portion of a large tract owned by the Petitioner; that the property is vacant and consists of 600 feet of frontage on Providence Road and 300 feet depth; that a portion is developed with two nonconforming business uses. That the property immediately to the south is partially vacant and a portion is adjoined by the side line of residentially developed lots that front on Columbine Circle. Towards town the land is owned by the petitioner and has one large house on it; otherwise it is vacant. Directly across Providence Road there are two large tracts of land, each of them having at least one house on it. The zoning of the property is R-15MF and is adjoined on all sides by property zoned R-15MF.

Mr. Russell Robinson, Attorney representing the petitioner and also appearing on behalf of five citizens who propose to build a Shopping Center on the property if the petition is granted, stated the purpose of the Shopping Center District zoning classification, as stated in the Zoning Ordinance, is to provide special districts for the development of integrated shopping centers to serve the needs of neighborhood areas. The Ordinance requires in order to obtain such a zoning classification that the application be accompanied with a schematic plan that shows the proposed Center will satisfy certain minimum dimensional requirements. The schematic plan submitted with their application shows that those requirements would be much more than satisfied by the Center proposed for this site. First, the ordinance requires a minimum site area of three acres and the actual area here would be more than eleven acres. He submitted a survey of the site area. The second minimum requirement is that the building be set back at least 35 feet from any street and he submitted a drawing of the proposed Center and pointed out the location of adjoining streets, and stated the distance will be more than 340 feet back from Providence Road, which will allow for sufficient screen planting. The last requirement is that the minimum distance from any property line to a building of not more than 40 feet in height, be 25 feet, and the developer will provide a 100 foot buffer strip along the side between the Center and property line on one side and more than that on the other side.

Mr. Robinson stated having met those minimum requirements, they submit that the application should be approved because it meets the ordinance criteria relating to population growth and to the accessibility of the Center by the construction of the major thoroughfares. That the Council is required to make three findings in order to approve a petition of this type - first, that the location is conveniently accessible to the residential areas it is intended to serve with respect to the major thoroughfares. He pointed out on the map that the Center is on one thoroughfare - Providence Road and is located at the intersection of Providence Road with another thoroughfare proposed in the General Development Plan of the City, which is now Carmel Road and Sardis Road. He stated it is proposed in the General Development Plan that a Shopping Center be located in this general area.

He stated there has been quite a bit of protest and they think a lot of it has come from the Cloister area under the misapprehension that the Center will be built to the Creek, but that is not the case as that portion of the area will be left as presently zoned for multi-family dwellings. Mr. Robinson submitted an architect's drawing of the proposed Shopping Center.

Mr. W. J. Wolfe, Columbine Circle, stated the residents of their street are greatly concerned and disturbed and believe a Shopping Center would completely ruin their property. That this is a beautiful residential area of Charlotte and a great deal of money has been spent on the homes and lots and if this rezoning is approved they think they will lose thousands of dollars. That Mr. Robinson spoke of a buffer zone, but they do not want it if it is three miles away from their homes. That they feel they have adequate shopping centers - there is Cotswold, one on Park Road and one on Sharon Road which amply supply their needs. That this proposed rezoning of this area has shocked them and they ask that Council give them a Christmas present by leaving the zoning as it is at present.

Mr. W. S. Lander, resident of the Cloister, stated first he sees no need for a shopping center on this property; that it is only .9 of a mile to the Center on Sharon Road, and 1 1/4 miles to the Cotswold Center. That there are 59 modern, single family homes in the Cloisters, and the appraised value of these homes is something over two and a half million dollars. That it is their understanding if as many as 20% of the adjoining property owners protest a zoning change, it will require a 3/4 vote of the Council to approve it. That they understand the developers of this Center has set out a 100 foot strip all around the property so that the adjoining property owners could not enter any protest. That he looked up the word subterfuge in the dictionary and it means "a deception, a device, a plan of the like to which one resorts for escape or concealment", and they feel the setting aside of this 100 foot strip is a subterfuge and it belittles not only the developers but the judgment of the City Council. He asked that the petition be turned down, not by a 3/4 vote but by a 100% unanimous vote.

Mr. Charles Knox, Attorney representing Mrs Dorothy Schoenith, stated she owns a 9 acre lot at the corner of Carmel and Providence Road, and they are much opposed to the requested rezoning.

Mr. Flintom, 1901 Cloister Drive, spoke in opposition to the proposed rezoning.

Mr. Sol Levine stated he too, lives in the Cloisters and he called attention to two factors - first, he represents Hobart Smith Construction Company who has been building Lansdowne and he has received no complaints about the need of another shopping center. Secondly, several years ago he brought to Council a petition for a zoning change at Providence and Sharon-Amity Roads to increase the business district in that area, and he was turned down for the reason the Center was not necessary. That they who live in the Cloisters and neighborhood do not believe there is any necessity for a new business district.

Mr. Imbody, resident of Providence Road, stated this is the second street on the right coming towards town from the property in question and he has a petition signed by 45 individuals in their area opposing the zoning change. That it seems to him Council would take into consideration the matter of convenience and necessity, and when there is one shopping center within 1 1/2 miles of this area, they can see no reason for a Center on every corner like Service Stations. He called attention to the proposed buffer strip, which the developer says is the limit, but if a man owns all of that property and gets a foothold on one area, it will only be a matter of months or a year until he extends it in other directions. He stated their petition was filed but not accepted because the addresses of the signers were not shown, and they have been added and he is now filing it with the Clerk.

Mr. Wallace Gibbs, one of the developers of the property in question, stated in the overall Development Plan for Charlotte and its perimeter area, which was paid for by the Council several years ago, it is indicated at this intersection there is to be sometime in the future a Shopping Center. On the same Plan is the site for the Belt Road and Carmel Road is to be that belt road. When they studied the plan, they looked around for a Shopping Center site and found 37 acres on the right side of the road in the vicinity indicated for a Center and they employed an architect who designed an integrated Shopping Center, such as Park Road and Cotswold. That he personally contacted the Staff of the Planning Commission with the preliminary design so that it could be planned in the best possible manner. That their thinking has been that there will one day be a need for a Shopping Center, either now or later, as there will be a need for the Belt Road now or later. This is a relatively sparsely developed area now and if they can have this now, they can avoid the problems incidental to asking for a zoning change when the land is more densely developed. They believe the right hand side of the road going from town is the best location. It is only one of two possible locations that can be had, this and the property across the street, which would fall on two streets and give the problem of asking for additional zoning affecting the properties facing across these several streets on which the property fronts. That the design of the proposed Center is not to be expanded, which, in fact, they could not do without Council's permission, and it is not their intention to now or ever do so. That they think this is desirable for the community and now is the time. He stated the buffer strip was not to thwart these people whatsoever, it was to reserve their control of the property surrounding their Center. It is purely economical, if they had asked for the zoning up to the line it would have breed competition, if they are to have an internally integrated Center, they do now want competition, and it also conforms to the requirements for a Shopping Center District. The distance from the back line to the houses on Columbine Circle is only 400 feet and an example of other fine homes within 400 to 600 feet of business is Eastover.

Mr. A. W. Lawing, 3641 Providence Road, remarked that he has lived at this address for 27 years and he does not think they should have a shopping center in this vicinity. That this is one of the few roads leading into Charlotte that is not cluttered up with service stations and other types of business, it is purely residential section and he thinks it should be kept as it is.

Mr. Skeen stated he lives in Carmel Park and he thinks the Petition should be turned down for the reason he cannot see that either one of the three points which Mr. Robinson raised are met in this petition. They do not need another shopping center to serve this area; it is only about a mile to Providence Center, and too, the Center will certainly depreciate the value of their homes.

Mrs Masterman, the Cloisters, remarked that the proposal contains 37 acres of land and only 11 acres are being used for the Center, she would like to know what they propose to do with the balance? Mr. Robinson stated they can only do with it what it is presently zoned for, and that is build single family residences or apartments, and they are not asking for the rezoning of that portion of the property.

Mrs Little, resident of Carmel Park, spoke in opposition to the change in zoning.

Mr. H. C. Swearinger stated it seems to him a very important decision based on several points - the main one being the protection of the property owners all through this area. That many people are proud of the streets in Charlotte and particularly proud of a street coming into Charlotte like Providence Road, and does it make sense to clutter up a handsome thoroughfare like that in the manner of Wilkinson or Independence Boulevards? The property owners have gone

corporation who is now and shall in the future be engaged in supplying prescriptions and supplies to physicians, optometrists, dispensing opticians or optical science". That they contend their Laboratory and all other Optical Laboratories in Charlotte are engaged in the business of supplying these prescriptions.

Mr. Woolard stated in his discussions with the Planning Commission Staff as to the interpretation of the distinction between the Laboratory and Optician, they think if provision is made for Optical Laboratories that perhaps Opticians will come under it, thereby get in Office zones. That he says if an Optician ever sought to come under a Laboratory classification, the reference to the State Statutes would be sufficient to answer that question. That under the privilege license section of the City Code, there is the same distinction - Opticians are exempt from paying a privilege license tax except for the accessories they sell, but the Optical Laboratory must pay a wholesale distributors license.

Also there is a difference in the location of the two - Opticians are located in the heart of the business area, generally on the main street, near physicians or on side streets or basements where it is less expensive. Optical Laboratories are located in the outlying areas. He passed around photographs of Laboratories locations and of the location of Opticians in Charlotte.

Mr. Woolard stated they feel there is a close connection between Optical, Dental, and Medical Laboratories, and the Planning Director and his Assistant have visited with him each type of Laboratory and have found they are exactly the same, and the procedure with the physician or dentist is the same. They feel the Optical Laboratories are being discriminated against in not being permitted the privilege of locating in the same zones.

No objections were offered to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-75 FOR CHANGE IN ZONING OF FIVE PARCELS OF LAND AT 212, 218, 222, 226 and 230 BALDWIN AVENUE.

The scheduled hearing was held on Petition No. 64-75 by Homer O. Baker, et al for change in zoning from R-6MF to O-6 of five parcels of land at 212, 218, 222, 226 and 230 Baldwin Avenue.

Mr. McIntyre, Planning Director, advised the property is the major portion of a block of Baldwin Avenue, the portion extends from 3rd Street over to Ranlo Avenue and is occupied essentially by single family houses and a duplex. Across the street there is a block of land that has been cleared as the site for the Ear, Eye and Throat Hospital. Baldwin Avenue is a residential street extending out from East 4th Street with some business. The zoning of the property is R-6MF and adjoined on all sides by R-6MF except where the zoning is office.

Mr. William Woolard, Attorney, called attention to the location of the Optical Laboratories shown on the photographs he gave Council, and stated at the present time four of them are concentrated within a one block area of the Ear, Eye Hospital on West 7th Street; that the hospital is moving directly across the street from the subject property. The property deals with 5 lots and of the 5 lots Southerland-Helms has an option to purchase the lot at 230 Baldwin Avenue; that while it is true the lot across the street is zoned R-6MF, they contend that makes no difference because the Hospital will occupy the entire lot, so it makes no difference whether it is zoned R-6MF or O-6. All they are asking Council to

do is to extend the present O-6 zoning down to this corner, which would mean there would be an O-6 zoning directly across the street from the Hospital property. He stated so far as they are aware there is no opposition to their petition, they have talked with many of the residents of the area. The property on the corner will be utilized by Southerland-Helms Corp and they are supposed to move their operation, which is now located in the basement of the Jefferson Apartment Building into this building. Next door to this property is a parcel of land now owned by Mrs. T. English Walker and Dr. Walker is here and would like to speak. He stated that most of the property in the area is rental property and in a deteriorating condition and because of this the people who joined in this petition are very concerned for the protection of their property values, and if it can be converted to an Office classification, they can protect their property values and if it is not changed, their property will also have to become rental property.

Dr. Walker, Pediatrician, stated he is speaking for the rezoning. That his father-in-law owned the property at 226 Baldwin Avenue, and his wife owns it at the present time. That he is most anxious to be in this location which is advantageous to his work.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-76 TO AMEND CHAPTER 23, ART. III, DIV. I, SECTION 23-31 TABLE OF PERMITTED USES, CATEGORY (a) TO PERMIT "NURSING HOMES, REST HOMES AND HOMES FOR THE AGED, SUBJECT TO REGULATIONS IN SECTION 23-43" IN B-2 DISTRICTS.

The scheduled hearing was held on Petition No. 64-76 by Ronaco Corporation to Amend Chapter 23, Article III, Division I, Section 23-31, Table of Permitted Uses, Category (a) to permit "Nursing homes, rest homes and homes for the aged, subject to regulations in Section 23-43", in B-2 Districts.

The Planning Director stated this is a change in text of the Ordinance rather than in the Map; that the Ordinance now permits nursing homes, rest homes and homes for the aged in multi-family districts, O-15, O-6, B-1 and B-3 Districts, and the change would permit them to be located in B-2 Districts as well.

Mr. Sam Williams, representing Ronaco Corporation, stated they own a tract of land on Elizabeth Avenue about 200 feet above Kings Drive across from Carson Insurance Agency, on which they wish to erect a Nursing Home. That approximately a year ago Council approved the change in the Zoning Ordinance to permit St. Peters Hospital to become a nursing home in a B-3 district, and what they seek today is to permit nursing homes in B-2 districts. That they are here today because the Building Inspector and Zoning Board of Adjustment consider that by the very reason that this is a 3-story structure it required a license from the Nursing Home Division of the State Board of Health; that the Statutes permits a Sanitorium in B-2 Districts but not Nursing Homes. He asked Mr. Gordon Poole of the State Board of Health to speak.

Mr. Poole distributed copies of the laws governing Nursing Homes. He stated a Nursing Home is what is left of a hospital after you delete the operating room, the x-ray facility, the laboratories and the obstetrical facilities; that you have left a medically oriented institution known as a nursing home, and he thinks if an area is zoned for hospital usage, it should include the usage of its sister institution - a Nursing Home. That the State Board of Health has the privilege of approving the sites and making inspections of these institutions, and they favor the locations of nursing homes near hospitals; therefore, they

approve the proposed site for a Nursing Home as it is near the hospitals and convenient to physicians, and the patients will benefit by the nearness of the facilities such as therapy as they can be transported from the nursing home to the hospital for treatment with the least distress to themselves. He again stated they of the State Board of Health are in favor of the Council making available this location for a Nursing Home, and believe the taxpayers of Charlotte will save money by making available the possibility of these City Nursing Home beds.

Mr. Conway, Architect for the proposed Nursing Home, stated they propose to build a 115-bed Home. That his organization happens to be involved in the ownership of 37 other Nursing Homes, and they are Consultants to over 100 hospitals in the United States. That they surveyed Charlotte extensively for a site for this Nursing Home and selected this area because of its proximity to the hospitals and too, it is in the middle of the locations of the offices of over 100 doctors. That the level of care proposed to be maintained would be "intensive care", because 70% of their patients will be the chronically ill and terminal patients, and this is the type of care they will require. That patients need a busy area to look out upon, something more interesting than the leaves on the trees in rural area, where so many nursing homes have been located in the past. Too, doctors are busy people and the proximity of a Nursing Home to their offices will greatly accomodate them. Mr. Conway stated the proposed nursing home will be owned and operated by a local North Carolina corporation of which the principal investors, numerically and monetarily, will be from Charlotte and will be primarily doctors and physicians of the City of Charlotte.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 64-77 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF N.C. 16, FROM MCCLURE CIRCLE TO ROZWOOD DRIVE.

The scheduled hearing was held on Petition No. 64-77 by McClure Land Company for change in zoning from R-12 to B-1 Shopping Center District of a tract of land on the east side of N. C. 16, from McClure Circle to Rozwood Drive.

The City Clerk advised a petition protesting the change in zoning has been filed and found sufficient to invoke the 20% rule, inasmuch as it is signed by the owners of property directly opposite two sites of the property in question, and the petition is also signed by three additional property owners from the immediate neighborhood.

The Planning Director stated the petition covers property at the intersection of McClure Circle and Highway 16 which is pie-shaped, and which is presently occupied by two houses; it is adjoined by vacant land across McClure Circle; immediately along its northwesterly boundary the property is adjoined by two houses and there are additional houses extending towards McClure Circle and Rozwood Drive. Across Rozwood Drive there are additional houses and across Highway 16 there is a church and residences. He stated the property is zoned R-12 and all of the adjoining property is zoned R-12.

Councilman Whittington asked if this is the property that the Council and Planning Commission looked at before the adoption of the new zoning ordinance where a shopping center was to be erected after they sent the Commission a plan? Mr. McIntyre replied that this is the same property.

Mr. Hamlin Wade, Attorney for the petitioner, stated the property is approximately 2.7 miles from the city limits, it is in the Coulwood section, which has been

developed largely by McClure Land Company and consists of numerous subdivisions which have been developed since 1947. He presented a map showing the population density of this area and stated within an area of 3 miles there are 2,078 families, or approximately 10,000 persons. That there are no shopping centers in the 3 mile area, there are several small type grocery stores with pumping stations in front. He stated they have looked at the annexation study prepared by the Planning Commission and on Page 9 thereof, the following is said about this particular area, "there is a major development becoming evident in the northwest sector of the perimeter area in the Long Creek and Paw Creek area, and should be given full consideration in the total perimeter area". That Mr. McClure appeared before Council when the zoning of this area was under consideration, and asked that the area be zoned so that a shopping center could be erected - in other words, the Center was proposed as far back as 1961, but the requested zoning was not made at that time as the property did not meet the requirements for B-1 SCD, and it was zoned R-12, probably with the understanding that at a future date the B-1SCD would be approved. That the time has now come and McClure Land Company would like to provide the shopping center for the residents and all the requirements have been met to conform to the B-1 SCD zoning.

Mr. Wade stated they felt there would be no opposition to the Shopping Center but over the weekend Mr. McClure was informed there was opposition in the form of a petition signed by nine of the property owners in the area; that they came over to City Hall this morning and checked the petition to see what the protest was about as Mr. McClure thought possibly some of the property owners might object to an access road into Rozwood Drive. That they made a spot call on four of these petitioners and everyone of them said they were misinformed as to what they were signing and they did not oppose a Shopping Center at all nor the rezoning to B-1 SCD; that he obtained a repudiation from these four persons, who are Mr. Hilton, Mr. Nash, Mr. Smith and Mr. Rhyne, and perhaps some of the others who signed the petition might also want to sign a repudiation, as these four were the only ones they had time to see. Mr. Wade filed the repudiations with the City Clerk withdrawing their protests.

Mr. R. J. Schiavo, Rozwood Drive, representing the protest petitioners, stated they do not object to the Shopping Center as such, but they feel the Center will enhance the McClure Land Company to the detriment of the land owners on Rozwood Drive and McClure Circle. That McClure Land Company developed Coulwood and they own the land in Coulwood, so the Center will enhance the value of their land. That McClure Land Company did not contact any of the land owners prior to filing their petition. That they do not have street lights, do not have sewage facilities and school busses do not travel on Rozwood Drive and they do not want an access road into Rozwood Drive as they do not see the need for it. That he purchased his property in June 1962 and nothing was said about a proposed shopping center. That it is rumored there will be erected two shopping centers in nearby areas that would serve their needs. They ask the Council to rule that no access road be allowed into Rozwood Drive and they ask that the Shopping Center be moved back and that the rezoning be strictly B-1.

Mr. L. P. Sigmon, 125 Rozwood Drive, stated he will be directly in back of this Shopping Center. When he purchased his house six years ago he was informed that a Shopping Center would be erected but not so near to his property as it is now proposed, and he requests that the McMichael property remain zoned R-12.

Council decision was deferred one week.

HEARING ON PETITION NO. 64-78 TO AMEND CHAPTER 23, ARTICLE III, DIV. I, SECTION 23-31, TABLE OF PERMITTED USES, CATEGORY (c) TO PERMIT "FREIGHT TERMINALS" AND "TRUCK TERMINALS" IN I-1 DISTRICTS, PROVIDED "NO PORTION OF THE PROPERTY USED FOR THIS STORAGE, LOADING OR MOVEMENT OF TRACTORS OR TRACTOR-TRAILER UNITS IS LOCATED WITHIN 300-FT. OF ANY PROPERTY IN ANY RESIDENTIAL DISTRICT".

The public hearing was held on Petition No. 64-78 by Charlotte-Mecklenburg Planning Commission to amend Chapter 23, Article III, Div. I, Section 23-31, Table of Permitted Uses, category (c) to permit "Freight Terminals" and "Truck Terminals" in I-1 Districts, provided "No portion of the property used for this storage, loading or movement of tractors or tractor-trailer units is located within 300-ft. of any property in a residential district".

Mr. McIntyre, Planning Director, stated this is a result of Council's request when they were considering the rezoning of the general vicinity of the Airport to the Commission that they consider industrial usages not now allowed in I-1 districts, particularly well suited to locations along Expressway Highways. That they have reviewed the entire list of usages and it appeared to them the only usages that have a real significant relation to expressway highways are freight terminals and truck terminals, and in view of the proximity of the I-1 districts to the residential areas, there is a proposed addition recommended, that the portion of the area that would be used for the movement of tractors and for tractor-trailers would have to be 300 feet from the nearest residential district, because of the noise etc.

Mr. Robert Rhyne stated he is speaking for Mrs A. S. Rhyne who has 43 acres on I-85 which backs up to Allegheny Street and near Harding High School. He requested that the distance of 300 feet be cut down to a minimum of 150 feet because it will be a hardship for her if it is invoked. He called attention to the Mason-Dixon Truck Lines on I-85, which he stated was required to have a 200 ft. buffer strip and the 200 ft. buffer is not causing any hardship to the residential area in that neighborhood. He stated he also has an interest in the property of the Realty Development Corporation, which connects to the Ervin property and extends back towards Wilkinson Boulevard, and he requested that the restriction be reduced to 200 feet or perhaps 150 feet on that property.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-79 TO AMEND CHAPTER 23, ARTICLE VI, DIV. 2, SCHEDULE OF SIGN REGULATIONS, SECTION 23-81 (c) AND SECTION 23-82 (a) AND (b) TO PERMIT THROUGH LOTS IN OFFICE, BUSINESS AND INDUSTRIAL DISTRICTS TO HAVE TWO IDENTIFICATION OR BUSINESS SIGNS, WITH ONE ON EACH STREET FRONTAGE.

The scheduled hearing was held on Petition No. 64-79 by Charlotte-Mecklenburg Planning Commission to amend Chapter 23, Article VI, Division 2, Schedule of Sign Regulations, Section 23-81 (c) and Section 23-82 (a) and (b) to permit Through Lots in Office, Business and Industrial Districts to have two identification or business signs, with one on each street frontage.

The Planning Director advised recently a situation was called to their attention where a business had frontage on two parallel streets and the property was limited to one detached sign, which was not sufficient for both streets. The proposed change would provide for such signs in Office, Business and Industrial Districts throughout the city.

Councilman Smith stated this looks like a logical conclusion that was overlooked at the time the ordinance was prepared, and Mr. McIntyre stated that is correct.

No objections were expressed to the proposed change. Council decision was deferred one week.

HOUSING AUTHORITY MAKES PROGRESS REPORT ON TWO PROJECTS, AND MAYOR PRESENTS CITIZENS CERTIFICATES OF AWARD TO MEMBERS AND THE DIRECTOR OF THE AUTHORITY.

Mayor Brookshire recognized the Members of the Housing Authority and the Director, Mr. Dillehay, who he said would give Council a progress report.

Mr. Dillehay passed around the architect's sketch of the high-rise project designed for elderly persons that will be built in the block bounded by North Church, N. Poplar, W. 10th and W. 9th Streets. He stated the project has been approved through its intermediate stages and the architects, J. N. Pease & Company, are preparing the final drawings and specifications, and they will be in the hands of the Authority for review by the middle of January, and all of the land has been acquired for this project without any problems whatsoever.

Mr. Dillehay next presented a site plan of the other project, as to how it will look when it is redeveloped with the buildings, and explained the surrounding area in detail. He advised that progress on this project is that FHA has approved the plans and the architect will proceed with the drawings, which will be ready and advertised within 90 days. That they have purchased all of the land for the project, consisting of 160 parcels, totaling 30 odd acres, and approximately 300 families have been relocated, with the exception of 29.

Councilman Smith asked about the curve in North Caldwell Street, and Mr. Dillehay stated there is a curve in the street, but all of these street patterns are laid out in accordance with the Downtown Street Plan, and they have been approved by the City's Engineering Department.

Councilman Dellinger asked the City Manager if the setback lines have been established on Caldwell Street from 5th Street to 7th Street? Mr. Veeder stated he does not know.

Mayor Brookshire expressed his thanks to Mr. Dillehay and called attention that all of the members of the Housing Authority are here today, and expressed his pleasure at having them present. He thanked the members for a total of more than 100 years of service to the City of Charlotte as members of the Authority. He commented that we have all heard some criticism of public housing from time to time but he does not think he has ever heard a single word of criticism of a member of the Authority, and stated he wished Mr. Edwin Jones had time to tell Council something about many of the families living in public housing who after they gained some economic security have moved out into homes of their own and youngsters who have grown up in public housing and have gone on to college and into business and professions. All of these things are on the plus side. He expressed his thanks to Mr. Jones in particular for being here, as he knows he cancelled an out-of-town engagement to be present.

The Mayor stated that one year ago, when it was his pleasure to reappoint Mr. Jones for another 5 year term at the end of his 25 years of service, he presented him a Certificate of Award, and today he would like to present similar Certificates to the other members of the Authority. He presented Certificates to Mr. Earle G. Gluck for his continuous service of 26 years, except those years he was in Service: to Mr. George W. Dowdy, for 22 years of continuous service; to Mr. Zeb Strawn for 15 years continuous service; to Mr. Robert I. Dalton for 15 years of service and to Mr. Harold Dillehay, Director, for 25 years continuous service.

Mayor Brookshire stated he has it on no less authority than this afternoon's Charlotte News that 15 years ago today after several hours of heated debate on the pros and cons of public housing, the City Council authorized the construction of 600 new public housing units.

Mr. Edwin Jones, Chairman of the Authority, stated they are deeply appreciative of the honor given the members of the Authority. That he wants to point out two facts about public housing. One is, under the law, the only tenants they can allow in these housing units are those who come from substandard housing or slum conditions, and who have substandard incomes. At no time have they ever taken a tenant from standard housing or one who has the means to pay rent on standard housing. That these people have moved from slum conditions into good housing where they could be proud of their surroundings and be happy and many have upgraded themselves. That he believes the records will show that they have never had a monthly meeting of the Authority but what their Director has told them that from one to ten families have moved out into private housing, and that means in the nearly 1,300 weeks that they have been in the business of providing housing that some 1,300 to 1,500 families have moved out into housing provided by private enterprise. That they have made these people better tenants for private enterprise, because they have found out how to maintain, how to enjoy and appreciate good housing. That is one side that has been entirely overlooked by those who criticize public housing. Then on a much greater plus side is this - up until the end of September 462 families have moved out of public housing into homes they have bought for themselves. When they moved into public housing they had substandard income, because they have become self respecting citizens, able to upgrade their earnings and members of their families have grown to where they have become wage earners, they have gone to homes of their own. So, they feel that the Charlotte Housing Authority members and the management have really contributed to the upbuilding and upgrading of housing and their tenants to a large degree. Mr. Jones thanked the Council for its support, and expressed his appreciation for the recognition accorded the members today.

MAYOR DECLARED 5 MINUTE RECESS AT 4:35 P.M.

Mayor Brookshire declared a 5 minute recess at this time.

MEETING RECONVENED AT 4:40 P.M.

The meeting was reconvened at 4:40 p.m. and called to order by the Mayor.

LEAVES OF ABSENCE OF SIX POLICE OFFICERS UNDER INDICTMENTS, NOW QUASHED, TERMINATED AS OF 7 O'CLOCK A.M., DECEMBER 22, 1964.

Councilman Albea moved that the leaves of absence granted to Police Chief John Hord, Captain W. A. McCall, Detective Earl Fesperman, Detective F. W. Hucks, Detective Jack Fesperman and Sergeant Fred A. Teeter, each of whom were previously under indictment which are now quashed, be terminated as of 7:00 o'clock a.m., Tuesday, December 22, 1964. The motion was seconded by Councilman Jordan.

Councilman Bryant stated there have been many areas of concern, and the more important ones are, the confidence of the people in our Police Department, the necessity of giving these Police Officers every opportunity to clear themselves and the morale of the Police Department. Since there are no indictments now involved, he will vote for this motion. To vote to the contrary, in his opinion, would be an indication that he is judging these men to be guilty of the charges made against them without benefit of any evidence either way; they are entitled to a presumption of innocence until proven otherwise; and he would also like to remind Council that the Officers were the ones who requested a leave of absence, rather than the Council, at the time.

Councilman Whittington stated he would like to make a statement before the vote on this matter of returning the suspended Policemen back to work. That he

believes a survey would indicate there is a decided difference of opinion among our citizens as to whether these men should be put back to work or not. That he might add that the two local newspapers have different opinions on the question. That as he sees it, the Council has three alternatives today; (1) to put them back to work, (2) to do nothing until the Supreme Court acts on the appeal of the solicitor, and (3) wait until the Supreme Court acts either way. Then if there is to be a trial in Superior Court, the Council should wait for the results; if there is to be no trial the Council should file a motion requesting the SBI to turn their findings in the investigation over to the Council, then this Council take action to exonerate or relieve the Chief, then the Chief deal with his Officers through the Civil Service Commission. This must be done in his opinion to restore the public's confidence in the Police Department. He stated he will vote for Mr. Albea's motion to restore these officers to work tomorrow morning, reminding the Council and everyone concerned that this action must be taken after the Supreme Court decides what they are going to do so that this information can be brought to the public, if needed to be brought, and he means by that if there is no trial - so that all concerned and all the questions can be answered, and the prestige can be restored to the Police Department.

Mayor Brookshire introduced into the record the following statement which he made to the Council in the Conference Session in his office on last Thursday:

"These matters are now in court, and, while there are questions as to whether or not the matters should be in court, the fact remains that they are. Therefore, the matters should be resolved in the Courts and the City Government should do all it can to expedite consideration by the Courts. Once the Courts have concluded the handling of the matter, the city should determine if information now not available should be sought for whatever use may be appropriate. Meanwhile, the Council in its own judgment may return the officers who are no longer under indictment to duty, in light of the fact that the fidelity bond has been reextended to them."

He stated he thinks the situation today is considerably different than it was the afternoon that the Police Officers came over and requested a leave of absence. They were at that time under indictment and under appearance bonds and the Insurance Company had removed them from bond coverage. None of those things are true as of today, and while there is a disagreement in the community among news media as to what action should be taken by the Council, he thinks this is the best possible step that can be taken at this time to resolve the matter as early as possible, and he hopes that Council will approve the motion that has been made by Mr. Albea.

Councilman Smith stated he is a great believer in the ultimate fair play of this community or he would not want to be serving on the City Council, and he hopes the people will stand by the Police Department and the rank and file of men and support it until such time as this thing is finally resolved.

Councilman Bryant stated he thinks that is a good point to make, it is going to need to be finally resolved, and he would expect the men involved would be the first ones who would want that to be the case, because until it is finally resolved it is going to be a problem as far as they are concerned toward acceptance by some people, and he is sure they would prefer that it would be resolved as quickly as possible.

The vote was taken on the motion and unanimously carried.

The proposed rate is \$15.00 per person for the first 10 miles, 65 cents per person over 10 miles.

Night calls are \$13.50 per person for the first 10 miles, 65 cents per person over 10 miles. The proposed rate is the same as the day time rate, there having been a \$1.00 night charge which is being deleted.

For the extras they propose to provide: \$5.00 has been charged extra for the administration of oxygen and they propose to keep the rate as it is.

The extra \$1.00 charge for anyone who did not pay at the time of the service has been deleted and there will be a straight fee of \$15.00.

Waiting time has been \$3.00 for the first 15 minutes and \$2.00 for each additional 15 minutes, they will keep the same rate.

They have had a rate of \$18.50 for non-emergency round-trips, where the patient requested to go to a doctor's office or hospital for treatment and return. They propose a rate of \$22.00, if not more than 30 minutes waiting time.

They wish to increase the City Agency calls from \$10.00 to \$12.50 per call.

For ambulance service, \$20.00 per person plus \$1.00 per mile or fraction thereof one way.

Councilman Dellinger congratulated Mr. Brandes on dropping the \$1.00 charge for not paying cash at the time of the call. He stated he has had more criticism of that charge than anything else and he thinks it is right that it be deleted.

Mr. Nelson Kirby stated he is opposed to the rate hiking for various reasons. Since the Ambulance Service started there has been a constant request for additional funds from the Council or the public. That a law was passed for Ambulance Service that will bring a person into Court and try him for not paying a bill but he is in business and does emergency work fixing water pipes and electrical work at night and if a person fails to pay him there is no way in the world he can get his money out of him, he does not have the Court to collect his bills like Ambulance Service. That Mr. Brandes has asked for an increase to \$12.50 for the City paying his cost and he does not agree with this, as this is the only type of public service in Charlotte that receives pay out of the taxpayers pocket while on the other hand being sued in Court for not paying it, and he does not see it. That at the time Ambulance Service went into business he was a part of that Service and it was his understanding that there would be certain ambulances ready to serve the public 24 hours a day, and as far as he is concerned right up to now this has not been the case. Also, at that time there were supposed to be first-aid instructors on each ambulance to relieve the driver, and this service is not given. Also, he understands the Police Department is short of personnel and he has continuously heard calls for city police to go out and check and see if a child has really been run over or see if someone has had a seizure before they sent out the ambulance. He does not have that privilege of having policemen go out and check on his calls of a busted water pipe. He thinks this privilege to the Ambulance Company should be stopped at once and they should be made to answer their calls directly and promptly. That he says there should be no increase in the rates allowed until Mr. Brandes improves his service.

Mr. Brandes stated he does not wish to get into a public hassel but would like to say they are checked by the Chief of the Traffic Safety Division of the U. S. Department of Public Health and were cited as one of the better organizations

of our type. That as far as the Police receiving calls and checking them out they have no control over this. That they dispatch their ambulances on call and shall continue to do so. That they have made errors and shall no doubt continue to do so in the normal pursuit of their business. That, as he has said, the proposed rate increases is to upgrade the service to the citizens.

The City Manager commented that the record shows this firm has four years of operation with net revenue of \$1,700.00, which speaks to the point for the need for the increase. For the last two years he has served on a Committee representing the cities of North Carolina on a study of ambulance service throughout the State, conducted at Chapel Hill under a grant from the Public Health Service, and during that time he has had numerous opportunities to review and discuss with people from all interests relating to ambulance service throughout North Carolina. One thing that became apparent very quickly was the service offered to the citizens of Charlotte through Ambulance Service of Charlotte, Inc., is looked at throughout the State as the type of operation that should be available in more cities. He remarked he thinks we are fortunate indeed to have an operation of this caliber in Charlotte.

Councilman Bryant moved the adoption of an Ordinance Amending Chapter 19, Article II, Section 19-86.1, Establishing Rates and Charges for Ambulances in Charlotte, granting the requested rate increases. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 110.

AGREEMENT WITH AMBULANCE SERVICE OF CHARLOTTE, INC. RELATIVE TO REGULATIONS AND PAYMENT OF CALLS FROM THE POLICE AND FIRE DEPARTMENTS.

Councilman Bryant moved that the Agreement between the City of Charlotte and Ambulance Service of Charlotte, Inc. relative to regulations for and payment of calls from the Police and Fire Departments be approved. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

CITY MANAGER REQUESTED TO HAVE ENGINEERING DEPARTMENT CHECK INTO CONDITION OF OPEN DITCH IN FRONT OF 2121 MECKLENBURG AVENUE, AND GIVE REPORT AND COST ESTIMATE FOR REPAIRING SAME.

Mr. John R. King, 2121 Mecklenburg Avenue, requested the elimination of a dangerous situation that exists in front of his residence in the form of an open ditch. He passed around pictures of the ditch and stated some seven years ago the City Engineering Department repaired the ditch on the right side of the street looking down Mecklenburg Avenue from Country Club Lane, and they said the ditch on his side of the street could not be eliminated because there was a pipe coming under Country Club Lane. He pointed out that four accidents have occurred due to this condition, and the walls of his driveway were completely demolished in two of the accidents, and in all but one of the accidents the cars were moving at a moderate rate of speed. He stated the ditch is possibly 4 feet by 4 feet deep and if a child fell into it he could be swept into the drain pipe. That possibly three years ago the City put in pipe at the catch basin and said the reason they did so was there was a leak under the street at that particular place, and they carried the pipe approximately 1100 feet beyond

that point and he does not think it would have been necessary to carry the pipe that distance had the ditch been eliminated. He called attention to one of the pictures in which the sewer lines coming from his and three other residences are visible, He stated that water accumulates in the ditch creating a health problem.

Councilman Dellinger moved that the City Manager be instructed to have the Engineering Department check this condition and also check where the water in the ditch is coming from, and give Council a report and the cost. The motion was seconded by Councilman Jordan.

Councilman Smith commented he has seen the ditch and thinks it can be approached as a hazardous condition, that it seemed to him the water was seeping into the ditch as there was a hidden spring there. He stated the Council has had a report on the ditch from the Engineering Department and a cost estimate for repairing it. Councilman Whittington stated the City Engineer said No, and that is what we will get again probably; that the facts are on the opposite side of the street and down the street the repair was made at the City's expense and he does not see how Council can justify not repairing this condition based on the fact it is hazardous, and is probably an unsanitary condition, plus the fact the lawns of these four people are washed away and the sewer pipe should not be exposed. That based on the information presented to Council before, he moved that the pipe be installed at the City's expense and the ditch covered.

The City Manager commented that based on the photograph he recognizes this is something that has been considered previously and he would like to look at the ditch himself and review the file, bring it up to date and bring it back to Council, with the cost estimates.

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

RESOLUTION APPROVING THE BID AND PURCHASE CONTRACT FOR SALE OF LAND TO AFRICAN METHODIST EPISCOPAL ZION CHURCH IN REDEVELOPMENT PROJECT NO. N.C. R-14, ADOPTED.

Councilman Smith moved the adoption of a resolution entitled: Resolution Approving the Bid and Purchase Contract for Sale of Land to African Methodist Episcopal Zion Church in Redevelopment Project No. N. C. R-14. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 464.

CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the construction of sanitary sewer mains and trunks, inside the city limits, were approved as follows:

- (a) Construction of 3,150 ft. of trunk and main to serve Hope Valley Sub-division, at the request of Ed Griffin Development Company, at an estimated cost of \$10,165.00. All construction costs to be born by the Applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (b) Construction of 480 ft. of sewer main in Echo Glen Subdivision, at the request of Ed Griffin Development Company, at an estimated cost of \$1,375.00. All construction costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

CONTRACTS FOR APPRAISAL OF RIGHT-OF-WAY FOR THE NORTHWEST EXPRESSWAY AUTHORIZED.

Motion was made by Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, authorizing the following contracts for appraisal of right-of-way for the Northwest Expressway:

- (a) Contract with L. H. Griffith for the appraisal of one parcel of land on Church Street and one on North Caldwell Street.
- (b) Contract with Alfred E. Smith for the appraisal of one parcel of land on North Alexander Street.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JANUARY 18TH ON PETITIONS NUMBERED 65-1 THROUGH 65-10 FOR ZONING CHANGES, ADOPTED.

Councilman Whittington moved the adoption of a Resolution Providing for Public Hearings on January 18th on Petitions Numbered 65-1 through 65-10 for Zoning Changes. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 4, at Page 465.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Jordan authorizing the Mayor and City Clerk to execute a deed with Ephraim Johnson for Lot No. 27, Section 4-A, Evergreen Cemetery, at \$283.50. The motion was seconded by Councilman Albea, and carried unanimously.

CONTRACT AWARDED H. J. CATER PAINTING CONTRACTOR, INC. FOR PAINTING ALL BUILDINGS IN CITY HALL SQUARE.

Councilman Bryant moved award of contract to the low bidder, H. J. Cater Painting Contractor, Inc., in the amount of \$2,381.00, for painting exterior of all buildings in City Hall Square, as specified. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

H. J. Cater Painting Contractor, Inc.	\$2,381.00
Barlowe Painting Company	3,732.78
M. R. Tarlton	4,005.00

CONTRACT AWARDED MARLOW PUMPS FOR PUMP PARTS.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, contract was awarded the only bidder, Marlow Pumps, for pump parts, as specified, in the amount of \$1,685.75.

RESOLUTION APPROVING AMENDMENT NO. 2 REDEVELOPMENT AREA PLAN FOR PROJECT NO. N.C. R-14 AND AMENDMENT TO REDEVELOPMENT AREA PLAN, REDEVELOPMENT SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C. R-14, ADOPTED.

Councilman Smith moved the adoption of Resolution Approving Amendment No. 2 Redevelopment Area Plan for Project No. N. C. R-14 and Amendment to Redevelopment

Area Plan, Redevelopment Section No. 1, Brooklyn Urban Renewal Area, Project No. N. C. R-14, which was seconded by Councilman Jordan, and unanimously carried. Councilman Smith commented this is merely approving what the Redevelopment Commission has asked the Council to approve. That they have verbally said they will go along with recommending to the Legislature the 75% rule. The resolution is recorded in full in Resolutions Book 4, beginning at Page 466.

ACQUISITION OF RIGHTS-OF-WAY FOR SANITARY SEWER CONSTRUCTION AND NORTHWEST EXPRESSWAY.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the following rights-of-way were authorized acquired:

- (a) Acquisition of right of way 10' x 144.22' from Edward H. Hardison on Church Hill Road, at \$144.22, for sanitary sewer to serve Lloyd Heights.
- (b) Acquisition of right of way 10' x 175' from James Winifred Cochman and wife, Kay S. Cockman, at \$87.50, for sanitary sewer to serve Crater Street near Commonwealth Avenue.
- (c) Acquisition of 1,027 sq. ft. of property from Caleb D. and Iney Wallace of vacant lot next to 815 N. Johnson Street, at \$350.00 for Northwest Expressway.
- (d) Acquisition of 2,433 sq. ft. of property from T. L. Messick at southeast corner of N. Smith and W. 11th Street, at \$2,450.00, for Northwest Expressway.
- (e) Acquisition of 7,854 sq. ft. of property from James B. Vogler, at 501-05 Steven Street, at \$1,500.00 for Northwest Expressway.
- (f) Acquisition of 9,372 sq. ft. of property from Eulalia Austin Hardin, widow, at 606-08 Central Avenue, at \$15,000.00 for Northwest Expressway.
- (g) Acquisition of 7,500 sq. ft. of property from Calvin S. and L. S. Kelbaugh and wives, Bille Jean F. and Mary C., at \$3,600.00 for Northwest Expressway.
- (h) Acquisition of 1,734 sq. ft. of property from Emma E. Howard, widow, at 609 Sunnyside Avenue, at \$2,020.00 for Northwest Expressway.
- (i) Acquisition of 3,093 sq. ft. of property from Jimmie and Edna M. Hall, at 1009 Haley Place, at \$5,800.00 for Northwest Expressway.

CITY MANAGER ADVISES TWO ERVIN CONSTRUCTION COMPANY SUBDIVISIONS ARE TEMPORARILY CONNECTED TO CITY WATER SYSTEM WHILE CONTRACT BEING WORKED OUT.


The City Manager advised that for some time Mr. Franklin, Supt. of the Water Department, has been discussing the problem of getting city water to two subdivisions of Ervin Construction Company and they are in substantial agreement on the content of a contract to bring Council for consideration; however, it will be about two weeks before these contracts will be ready, and in the meantime, he would like to tell Council that without prejudice to Council approving the contracts, they plan to let Ervin Construction Company make use of city water in lieu of their digging wells to take care of the time between now and when the contract, they hope, will be considered favorably by Council. That this is along the same lines they have established with Ervin Construction Company on other subdivisions. That if for some reason Council does not see fit to act on these contracts, they have it in writing that Ervin Construction Company will immediately disconnect anything and everything they have connected to our system and put in their own community water system.

CITY MANAGER EXTENDS CHRISTMAS GREETINGS TO MAYOR AND COUNCIL ON BEHALF OF THE CITY EMPLOYEES.

Mr. Veeder, City Manager, extended Christmas Greetings to Mayor Brookshire and the City Council on behalf of all the city employees.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk