



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, February 3, 1964, at 3 o'clock p.m. with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by the Reverend Charles O. Milford, Pastor of Park Road Baptist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, the Minutes of the last meeting on January 27th were approved as submitted.

#### REQUEST FOR REPEAL OF SUNDAY OBSERVANCE LAW REJECTED.

Mr. John D. Shaw, Attorney representing Atlantic Mills, appeared before Council with regard to the decision of the North Carolina Supreme Court upholding the City's Sunday Observance Law with regard to Sunday sales. Mr. Shaw stated as it stands now, when the Opinion is certified by the Clerk of Court they assume the Police Department will do its legal duty and enforce the law, and his client, Atlantic Mills, and others similarly situated such as Clark's Discount Department Store who has been a party to the law-suit, and smaller houses who were not a party to the law suit, will be closed under the present law. Therefore, he asks Council to give careful consideration to repealing the law - that they are asking for a rehearing and will keep on fighting - but the easy way to stop all of the litigation is for Council to repeal the law.

He stated there is no question in this particular case of religion, it is conceded it is an economic fight pure and simple and they did not concede it was to make the day of rest obligatory but rather it was an uptown fight between the Merchants Association and the so-called disintegrating influences on retailing due to parking and the automobile. That he humbly asks the Council to reconsider the law in view of what it will mean to these people. Mr. Shaw read the Sunday Observance Law which forbids certain businesses inside the city limits to operate on Sundays by listing a series of businesses and commodities that are exempt from the ban. He stated that taken literally you can't get a prescription filled in Charlotte on Sunday if it is left as it is, to which remark Councilman Albea took exceptions, stating he did not read that in the law at all. Mr. Shaw discussed in detail the classifications that are banned.

At the question of Councilman Dellinger if he is not asking for reconsideration of the law, Mr. Shaw stated he is asking first for a complete repeal and if Council does not care to do that then he is asking that they very seriously reconsider the classifications.

Councilman Dellinger stated the Council cannot argue each classification of the law that is banned as Mr. Shaw is doing, that they will have to refer it to the City Attorney.

Mr. Shaw stated his immediate concern is that unless they get a rehearing before the Supreme Court for a stay of execution there is a chance this coming Sunday, Charlotte may be, in a measure, closed down. That Charlotte has a complete closing law, except certain exceptions, and he asks Council to reconsider this and if possible repeal it and if not reconsider the exceptions so there can be no argument about what they mean.

Councilman Jordan asked the City Attorney if the present law would nullify anyone from buying drugs on Sunday? Mr. Morrissey replied that it does not in his opinion, that he does not share Mr. Shaw's opinion. Mr. Shaw stated he thinks the exception is that you can't stop drugs from being sold, but the drug stores that stay open on Sunday are mainly Eckerd's, Carolina Cut Rate, etc and some of them on a 24-hour basis.

Mr. Shaw stated further if the law should be certified now and if Council reconsiders the matter, he would like the Police Department to be requested not to arrest these people who, on the surface, are violators if they stay open on Sunday until Council has concluded its deliberations. That he is saying the danger in the law is the difficulty of enforcement; it is a question of is the law so clear that a man knows whether or not he is in violation of the law.

Councilman Dellinger asked the City Attorney if any reconsideration now would weaken the City's legal position and Mr. Morrissey replied that we have to admit to that possibility.

Councilman Thrower moved that the law be repealed. The motion did not receive a second.

#### REQUEST FOR DEFINITION OF DRIVE-IN RESTAURANT REFERRED TO PLANNING COMMISSION FOR RECOMMENDATION.

Mr. John D. Shaw, Attorney representing Mr. Fox of Winston-Salem, the Burger King, recalled that several months ago they requested Council to ask the Planning Commission to define Drive-In Restaurants and it appears for some reason they cannot define it, at least it has not been done yet. In the meantime, his client has missed two chances to enlarge his restaurant business in Charlotte as a result of this delay, and they again bring the matter to Council. That they think a Restaurant with drive-in services is a building where food is prepared and served and provision made for the service of food to customers outside the building, in which such food is prepared, by car-hops or other servants of the operator of such place - in other words, he is saying Drive-in constitutes service on the outside.

Mr. Shaw stated further this is the City's terminology in the Zoning Ordinance which says that in a B-1 district a Drive-In is prohibited but is permitted in a B-2 district; that here is a man who has no car-hop service at all, has seating capacity commensurate with his counter space, you come in, give your order and sit down, and there is nothing in the ordinance that say you cannot take the food to your automobile if you wish, and you can do the same from the S & W and numerous other eating places.

Councilman Bryant asked the City Attorney if Mr Shaw's definition would stand up? Mr. Morrissey stated he assumes it would if it were in the ordinance but it would do something different than the present ordinance does, and it would permit some type of what we think are Drive-in Restaurants in B-1 districts.

Councilman Dellinger asked if the Council would not be wise if they asked the Planning Commission to give us their thinking, that they have been asked

for it but we have not gotten it? Mr. Veeder stated that Mr. McIntyre indicated to him that the subject has been discussed by the Planning Commission and they approved, in essence, notifying Council of their conclusions but it has not been transmitted to them as yet. The conclusion is, in effect, that the definition as it now exists is as good as one they could come up with. Councilman Dellinger stated he saw some kind of report from the Planning Commission, that the definition was to be left to the discretion of the Board of Adjustment. Mayor Brookshire suggested that Mr. McIntyre be asked to come in to the meeting as Council does not want to destroy the effectiveness of the Zoning Code in respect to this.

Councilman Smith stated he recalls when these people requested the rezoning of the property on which their Burger King is located to B-1, that the statement was made this was not to be a Hamburger Drive-in but a Restaurant, in other words the connotation was that it would be contained within the Restaurant and therefore, the zoning was changed on that basis.

The Minutes of the Council Meetings on September 17th and 24th, 1962 relative to the Hearing on the request of the Burger King for a change in zoning from B-1 to B-2, and the adoption of the change was read. At the Hearing it being stated they were under the impression they could construct the type restaurant they wished to have in a B-1 zone but the Building Inspector terms the restaurant they wish to build a Drive-in, which is not permitted under B-1 zoning, while they say it is not a Drive-in as there will be no car-hops, no drive-in service but they will have a dining-room and pick-up window, therefore they are requesting a change in zoning to B-2.

Councilman Smith stated that is as he remembered it, that it would not be a drive-in restaurant. That he recalls the Council did not want to put a drive-in restaurant at this location because of the Church on the adjoining property because of the litter and beer cans and noise. All of the Council had this in mind and the intent was to keep it an inside restaurant and if someone wanted to get food and take it home that was fine, but it was not to be eaten in the parking lot.

Councilman Whittington asked when the Planning Commission is going to give Council an opinion on the request of the Burger King? Mr. McIntyre replied that the Commission has attempted to define a Drive-in Restaurant and they have come to the conclusion that they cannot develop what they regard as an adequate, firm definition, so it is their thinking that it would best be left in the hands of the Zoning Board of Adjustment, as it is a perfectly appropriate function of that Board. Whenever anyone wants to question the Zoning Administrative ruling or decision as to interpretation they have the right to go to the Zoning Board of Adjustment for clarification or interpretation of the Ordinance. Councilman Bryant asked Mr. McIntyre if this means they are somewhat hazy as to what a Drive-In is or is not? Mr. McIntyre stated they have a fairly firm concept of what a Drive-In is but have difficulty drawing very firm lines saying this is and this isn't. Councilman Bryant asked Mr. McIntyre for his opinion on the comparison; that he has observed at the Dobbs House on Providence Road, orders are taken out, the same as he observed at the Burger King and should one be classified as a Drive-In and the other not?

Mr. McIntyre stated at the Dobbs House they evidently take the orders home, and he thinks that is one of the distinctions that are important in the business of classification. If people bring the food from the Restaurant out to a car and eat it in the car, this is one thing, if they take it home is another. Mr. McIntyre stated further that the intent of the Ordinance was to not permit in B-1 areas those types of eating places that served a lot of the food that was carried out from the building and eaten in the car on the premises. This is one of the reasons they think the ordinance should be reviewed by the Board of Adjustment in the light of the circumstances; that he thinks they have already reviewed the Burger King.

Councilman Whittington asked Mr. Shaw if he has made a request of the Board of Adjustment for an opinion? Mr. Shaw stated they appealed to the Board of Adjustment from the Chief Building Inspector and the Board ruled their's was a Drive-In and he came to Council because the next thing was a law suit. That zoning is a criminal ordinance, and how can the Council say in advance as to whether or not you are in violation of this law? He asked if they can say that he has the right to put this business on this piece of property that he has to go to someone who has been delegated the authority by Council to interpret their words which Council does not define; that you have Dobbs House, Three-Little Pigs, the Barbecue place off Eastway Drive all in B-1 zones and people take food out of these places every day, and so it is a question as lawyers say, "how is the chance of appeal that day as to what you get", yet, that should not be; zoning should be cut and dried, you are either in violation or you are not.

Mayor Brookshire stated that Mr. Shaw is saying that we do not need a Board of Adjustment, and Mr. Shaw said the duties of the Board is to alleviate hardships; that the trouble with his client in this case is he has too much parking space, if he could eliminate some of his parking space, but he has to have so much parking space to correspond with the number of seats in the Restaurant.

Councilman Dellinger stated Mr. Shaw wants the Council to rule on the question because if he goes to the Board of Adjustment and they turn him down, he will have to go to Court, and the Council would have no more authority over it. Mr. Morrissey said the Council always has the authority to amend the ordinance.

Councilman Whittington asked Mr. Shaw if he is concerned about their present location or new locations, and Mr. Shaw replied it is new locations they are speaking about; that they had a chance to get what they considered a very fine location for this type of business and they anticipate perhaps changing the advertising on the outside but not the inside, as it will have to be the same because that is where the food is processed and handled, and it is because of the way it is processed and handled that it has such a high standard.

Councilman Bryant stated he thinks we are breaking down somewhere when we cannot give a firm definition; that he does not think we are fulfilling our duties, or some agency of government is not, unless they can give a definition that can be argued against or for. Mayor Brookshire stated that Council adopted what was recommended by the Planning Staff and they are the ones who should look it over and make recommendations, but Mr. McIntyre indicated they are not able to give one. Councilman Bryant stated further that he feels a clear delineation is whether it is served by car-hops or not; what he has always termed a Drive-In is where you can stay in your car and get served. He does not think the Dobbs House or the Burger King are Drive-Ins, even though they are in different zones and he feels the Burger King should be able to operate in the same zone the Dobbs House operates in, and if there is to be a change in the zoning made, he would prefer the higher classification. That he does not think we should hold Mr. Shaw up this way, we should give him an answer, either turn him down or go along with him.

Mr. Shaw stated what he wants is a definition that a Drive-In is a restaurant in which the operator gives you curb service, by car-hops, servants or similar persons.

Councilman Dellinger asked the City Attorney if he could write into the ordinance a section that they could serve people who drive in but not serve in the car? Mr. Morrissey stated they studied this matter very hard, consulted with the Planning Staff and thought in keeping with the intent and spirit of the present definition, the nearest they could come to carrying

out that spirit would be to define a Drive-In as a type of Restaurant serving a limited menu. We could not pin it down to our satisfaction so as to obviate the distinct possibility and, in our opinion, probability, for any such business varying its operation in one little matter, and thus evading the application of that section. That is because we are dealing very practicably with a type of food service that is closer to what always was a Drive-In because they have always had Car-hops, much closer to that than it is to a regular Restaurant with a full menu. They felt any definition they might recommend would be a definition that still would not permit this type of Drive-In in a B-1 zone, that was the best they could do, so the Staff recommended to the Planning Commission that we are in a better position with the present definition subject to the interpretation of the Board of Adjustment in each individual case as to which classification it might fit in, as one of its appropriate functions.

Councilman Whittington asked Mr. Morrisey if the Board of Adjustment has given Mr. Shaw's client an opinion at all on another location? Mr. Morrisey stated it is his understanding that the Board of Adjustment denied Mr. Shaw's appeal from the Building Inspector's ruling. Councilman Whittington stated then he thinks the Council has done all that it can do unless the ordinance is changed.

Mr. Veeder stated he can understand the problems that Mr. Morrisey and Mr. McIntyre are talking about. If you use the definition and said a facility was limited, if you did not have an extensive menu you had a Drive-In - Shoney's would not be a Drive-In because they have an extensive menu, if you do it on the basis of Car-hops, then this would mean that McDonald's is not a Drive-In because they do not have car-hops.

Councilman Whittington said he would like very much to help these people but he does not see how the Council can determine whether a Drive-In should be in a B-1 or B-2 zone, that is up to the Planning Commission.

Councilman Dellinger asked what is wrong with having Drive-Ins in a B-1 Zone? Mr. McIntyre stated they recommended an ordinance that would allow them in B-1 zones if the B-1 zoned districts are characteristically neighborhood Business zoning districts closely surrounded by residential use; that one of the complaints he hears frequently is about the Drive-In Restaurants where a lot of food is eaten in cars, particularly by teenagers, who are out on the town for the evening making lots of noise, and tossing debris around in the parking lot; he thinks the point is where there are a bunch of kids eating outside in a parking lot you are pretty likely to have a nuisance.

Mr. Morrisey stated he would like very much to help Council to understand precisely the problem involved in attempting a definite definition in the ordinance and the best way that occurs to him to do that is to ask Council to close their eyes and determine how they would describe a spiral stairway, how would you put it in words without using your hands? Mr. Morrisey stated further take the Drive-In restaurant and leave it to the judgment of the Zoning Board of Adjustment for decision and they can tell whether it is a spiral staircase or not by looking at it, but we are hard put to write it out.

Mayor Brookshire asked Mr. Shaw if his appearance here today was fostered by the fact that he does not feel, and his client does not feel, that he can find enough suitable B-2 locations to give him the choice that they wanted? Mr. Shaw stated he does not know of a more industrious real estate man in town than Ray Barrier and he has looked and looked for locations. He stated further that when you are turned down by the Building Inspector you must go to the Zoning Board of Adjustment and they have no definition to go by, and this is dangerous for the City's zoning laws.

Councilman Bryant stated that is the point he wants to make, certainly the Council wants to have all of the good advise of the Board of Adjustment plus the Zoning Commission, but at the same time it finally comes back and rests in the laps of the Council, and the Council is obligated to make a definition to people who want to do business under the Code. That he can thoroughly appreciate Mr. Shaw's point of view and he is for the higher classification in every instance, but if we do not give them something to fight against, what are they going to do?

Councilman Dellinger said this can be argued until dark and probably not come to any conclusion, that the City has a right competent Planning Commission, and he recommends that we send it back to Mr. McIntyre and let him give it one more good look and see if he cannot do something about it within the coming week. In the meantime you might look at the Dobbs House, which is in a B-1 zone.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR RELOCATION OF CITY'S WATER MAIN THAT SERVES ARROWOOD AND PINEVILLE AT COMMISSION'S EXPENSE, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Mayor and Clerk were authorized to execute an Agreement with the State Highway Commission for the relocation of the City's 12-inch water main that serves Arrowood and Pineville, made necessary by the location of NC Highway #21 South, at an estimated cost of \$15,191.00, for which the City will be reimbursed by the Highway Commission.

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

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, approving contracts as follows for the appraisal of property for the Northwest Expressway right-of-way:

- (a) Contract with T. R. Lawing for appraisal of 4 tracts of land on Seigle Avenue.
- (b) Contract with Robert H. Percival for appraisal of 4 tracts of land on Seigle Avenue.
- (c) Contract with J. H. Carson for appraisal of 1 tract on North Pine St.
- (d) Contract with W. I. Henderson for appraisal of one tract of land on North Pine Street.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a Deed with Mrs Vera V. Wilson for Graves 3 and 4 in Lot 12, Section 2, of Evergreen Cemetery, at \$120.00. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED MCGEE LUMBER COMPANY FOR 12,000 BAGS OF PORTLAND CEMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, McGee Lumber Company, for the purchase of 12,000 Bags of Portland Cement, as specified, at a total price of \$13,816.80 on a unit price basis.

The following bids were received:

McGee Lumber Company	\$ 13,816.80
Abernethy Lumber Company	14,907.60
Lowe's Charlotte Hardware Co.	15,202.80
Doggett Lumber Company	15,513.60

CONTRACT AWARDED CRANE SUPPLY COMPANY FOR 66,000 FT. OF CAST IRON SOIL PIPE AND FITTINGS.

Councilman Jordan moved the award of contract to the low bidder, Crane Supply Company, for the purchase of 66,000 feet of Cast Iron Soil Pipe and Fittings, as specified, at a total price of \$41,580.65, on a unit price basis. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Crane Supply Company	\$ 41,580.65
Parnell-Martin Supply Co.	41,679.13
Shelby Supply Co.	41,887.75
Horne-Wilson, Inc.	42,052.37
Hajoca Corporation	42,096.26
Grinnell Company, Inc.	42,471.01
Nolan Company	43,443.72

SALE OF TIMBER FROM SUGAR CREEK DISPOSAL PLANT PROPERTY DEFERRED FOR CONFERENCE WITH FORESTER.

Councilman Dellinger moved acceptance of the highest bid meeting the specifications, McClure Lumber Company, for the sale of 307,500 f.b.m. of hardwood timber, as specified, located on the Sugaw Creek Disposal Plant property, in the amount of \$9,010.00. The motion was seconded by Councilman Albea.

Councilman Smith stated there is no mention made of the saw dust, and this is usually the worse thing about cutting timber.

Mr. Veeder explained that all of the proposals except McClure's were based on putting the saw mill on the site, and McClure will haul everything out to their saw mill, but we will take care of the tops. Councilman Smith asked the size of the trees being cut, and Councilman Dellinger asked how the tops will be disposed of. Mr. Beatty, Purchasing Agent, advised the 307,500 f.b.m. is of various size timber, and our Forester has been on the site and marked all the timber and nothing but the timber down to 8" or 10" will be cut; there is no pulpwood, primarily pine; all of the tops are to be left in the area, and all the slabs will be sawed off the premises. That McClure has one year in which to complete the removal of the trees. Mayor Brookshire stated they could then all during the summer months cut pine trees and leave the boughs and if they aren't disposed of promptly, borers could start; he asked what precautions will be taken against this? Mr. Beatty stated he is sure Mr. Franklin will take all precautions necessary, however, he is under the impression that borers work more in the base of the tree rather than the top, and nothing but the tops will be left.

Councilman Dellinger recalled that we had trouble with the beetle in this area last year and he does not know whether it is worth the gamble to cut \$9,000 worth of trees and leave part of the timber there, that when he made the motion for approval he thought the area would be cleared of all the trees and he thinks we would be leaving a hazard for infestation of the beetle next summer.

Mr. Beatty stated the tops have always been left in the woods and the slabs taken out, it seems the beetle works more in the slabs and bark than the top, and Saw Mill people don't want to be bothered with the tops.

Councilman Bryant offered a substitute motion that action be delayed until we get some word from Mr. Hook, our Forester. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor Brookshire asked the City Manager to have Mr. Hook present to answer any questions at the meeting next week.

ACQUISITION OF RIGHTS-OF-WAY FOR LOWER SUGAW CREEK SEWER OUTFALL, KENILWORTH AVENUE EXTENSION AND NORTHWEST EXPRESSWAY, APPROVED.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the acquisition of property as right-of-way was authorized as follows:

- (a) Acquisition of property 60' wide by 3,928.79' long along the east side of Sugaw Creek north of Sharon Road West, as right-of-way for the Lower Sugaw Creek Sewer Outfall, from Albert M. Whisnant Estate at \$3,928.79.
- (b) Acquisition of 66 sq. ft. of property at 808 Kenilworth Avenue as right-of-way for the Kenilworth Avenue Extension Project, from Cora C. Parks and Emma W. Parks, at \$82.30.
- (c) Acquisition of 11.2 sq. ft. of property at 815 Kenilworth Avenue as right-of-way for Kenilworth Avenue Extension Project, from Evelyn C. McIntyre, at \$10.08.
- (d) Acquisition of 9,408 sq. ft. (house and lot) of property at 813 North Caldwell Street as right-of-way for the Northwest Expressway, from C. A. Yandle, at \$5,900.00.
- (e) Acquisition of 40,731 sq. ft. of property on Barbours Court as right-of-way for the Northwest Expressway, from Honey Properties, at \$57,500.00.
- (f) Acquisition of 14,430 sq. ft. of property at 1006 Kendrick Street as right-of-way for the Northwest Expressway, from David Kinney and wife, Effie C. Kinney.

COUNCIL MEMBERS TO BE APPOINTED TO COMMITTEE OF MEMBERS OF DOWNTOWN ASSOCIATION TO INVESTIGATE POSSIBILITIES OF HIRING A PLANNER TO DEVELOP A PLAN FOR IMPROVING THE DOWNTOWN AREA.

Councilman Bryant stated it was his idea in approving the funds for the Economic Survey, if they showed any need for further action as far as a plan was concerned he would be interested in hiring a Planner to do something that would help to implement the program, and under those circumstances he understands the Downtown Association has appointed three members of their organization to combine with three of ours to investigate the possibilities of hiring a Planner. That the way he understands it the hiring of a Planner and the cost to us and to them would be involved with the amount of planning we wanted done and the amount of the area we want to include in his plan. He stated he would like to ask that these three members of our group be appointed to combine with the three others, to consider that particular question, and then if agreeable to the Council and Downtown Association, to proceed with the figure we have come up with to go along with.



Mayor Brookshire stated he was requested several months ago to name members to the Committee and he has delayed doing so until we could receive and study the Economic Survey itself. That Mr. Bryant's suggestion is in order and he will make the appointments within the next few days.

CITY MANAGER, CITY ATTORNEY AND SUPT. OF MOTOR TRANSPORT DEPT SENT TO KINGSTON, JAMAICA TO INSPECT COMPOST PLANT OF NATIONAL ORGANIC COMPANY.

Councilman Dellinger stated in line with the discussions with Mr. Richard Thigpen, representative of the National Organic Company, with regard to their building a compost plant in Charlotte, and in order that we might be in better position to continue negotiations with him, that Mr. Veeder, Mr. Morrissey and Mr. Davis be authorized to go to Kingston, Jamaica and inspect the plants and converse with the people there who are interested in this product at the earliest convenience. The motion was seconded by Councilman Jordan, and unanimously carried.

REQUEST REMOVAL OF PARKING BAN PLACED ON BOTH SIDES OF FIRST BLOCK OF SEIGLE AVENUE OFF EAST 7TH STREET POSTPONED FOR ONE WEEK.

Councilman Smith stated he had several calls during the week-end from Mrs Hickman and others on Seigle Avenue about Mr. Hoose taking off parking on both sides of the street which works a hardship on these people in this residential area and moved that Mr. Hoose come before us next week as some of these people will be up here. The motion was seconded by Councilman Throver.

Councilman Dellinger stated he had some calls also and talked with Mr. Hoose and he says he must have this space in order to manipulate the trucks going off East 7th Street into Seigle Avenue.

Councilman Bryant stated he asked Mr. Deaton in the Traffic Engineering office to call a couple of folks who had called him this morning and to talk with them and give them any information they wished.

Councilman Whittington stated his only concern is he would be in favor of taking the authority away from Mr. Hoose where he can restrict parking on a street or streets for a 90 day trial period without it coming before Council. In this case, and many other cases, we have talked about Poplar and Church Streets for example, there are people who live on these streets who have no alleys, no where to park their cars, no way people can come and visit them without parking two or three blocks away, and he cannot sit here on this Council and approve this sort of restrictions by the Traffic Engineer; that he will go along with what Mr. Smith has suggested, provided the parking is not already removed, if so he would have to make a motion that it be put back on tomorrow. He asked the City Manager if he can say if the parking has been removed? Mr. Veeder stated that he could not. Councilman Whittington then moved that the parking on Seigle Avenue be put back on tomorrow. The motion did not receive a second.

Councilman Dellinger stated this question of parking has come up a number of times and he thinks that Mr. Whittington's intentions are good but the law is that Mr. Hoose can remove parking for a trial period. Councilman Whittington stated he would be in favor of changing the law. That you have to consider the people who live on a street. Councilman Smith stated this is why he suggested putting it off a week, to give an opportunity to find how narrow the street is, whether there are driveways or not, etc; that each one of these cases should stand on its own feet as to the circumstances.

Councilman Dellinger stated there have been many, many other occasions similar to this, and if the Council is going to take it in their hands then they should go down on the Boulevard and put those people back in business who had to close up on account of the parking; to be fair about it, the whole situation must be looked into.

Councilman Albea stated he is in favor of hearing Mr. Hoose next week when the people involved are present.

Councilman Bryant stated he did not mean to insinuate the Council would not hear anybody who came down to City Hall, but he cannot see Mr. Hoose bringing to Council every time he wants to take parking off a street or block to ask if he can do it, and the Council having to vote Yea or Nay, that he thinks that would be a step backwards.

Councilman Whittington stated it is a real problem and issue with the Council and with the people who live on the street when Mr. Hoose takes parking off of both sides; that there is no question that streets are for traffic but you have got to consider the people who live on the street, and he will have to do that as long as he is on the Council; that if the Council wants to wait until next Monday and decide what to do about it that is alright but at that time he is going to have to put parking back on one side.

The vote was taken on the motion to postpone the matter for one week, and carried unanimously.

**TRAFFIC ENGINEER TO FURNISH COUNCIL INFORMATION WHEN PARKING RESTRICTIONS TO BE PLACED ON STREET.**

Councilman Thrower moved that since Mr. Hoose sends out notices to the residents when parking restrictions are going to be placed on their street or block, that the Council be given a memo by Mr. Hoose to that effect, so when a person phones a member of the Council with regard to the parking restriction, the Councilman will know what he is talking about, instead of being in the dark about what is going on and appearing as if you do not know what you are doing. The motion was seconded by Councilman Whittington, and unanimously carried.

Mr. Hoose, Traffic Engineer, stated he could furnish a memo to Council but if he gives all the details it will be a report of the reasons for the restriction, etc. Councilman Jordan stated that is not the intent at all, it is just so Council will have knowledge that the parking restriction is being made, and if they wish to go out and look at it then they can do so.

Councilman Smith stated he thinks this is a reasonable request, that he does not think this should be taken to an extreme as a lot of work could be involved.

Mr. Veeder stated that recognizing that the Council is interested in having this type of information in advance, and wanting just the bare facts that this is contemplated on such and such a date, but not necessarily the reasons and the mapping, he would suggest that he present Council with some ideas as to the type report to be furnished them that might be helpful to them.

Mayor Brookshire stated it would be left with the City Manager to bring in some suggestions next week.

CITY ATTORNEY DIRECTED TO DRAW ORDINANCE REGULATING LIGHTING AND ATTENDANTS AT PARKING LOTS IN DOWNTOWN AREA.

Councilman Whittington speaking to Mr. Hoose, Traffic Engineer, stated that last week Council discussed the lighting of the downtown parking lots, and he asked if he has been notified of that and if he is going to make some investigation and try to get these parking lots lighted? Mr. Hoose replied he is making some investigations now with regard to increasing the candle power in the lots or increasing the lighting on the city streets; Secondly, we do not have any ordinance requiring lights in the parking lots. Councilman Whittington stated that Mr. Morrisey said last week that we did. Mr. Morrisey stated that Mr. Whittington asked him if the City can regulate the lighting in the lots and he replied that he thinks we can.

Councilman Whittington asked Mr. Morrisey to draw an ordinance regulating the lighting and attendants in the parking lots. Mayor Brookshire stated he thinks we should hear from the Traffic Engineer first as to what the ordinance should contain.

Councilman Dellinger stated he went out and observed some of these lots. He asked Mr. Whittington if he means to light every commercial parking lot and make them also have an attendant. Councilman Whittington stated he does not mean that - but we have talked about these muggings and ladies being attacked, people being robbed and these things are happening where lots are not well lighted nor attended, and he is not talking about a small lot that will take three or four cars but within a block or two of The Square you have many of this type lot that is not properly lighted.

Mr. Morrisey stated he will be glad to draw such ordinance for Council consideration.

36TH STREET, EAST 3RD STREET AND PINE AND MINT STREETS ADDED TO THE LIST OF STREETS FOR COST ESTIMATES OF STREET IMPROVEMENTS IN DOWNTOWN AREA.

Councilman Jordan referred to the 36th Street railroad crossing where trains are delaying traffic every morning some forty to forty-five minutes, they are still doing it, and also on North Tryon Street at the crossing at the Vinegar Works. He stated that Companies are having an upheaval out there about their employees coming in so late because of these trains. He stated if traffic is stopped at 36th Street for trains you have no other way of going on that side of town except 11th Street, and in his opinion he thinks 28th Street should be one of the most important streets we should get opened regardless of the five streets we have already named; that we need an overpass on this side to open a completely new street all the way to The Plaza.

Councilman Jordan moved that the City Manager give Council a cost estimate on this, and he stated he believes the Chamber of Commerce Committee on Streets has a cost estimate on it. Mr. Veeder stated there is no question about this being badly needed, and added to the list and up-dated. Councilman Jordan asked Mr. Hoose to check with the Railroad people again because they are still blocking traffic and not following the orders given them. The motion was seconded by Councilman Albea.

Councilman Whittington asked that East 3rd Street, and also Pine and Mint Streets be included in the motion.

Councilman Dellinger stated he thought the five streets named last week would be taken up first in the order of their listing, but if we are going to horse-play with the improvements to the Downtown Area then we will get no

where. Councilman Whittington stated he is as anxious as Mr. Dellinger to get the work started, and last week we agreed to stop with the five streets he recommended and he voted for it, now today we have others that he thinks are also important; that he also thinks 3rd Street is important because it ties in with Caldwell and the Boulevard. Councilman Dellinger stated he too is anxious about 3rd Street but up until this time we have no assurance that the home is going to move in the next several years and he will be glad to have it included, but he thinks the program will have to be updated later as far as 3rd Street is concerned, and these streets today can be put on the list but he is wondering if the five listed last week are going to be thrown out.

Councilman Jordan said he would be glad to have the streets named by Mr. Whittington included in his motion, and Councilman Albea, who seconded the motion stated he was agreeable also if they are put in the seventh and eighth positions on the list.

Mayor Brookshire stated these streets will be added to the five already requested and action would come after we find what the costs are and can determine the matter of financing.

The vote was taken on the motion and unanimously carried.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE, AND TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT TO POLICE AND FIRE DEPARTMENT SALARY ACCOUNTS.

Councilman Jordan moved the adoption of a resolution entitled: Resolution Amending the Pay Plan of the City of Charlotte, and that \$68,523.00 be transferred from the Contingency Fund to the Police and Fire Department Salary Accounts to cover the pay ranges of Police, Parking Meter Checkers and Firemen. The motion was seconded by Councilman Bryant.

Councilman Albea stated he is going to vote for this but wants is understood that when the new budget is made other people's salaries are going to be looked into.

The vote was taken on the motion and unanimously adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 359.

BUS TOUR TO BE ARRANGED BY CITY MANAGER FOR COUNCIL TO VIEW CERTAIN PROJECTS UNDER CONSTRUCTION.

Councilman Whittington stated he would like to see the following projects the City is now working on and get a progress report:

1. McAlpine Creek Disposal Plant
2. New runway at the Airport
3. West Side Grade Crossing Elimination Project
4. New Recorders' Court Room

He stated he would like to see these projects on some type of an inspection tour, the remainder of the Council might not agree to that, but he thinks it would be well for all of them to see these things.

That you can view the Westside Project at Trade Street but you cannot tell anything about the progress. That he understands the New Recorders Court Room is progressing well but would like to get the Judge or Clerk of Court to take them through it and show them the facilities before the final touches are put on it.

Mr. Veeder stated he thinks this is a good suggestion and he will arrange a Bus for the Council to look at all of the projects at a time that is convenient to the Council, and have some comments made on the projects by whoever is best qualified to make them at the scene.

CITY MANAGER REQUESTED TO OBTAIN PROGRESS REPORT ON STRAIGHTENING OF SUGAW CREEK ROAD FROM SOUTHERN RAILROAD TRACKS THROUGH HIGHWAY PLACE.

Councilman Whittington stated the State Highway Commission requested the City to go ahead with the straightening of Sugaw Creek Road from the Southern Railroad tracks near Raleigh Street into The Plaza and down Highway Place. He asked the City Manager if the surveying has not been completed by Pease and Company? Mr. Veeder advised that is not the case, that the City is helping out with some of the roadway design and the State is doing the bridge design and acquiring the rights-of-way.

At the request of Councilman Whittington that some kind of progress report be obtained from the State Highway Department on this link of the road, Mr. Veeder said he would be glad to get a report in detail.

CITY MANAGER REQUESTED TO HAVE TRAFFIC ENGINEER INVESTIGATE THE REQUEST OF CLOISTER GARDEN CLUB MEMBERS FOR BETTER MEANS OF EGRESS FROM CLOISTER DRIVE INTO PROVIDENCE ROAD BECAUSE OF TRAFFIC CONDITIONS.

Councilman Thrower requested the City Manager to have the Traffic Engineer look into the request from the Cloister Garden Club for some better means of entering Providence Road from Cloister Drive due to hazardous traffic conditions, particularly during peak hours.

ACQUISITION OF LAND FOR STRAIGHTENING OF BRUNSWICK AVENUE INTO KINGS DRIVE AUTHORIZED AND TRANSFER OF \$40,500 FROM EASTWAY DRIVE PROJECT FOR THIS WORK AUTHORIZED.

The City Manager advised the negotiations have been completed for the property needed to straighten Brunswick Avenue as it comes into Kings Drive for a total amount of \$39,500.00, which is within the appraisal and he recommends the acquisition of this property, and the transfer from the Eastway Drive Project of \$40,500.00, the additional \$1,000.00 to be used for appraisal and the title work necessary.

Councilman Dellinger asked what this will do to the Eastway Drive Project? Mr. Veeder advised this is what he recommended at the time he was asked to find some money for the Brunswick Avenue work, at the time he commented that in no sense of the word was this to imply that any change was contemplated in the Eastway Drive Project, only that the cash in this amount could be transferred for our immediate use, recognizing at the same time the same amount of cash will be necessary for the Eastway Drive Project but the timing on it is not as critical as this is. Councilman Dellinger stated he just wanted to be sure were were not stymieing the Eastway Project.

Councilman Bryant moved that \$40,500.00 be transferred from the Eastway Drive Project to the proper account and the property for the straightening of Brunswick Avenue be acquired as recommended. The motion was seconded by Councilman Jordan, and unanimously carried.

CITY MANAGER REQUESTED TO INVESTIGATE COMPLAINTS OF RESIDENTS REGARDING COAL YARD AT CORNER OF BRUNS AVENUE AND ROZZELLS FERRY ROAD.

Councilman Whittington advised he has had several complaints over the week end about coal still being brought into the coal yard at the corner of Bruns Avenue and Rozzells Ferry Road and loaded and sold from that location, and also the hauling from a Railroad Siding down State Street; that he is dropping coal off the trucks all over the street in a residential neighborhood. That if he remembers correctly when we had the hearing before this man was told he could not sell and haul coal in this coal yard under the ordinance.

Councilman Dellinger stated this property is zoned Industrial back to the first house behind the coal yard and he has every right under the law to come in there, that he might be stopped from coming in by Garr Tabernacle but he can certainly come in from the other side. He stated further he has experienced much difficulty outthere himself and frankly the people are unreasonable about this and he has made every effort he could to please those people out there, and he owns some adjoining property, which he kept oiled and they would go out and block off his property. Councilman Whittington remarked that the people out there said that Mr. Dellinger had helped the neighborhood.

Councilman Whittington asked the City Manager to investigate the complaints about the coal yard and give Council a report.

CITY MANAGER TO CHECK WITH STATE HIGHWAY DEPARTMENT IF PROJECTION AT SOUTH TRYON STREET AND WORTHINGTON AVENUE WILL BE ELIMINATED IN WIDENING OF SOUTH TRYON STREET PROJECT.

Councilman Thrower stated he has had a call that the road projects out at South Tryon Street and Worthington Avenue, and he would like to know if we are going to widen the road all the way to the city limits, and if it will take care of this situation.

The City Manager advised he does not know about this particular situation but knows the State Highway people is having the engineering done towards the end of widening South Tryon Street on out beyond the city limits, and he will be glad to check this particular situation.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Alba, and unanimously carried, the meeting was adjourned.

  
Lillian R. Hoffman, City Clerk