

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, March 2, 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 R. L. Ladehoff, Rector of St. Christopher's Episcopal Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on February 25th were approved as submitted.

ROUTING OF SECTION OF BELT ROAD THROUGH MYERS PARK HIGH SCHOOL, AG & SELWYN ELEMENTARY COMPLEX AND FROM INDEPENDENCE BOULEVARD TO WOODLAWN ROAD AND VIA FAIRFAX DRIVE, PROTESTED.

A large delegation of parents of children attending Myers Park High School, AG Junior High School and Selwyn Elementary Schools, School Officials and residents of Wendover Road were present with regard to the routing of a section of the proposed Belt Road.

Mr. Frank Snapp, Attorney representing the Myers Park High School PTA, the AG Junior High School PTA and Selwyn Elementary School PTA and the Eastover Elementary PTA, called attention that Council may ask why the Eastover School is interested in the proposed route of the Belt Road and it is because the students from Eastover will eventually go to AG and Myers Park High Schools, Eastover being a feeder school to this Junior High and High School.

He stated the complex of schools which includes the Myers Park Hi School, AG Junior High School and Selwyn Elementary School were put in their present location as a result of detailed, expert studies, away from any arterial streets or highways, with the purpose of locating the schools in an area where there was as little noise, as little traffic and as little danger from automobiles as possible. We have now come to a point where two of the alternate routes being suggested for this Belt Road will seriously interfere with the operation of these schools as they were conceived, planned and built. That Alternate #1 out Runnymede would be directly adjacent to the Selwyn Elementary School, Alternate IA would cut Selwyn and AG off from the High School and put all of them in the vicinity of a heavily traveled highway. There are approximately 3,300 students in average daily attendance at these three schools; at the High School the traffic problem is complicated by cars being driven by the students, at Junior High and Elementary School a number of students either ride bicycles or walk. We realize that in order to keep abreast of the times, Charlotte must have streets and arterial thoroughfares, it also must have well planned and located schools. We feel we are at a point where there is a conflict between these two public functions that the Council must resolve the need for an arterial highway at this particular place must

be weighed against the need and existing facilities of the schools. The position of the parents of these 3,300 children is that any arterial highway should be kept well away from vicinity of these schools. They do not want the construction of the road on either route, Alternate 1 or 1A, and they think the road should be located some other place well away from the campus. One of the routes would destroy the combined playgrounds of these schools, it would force children to cross a major highway and would lead to further traffic congestion to expose these children to the dangers of highway accidents.

Mr. Snapp asked the serious consideration of Council of this problem and that it be resolved by the location elsewhere of this section of the Belt Road.

Mr Snapp introduced Mr and Mrs Alex Joseph, who are the Presidents of Myers Park High School PTA.

Mr. Joseph stated that last spring when this matter of the Belt Road came up they circulated a petition to see what the parents of the children in these three schools really thought about the Belt Road going in the vicinity of the schools, and they have several thousand signatures protesting any road in the close proximity of this school complex, based on the grounds that Mr. Snapp has already stated. Mr. Joseph filed the Petition with the Clerk, and stated the reason they did not file it with the Council last spring was that the subject was dropped by the Council and ^{they} thought the Highway Commission would solve all of our problems. Now, they have come back with the same suggestion. That he understands another group of signatures taken last spring, consisting of another 3,000 persons protesting the road, will be brought in right away.

Mr. Snapp introduced Mr and Mrs Hugh Cochrane, Presidents of AG Junior High School PTA.

Mrs Cochrane stated as the President of the PTA of AG she felt she should at least appear before Council to carry out the mandate given to her by the parents of the 1,000 children at AG last spring and now. That she would like to tell the Council that they are deeply sympathetic with the position in which both the Council and they find themselves. That instead of having an avalanche of phone calls directed at the Council this past weekend they took pity on them, for they could have really done so had they wished. That they also feel that never have so few maneuvered so many in such a position as this.

Mrs Cochrane stated in the interest of time Mr and Mrs George Montague, Presidents of Selwyn Elementary School PTA who are here will not speak, they stand behind our statements and their signatures are on the petition, and Mr and Mrs Ralfe Mesrobian, Presidents of Eastover Elementary School, in the same manner.

Mr. Snapp introduced Dr. Craig Phillips, Supt. of Charlotte-Mecklenburg School System and Mr. Dave Harris, Chairman of the Board of Education, who will speak.

Dr. Phillips stated the parents who have spoken through their representatives have elegantly spoken their concern over the youngsters for whom they also have a concern as the Board of Education and the Administrative Staff. That on January 8, 1963, the Board of Education adopted a resolution, which he read for the record:

"Resolved by the Charlotte-Mecklenburg Board of Education that its chairman and secretary be and they hereby are authorized and directed to communicate with the City Council of the City of Charlotte this

Board's protest of and objection to the declared purpose to select as a route for the proposed Belt Road a portion of the lands occupied by Myers Park High School, AG Junior High School and Selwyn Elementary School, and in support of such protest and objection it be shown to the Council, (1) that the site has heretofore been dedicated in its entirety to a public use and purpose of equal public importance and benefit as a public thoroughfare. The more than 3,000 children in these schools will grow to over 4,000 in the next two years, make use of buildings, auditorium and facilities of the playgrounds and, parenthetically which involve an investment of something over \$4,000,000 of this community's bond funds, which the three schools provide, the schools being connected by properly located roads and pathways serving exclusively the pupils and parents and designed to make each school readily accessible to the other. (2) To locate a heavily travelled highway across the land and thereby separating one school from the others would disturb the existing arrangement by which it is being developed as one connected educational center, would result in substantial injury to the educational program carried on at these schools. (3) The location of such highway separating the schools would present a most serious traffic hazard to the children in making use of the facilities of the other school. The Board of Education certainly desires to cooperate in every way possible with the City Council in its efforts to expand and improve the streets and roads of our community but they feel that in this instance the concern and objections are fully justified. The Board will be happy to furnish additional information and to meet with the Council at any time on this subject."

Mr. Phillips stated the action of the Board adopting the resolution in January 1963 was just recently reaffirmed informally in looking at this problem.

He stated further we could talk a great deal about the many problems that would evolve with this kind of development, but he thinks the main things have been mentioned; that it is of great concern to the Board of Education and to those who are working with youngsters every day, to maintain the atmosphere that was planned for this rather unusual site development. He stated there are not many sites in this region that have been developed for the complex of Elementary, Junior and Senior High, with adequate acreage to do the full job of serving the community. The Board of Education on a number of occasions has planned to expand this concept in a number of areas with at least two kinds of buildings and three where possible. The cutting of this complex and its exposure to heavy traffic would have a great affect on the site.

Mr. David Harris, Chairman of the Board of Education, stated whenever they are faced with a problem of this type they feel it necessary to get all the information in order that the Board make an intelligent decision, and he feels because of this the Council might even welcome the delegation today, and hear what they have to say. That a great deal has been said about property values and as sacred as property and homes are he thinks the big thing in this decision is their relation to schools. As Dr. Phillips has said, we do not have another set of schools like Myers Park, AG and Selwyn, three together, and damage to this complex would be the most serious thing we could do, actually it involves ten or twelve schools when you consider the overall route. That if the Board owned land on a highway of this type or if it were given them, they would not consider under any circumstances building a school on that site. Any time a road of this type is built near a school, that school immediately starts going down and he might say that Chantilly is the greatest example of that when Independence was built, even though it is a block away, it has had a serious affect on the school That they feel the decision to put the road by these three schools would seriously

handicap them, he can think of nothing worse the Council might do to the schools except burning them down. That they as the Board of Education and as elected spokesmen for the schools feel they are obligated to make this statement because they have discussed it in detail, it is their obligation to look after the welfare of the schools, and they are greatly distressed and they know of no way to make their statement any stronger than to say this is the worse thing for a school or group of schools, they feel like the Council's decision is not that this is the only place to build a road, they just do not believe that in the first place, there must be somewhere else. They are saying that they think Council's decision here is whether the location of this particular road, in this particular spot is more important than the welfare of the education being carried on at these three schools and the welfare of the children involved. That the Board of Education would like to leave that thought with the Council.

Mr. Carl Horn, resident of Wendover Road, speaking for himself and other property owners between Independence Boulevard and Park who are affected by the route, stated he would like to mention that Mr James Coble, an officer of Mouzon Methodist Church, which will be affected, would like to say a word following his. That they have been here before when the Wilbur Smith Report came out in 1960 and you offered us a fair hearing before any decision was reached. Thereafter the new route has been revised, apparently the State Highway Commission has selected a route and recommended it to the Council in terms frankly sounding to them like an ultimatum and they are frankly dismayed by that, and they were also dismayed by newspaper articles suggesting that this particular Belt Road, over this particular route coincided completely with the public interest and any opposition to it was of necessity motivated by selfish interest. That their primary purpose for being here today is to refute that suggestion. First of all most of them are parents of children who attend these three schools, and they certainly agree with Mr. Harris' conclusion that the effect on these schools should be your primary consideration. That they would, however, point out that there are other considerations, and that the only area of public interest of necessity, which is of any concern to the State Highway Commission is the free flow of traffic through Charlotte streets. That quite obviously if that were the only area of concern, when we deal with public interest questions, for this Council then 3rd, 4th, 5th and probably several others would be multi-lane boulevards right into Tryon Street now. The fact that they are not attests to the fact that the Council must concern itself with other questions of public interest and give them weight, questions such as the impairment of the value of highly developed private property, possible damage to public institutions and public confidence of the citizens in their government.

Mr. Horn stated further this Report recites as the need for this proposed Belt Road route in this location is it takes time to drive around the eastern half of Charlotte, and it is necessary to go by a circuitous route, and it states that the anticipated will have to carry an additional 6,000 vehicles a day by 1980, 12,000 vehicles a day now increased to 18,000 by 1980. The Report itself, as the Council knows, recites the difficulty, and he is quoting from the Report - "selection of the best route location to serve the traffic demands within the Eastway Drive-Woodlawn Road is a difficult problem, particularly in the area between Independence Boulevard and Park Road, the area being characterized by highly developed residential, public and semi-public land uses, which restrict both the location and number of possible improvements". Gentlemen, this is another way of saying that the selection of this route comes 15 to 20 years too late. You will recall that the original Wilbur Smith Report recommended four circumferential thoroughfares, and we are No. 2 on the list, the innermost is No. 1 being Ratcliff Avenue, Queens Road, then this one, then one out at Sharon-Amity and then one out Rea Road, and you can look at those right now and the amount of damage

you will do in terms of impairment of the ad valorem tax value of property for destruction of values of highly developed property is in direct relationship to how close you get in.

Mr. Horn stated they ask the Council to weigh this public interest in faster travel around Charlotte and the necessity of handling 6,000 more vehicles 16 years from now against cutting off these three schools and going through the front yards and taking a part of three churches which are located along the route and in some cases the entire homes of citizens along the route. They ask that Council weigh the public interest in the rapid flow of traffic around Charlotte against our public interest in maintaining these schools, maintaining our property values and in assuring all citizens that it will not be necessary for them to flee to the suburbs in order to be of a residential district that will remain residential. That they submit this is not comparable to widening Selwyn Avenue or Kings Drive, as the papers have suggested, this is by the State Highway Commission's Staff own definition a new four-lane circumferential thoroughfare, with parking prohibited, into which additional traffic will be channeled from other streets; it is contrary to what would seem to be a recommendation of the Charlotte-Mecklenburg Planning Commission entitled "The Next 20 Years, a General Plan for the Development of Charlotte Metropolitan Area" wherein it is stated "heavy volumes of fast moving through traffic can be prevented from cutting through the residential neighborhoods to maximize the safety, quiet, and livability". He stated they think that is worthy of Council's consideration. They also would question the estimates of rights of way acquisition set out in the Report, which for Alternate 1 and 2 range from \$780,000 to \$815,000, because this is an area where most people because of age and circumstance have moved into what they consider their permanent homes, and he does not believe that they are going to sell their front yards to the City voluntarily. If this estimate is as far off as the Commission's Staff of the initial estimate of going through the Golf Course you can safely double it. That in closing, they are not asking Council to vote against the principle of Belt Road, they are not asking Council to take this one off of them and move it on their neighbors, what they are asking Council to do is to locate this route and all further Belt Thoroughfares of this nature far enough in advance from the point of time and far enough out from highly developed property that you will not cause the undue damage to homes, schools and churches that this one will. That they are not here with the feeling they are "fighting City Hall", on the contrary they are here asking Council to protect them against what they consider to be an unfeasible, arbitrary and unwise proposal of the State Highway Commission Staff, which they think, considering all factors and not just the rapid flow of traffic, is contrary to Charlotte's best interest.

Mr James Coble stated he has no personal property that would be effected by the present proposed routing of the Road. He would like to echo what has been said as the parent of one child in Selwyn Elementary School and another to soon start. His primary purpose is to express the deep concern of Mouzon Methodist Church and its approximately 800 members as to how the proposed route will affect the church and its activities. They are located at the corner of Selwyn and Woodlawn and it would appear the road would take approximately 20 to 30 feet of their parking area and playground area; they are engaged in a day to day youth activity, having a full kindergarten program and Boys and Girls Scout and other youth activities in their church program and this would be very serious as far as their activity and safety is concerned. That they ask the serious consideration of Council.

Mayor Brookshire thanked everyone for coming and that their presence of course has been noted and what they have said has been recorded on a Tape Recorder which will be faithfully reproduced and if anyone would like to know later what you said, they will be glad to furnish the Minutes of the Meeting to them.

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Councilman Smith stated these spokesmen would like to know when the Council is going to take formal action on the Belt Road. Mayor Brookshire replied if Mr. Smith can tell him he will be glad to have them informed. Councilman Smith stated he means if they plan to take formal action, he thinks these spokesmen for the group should be given due notice. Mayor Brookshire stated he does not think any decision will be reached today. Councilman Bryant asked if it is on the Agenda that the City Clerk be requested to advise these people.

Councilman Dellinger asked if the State Highway Commission will not call a public hearing on this, at which they may be heard? Mayor Brookshire stated there will be a public hearing before the route is adopted by the Commission. Councilman Bryant stated but not before the route is adopted by the Council, after that is done the Commission will hold their hearing. Mayor Brookshire stated there will be a public hearing on whatever route the Council may approve, and it will be advertised by the Commission.

Mayor Brookshire stated this is a most difficult problem for the Council, no one can appreciate that unless he is a member of the Council. That they know that no street in Charlotte has ever been improved or widened at least without objections, they naturally expect them to begin with. That he is wondering why we have not heard from the two links in the circumferential route, Eastway Drive and Woodlawn Road, as he knows of two or three schools on these sections of the road, including Eastway Junior High, Garinger High and Woodlawn Elementary, he asked if there is a representative from either of these areas who wishes to speak?

Councilman Jordan asked if Mr. Harris or Dr. Phillips would furnish the Council a list of the schools that would be affected by the route, he would like very much to have it.

Mrs George Mallory, Fairfax Drive, stated they have a group here today from their area and they all feel in the interest of the value of their property and the safety of the school children from their neighborhood the proposed route will cause them great damage to their area.

Dr. Phillips stated he and Mr. Harris are representing all of the schools, of course. That in connection with the three schools mentioned by the Mayor, Garinger Senior, Eastway Junior and Woodlawn Elementary are located in relation to the belt road, but their thinking on Garinger was that although it would be detrimental they are dealing only with a Senior High School problem here which puts a little different angle than a Junior and Elementary. Most of the thinking on the Myers Park, AG, Selwyn complex has related in the main to the Junior and Elementary schools. On the other end coming down to Eastway, it is our understanding unless there has been a change in the pattern this does not relate to the Eastway campus and it would not be affected so much. That they have a number of schools throughout the system that will be affected by other thoroughfares; the Fairview School and Billingsville School. On the other end Woodlawn Elementary School, the Board has already granted the right of way to the Highway Commission as it clears the area adjacent to the School, and the Board has pretty well assumed that the Woodlawn School is one that will have to be discontinued in a relatively short period of time, and are making plans for the replacement of the school in this Bond program and the next one.

Mayor Brookshire asked Dr. Phillips if he would want to locate any of the schools remotely away from convenient access to the road? Dr. Phillips stated they would not, access by Bus transportation is important but in the location of new sites, which they are working on all the time, they are attempting to keep off of the major thoroughfares as they understand them.

Councilman Dellinger stated someone stated there are three or four churches on this route, and he would like to have the location of these buildings. Mr. Horn stated he was only representing the people Independence to Woodlawn and does not have the names and locations of the churches.

Mayor Brookshire again expressed his appreciation to the residents for coming down, and stated he can assure them that they have had a sympathetic hearing, they have not made Council's job any easier, and he cannot say when Council will reach a decision. Council, of course, feels a responsibility for the schools, churches and to all of the citizens, and Council's job is to equate all of the need and responsibilities as fairly and as equitably as possible and he can assure you that they will do just that.

NAMES OF "HAPPY VALLEY DRIVE" CHANGED TO "KENTBROOK DRIVE" AND OF "HORNETS NEST COURT" TO "PAXTON COURT", ON PETITION OF RESIDENTS.

Consideration was given the Petition of owners of 100% of the property abutting Happy Valley Drive and Hornets Nest Court for change in street names, and upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, the name of Happy Valley Drive was changed to Kentbrook Drive and Hornets Nest Court to Paxton Court as requested and on the recommendation of the Planning Commission since the new names are not duplicates of other street names in the city.

SETTLEMENT OF CLAIM OF JOHN W. WAYMANN FOR CAR.

The claim of Mr. John W. Waymann was considered for his 1955 impounded car which was sold in error by the Police Department while he was serving a 90 day jail sentence, and the recommendation of the City Attorney that settlement be paid in the amount of \$387.50, which is acceptable to Mr. Waymann after negotiations with him. Councilman Bryant moved that the claim be settled in the amount of \$387.50 as recommended, which was seconded by Councilman Smith, and unanimously carried.

Councilmen Albea and Jordan stated they would like to know for what reason the car was sold. The City Attorney advised the best way to explain it is to say there was a slip up in the administrative procedure governing disposition of this type of vehicle. Councilman Albea stated it is not then the custom but just a mistake but he thinks they should be more careful.

AGREEMENT WITH STATE HIGHWAY COMMISSION DATED FEBRUARY 3, 1964 FOR THE RELOCATION OF THE CITY'S WATER MAIN TO SERVE ARROWOOD AND PINEVILLE RESCINDED, AND NEW AGREEMENT AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Agreement authorized on February 3, 1964 with the State Highway Commission for the relocation of the City's 12-inch water main to serve Arrowood Road and Pineville made necessary by the location of NC 21 South, was rescinded and a new Agreement authorized whereby the City will relocate all 12-inch and 2½ inch mains, due to the construction of new Highway 21 South, at an estimated cost of \$19,510.00, which the Highway Commission will reimburse the City.

ISSUANCE OF SPECIAL OFFICER PERMIT TO EDGAR W. ANDERSON FOR USE ON PREMISES OF YWCA.

Councilman Thrower moved approval of the issuance of a Special Officer Permit to Mr. Edgar William Anderson, 110 Elm Street, Gastonia, for use on the premises of the YWCA, 418 East Trade Street. The motion was seconded by Councilman Albea, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and un-
animously carried, the Mayor and City Clerk were authorized to execute a
deed with Mrs Ruby R. Skipper for Grave 3, in Lot 20B, Section 3, Evergreen
Cemetery, at \$60.00.

CONTRACT AWARDED I. L. COOK FOR PAINTING INTERIOR AND EXTERIOR OF FIRE
STATION NO. 9.

Councilman Thrower moved the award of contract to the low bidder, Mr. I. L.
Cook, to paint the interior and exterior of Fire Station No. 9, as specified,
at a price of \$1,275.00. The motion was seconded by Councilman Jordan,
and unanimously carried.

The following bids were received:

I. L. Cook	\$ 1,275.00
L. A. Furr & Son	1,645.00
W. K. Fleming	1,720.00
M. R. Tarlton	1,789.00
Stonewall Jackson	2,990.00

CONTRACT AWARDED HOWIE CRANE SERVICE FOR CONSTRUCTION OF SEWER IMPROVEMENTS
IN CHARCON SUBDIVISION.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and un-
animously carried, contract was awarded the low bidder, Howie Crane Service,
for the construction of sanitary sewer improvements in Charcon Subdivision,
as specified, in the amount of \$9,755.60, on a unit price basis.

The following bids were received:

Howie Crane Service	\$ 9,755.60
Arrow, Inc.	10,063.35
C. D. Spangler Constr. Co.	10,214.00
Crowder Construction Co.	11,850.00

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and
unanimously carried, awarding contract to the low bidder, Lynchburg Foundry
Company, for 63,450 feet of Cast Iron Pipe, as specified, in the amount of
\$157,132.17, on a unit price basis.

The following bids were received:

Lynchburg Foundry Company	\$157,132.17
Glamorgan PIPE & Foundry Co.	159,386.84
James B. Clow & Sons, Inc.	162,303.54
U. S. Pipe & Foundry Company	164,609.71
American Cast Iron Pipe Co.	167,572.76

CONTRACT AWARDED GRINNELL COMPANY FOR CAST IRON PIPE FITTINGS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder meeting the specifications, Grinnell Company, for 450 pieces of Cast Iron Pipe Fittings, as specified, in the amount of \$8,560.41, on a unit price basis.

The following bids were received:

Grinnell Company	\$ 8,560.41
Southern Meter & Supply Co.	8,603.25
Russell Pipe & Foundry Co.	9,608.25
Lynchburg Foundry Co.	9,945.43
American Cast Iron Pipe Co.	10,633.72
James B. Clow & Sons, Inc.	10,841.56

Bids not meeting specifications:

Glamorgan Pipe & Foundry Co.	\$ 8,280.63
U. S. Pipe & Foundry Company	10,054.71

CONSIDERATION OF APPOINTMENTS TO FILL VACANCIES ON PARK & RECREATION COMMISSION POSTPONED ONE WEEK.

Councilman Bryant moved that consideration of the appointments to fill two vacancies which will occur on the Park & Recreation Commission on March 21st be postponed for one week. The motion was seconded by Councilman Dellinger, and unanimously carried.

TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT AUTHORIZED FOR AFTER-CARE CLINIC OF THE MENTAL HEALTH DIVISION QUARTERS IN B.S.R. BUILDING ON EAST MOREHEAD STREET.

The City Manager advised that Dr. Kamp, Health Director, has requested additional furnished clinic space for the After-Care Clinic of the Mental Health Division and that it be moved from its overcrowded space in the Health Center to the B.S.R. Building on East Morehead Street. That the effectiveness and results of the Clinic have proved their value to the patients and Council consideration between budgets when the opportunity to make it even more effective presents itself. That all cost of operating the Clinic is paid by the State Department of Mental Health. He stated he would recommend that the \$5,200.00 necessary to make the change be appropriated from the Contingency Account.

Councilman Bryant stated he heard quite a discussion on this particular phase of Mental Health prior to reviving this particular division and he is completely sold on it and thinks it would be a sad mistake not to go along with it.

Councilman Bryant moved that \$5,200 be appropriated from the Contingency Account for this purpose. The motion was seconded by Councilman Jordan.

Councilman Smith stated the Council has just been through with making an arrangement with the County to take over all the health activities and it seems to him they also agreed to tentatively lease or deed the facilities of the Health Department, and it seems we are coming through the back door here; that he is not opposed to this program and in fact, is very much in favor of it but is the Council not putting themselves on record as being

individual in the health business in giving instead of cooperating with the County? Mr. Veeder stated not in this instance, that this has been reviewed every inch of the way with Mr. Weatherly, both Dr. Kamp and he, so that the County would be fully aware of what was involved, and recognizing the fact that Mr. Weatherly cannot speak for the County, but we are both of the opinion that the results justify the appropriation.

Councilman Smith stated results justify most anything but he is thinking about procedure, it seems to him if we have a participating arrangement with the County it would cover the Mental Health Division as well as the other. The City Manager stated as of July 1st the County will become closer involved with the administrative details of this and when it comes budget time the responsibility for budgeting this next year will be a County function. The City Manager stated the budget responsibility will rest with the County and the City will participate otherwise, but budget decisions will be all County decisions.

The vote was taken on the motion and was unanimously adopted.

PURCHASE OF LAND BY CITY AS JOINT VENTURE WITH STATE HIGHWAY COMMISSION FOR THE RIGHT-OF-WAY FOR THE WOODLAWN ROAD EXTENSION.

The City Manager recommended the purchase of property on South Tryon Street for the extension of Woodlawn Road as a joint venture with the State Highway Commission. That the total appraised value for the 36,096 sq. ft. lot is \$46,800 and damage sustained as a result of the State widening NC 49 is valued at \$18,200 for 4,000 sq. ft. of right-of-way; the difference of \$28,600 would be required for the City to purchase the remaining interest in the property at this time and protect the right-of-way for the Woodlawn Road extension.

Mr. Veeder explained in detail from maps the extension of Woodlawn Road in connection with the widening of NC 49 by the State.

Councilman Dellinger moved approval of the purchase of the property at \$28,600.00 as right-of-way for the extension of Woodlawn Road, as a joint venture with the State Highway Commission. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

Councilman Smith disqualified himself from voting on the question as one of his former employees has a financial interest in it.

RIGHT-OF-WAY GRANTED STATE HIGHWAY COMMISSION ACROSS PINEVILLE ROAD LAND-FILL PROPERTY FOR NORTH SOUTH EXPRESSWAY.

Councilman Thrower moved that right-of-way be granted the State Highway Commission across 23.45 acres of Pineville Road Landfill property for the North-South Expressway. The motion was seconded by Councilman Whittington.

The matter was discussed in detail by the City Manager, the City Attorney and Councilman Smith, who stated he could not vote in favor of it, that as a professional man he cannot vote to give property away with less than interest.

Following the discussion, the vote was taken and carried by the following recorded vote:

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

ACQUISITION OF SIX TRACTS OF LAND FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the acquisition of the following property was authorized for right of way for the Northwest Expressway:

- (a) 6,705 sq. ft. of property located at 519 and 521 Seigle Avenue, from The Methodist Home for the Aged, Inc. at \$6,400.00.
- (b) 7,350 sq. ft. (house and lot) of property located at 511 and 513 Seigle Avenue, from Frank J. Upchurch and wife, Mabel B. Upchurch, at \$6,750.00.
- (c) 57,628 sq. ft. (7 houses and 9 lots) of property located at 800-806 and 803-809 and 815 North Davidson Street, and 509 through 517 East 11th Street, from William Victor Fidler, Joyce S. Fidler, Flora Jean Fidler, at \$53,300.00.
- (d) 3,920 sq. ft. of property located at 304 West 11th Street, from Merie Belle Clark and Mrs Carrie C. Baxley, at \$7,650.00.
- (e) 3,587 sq. ft. of property located at 313-15 West 12th Street, from Mrs Emma H. Tuck and Stephen Tuck, at \$6,000.00.
- (f) 3,948 sq. ft. of property located at 309 West 12th Street, from Merie Belle Clark and Mrs Carrie C. Baxley, at \$2,250.00.

REAPPOINTMENT OF FRED MCPHAIL TO CHARLOTTE-MECKLENBURG INSURANCE ADVISORY COMMITTEE.

Councilman Jordan moved the reappointment of Mr Fred McPhail to the Charlotte-Mecklenburg Insurance Advisory Committee for a period of three years, from March 1st. He stated he thinks he has done a very fine job on this Committee. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 234 AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CITY CODE OF THE CITY OF CHARLOTTE RELATIVE TO SUNDAY OBSERVANCE, ADOPTED.

Councilman Smith stated under the law which the Council passed restricting Sunday Sales it has become obvious to the majority of the Council anyway that one item they had discussed putting in the ordinance originally and left out on the insistence of some legal advice from the outside that we should not include was hygienic supplies, covering such items as soap, razor blades, toilet tissues, toothbrushes etc, items of necessity, classifications that should not have been eliminated in the first place, and he wished to correct this at the earliest opportunity and this is the earliest opportunity, therefore, he is offering the following amendment to the Sunday Observance Ordinance:

AN ORDINANCE TO AMEND CHAPTER 13, ARTICLE IV,
SECTION 13-56, OF THE CODE OF THE CITY OF
CHARLOTTE RELATIVE TO SUNDAY OBSERVANCE.

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina:

Section 1. That Section 13-56, Article IV, Chapter 13, of the Code of the City of Charlotte is hereby amended by inserting the words "or hygienic" between the word "surgical" and the word "supplies" appearing in line four of said section, and by inserting the words "hygienic supplies" between the word "beverages" and the word "tobacco" appearing in line six of said section.

Section 2. This ordinance shall become effective upon its adoption.

3kb07

Councilman Smith then moved the adoption of the ordinance, which was seconded by Councilman Whittington.

Councilman Smith stated he believes he led the fight three or four years ago to eliminate the so-called Sunday Observance Law at that time, because it had become so involved it was beyond interpretation. Certainly it was not his idea to get something on the books now that would be restricted to the point of being a little ridiculous. That he thinks the Council's goal, whether right or wrong, is to provide for a more secure family relationship in Charlotte, and they hope in the Country, this has been a bad situation for society for the last ten years or since World War II, the family has deteriorated into delinquency and other things, and this is the feeble effort of the Council to try to do something about this situation, it is an attempt, and certainly they have the right to do what they think is for the betterment of the City, and they hope that the public will understand that they are not infallible, that they make errors, but their intentions are honorable and good.

Councilman Dellinger commented he does not know whether the timing is right for Mr. Smith's suggestion to adopt the Amendment to the Ordinance. That he hates to eat crow in pieces, he rather have the whole bird and he does not know if this will help as there are items left out of the amendment that he has had calls about and he does not know whether this will please everybody or not. He would like for the Council to see if they can rectify the whole situation at one time, no need of amending it piece meal and be subjected to the same ordeal over the next few weeks that they have for the past two weeks. That he was elected to do a job at City Hall and he is willing to do it, but he does not think the Council should go through the abuse again they have gone through for the past two Sundays unless this amendment will settle the matter.

Councilman Whittington remarked that he thinks it is perfectly clear to everyone on the Council that his stand has been that he is opposed to the Blue Law for reasons he has mentioned, such as the Council is legislating competition, its unfair, it cannot be enforced, it is not understood, we are making violators out of the general public and the people who sell the merchandise. That on other occasions, as late as in the Conference today, to get the Council to rescind the Sunday Ordinance until the referendum is voted upon by the people as called for by this morning by the Board of County Commissioners, and he was not successful in that. That he would vote today for this Amendment that Mr. Smith has proposed because he feels like he is giving some relief to these people who are being penalized in this particular Ordinance that the Council passed some six months ago.

Councilman Thrower stated he is going to vote against the Amendment, that he thinks in this particular law referred to as the Blue Law, it is not connected with a Blue Law in any way, it is a sales restriction law, he is against it in principle and cannot vote for something that he is basically against.

Councilman Jordan commented that he feels there are many inequities in this law and he is beginning to find more and more each day, and he does not believe the Council knew all of these and we are trying to do the best we possibly can, and he thinks this will be of some relief to these people. That the referendum that the County Commissioners voted for this morning for May 30th he believes, could be the solution to this, and certainly he will go along with Mr Smith's motion, because Council could sit here all day and name articles that people cannot buy and that are inequities and he does not see how they could all be pin-pointed, so maybe this will be of some help.

Councilman Albea stated as he has said many times before, he will vote to strengthen the Blue Law but not to weaken it.

Councilman Bryant remarked that he does not in any way apologize for the Sunday Observance Law, that he does not think it is the best law that was ever written but he was in full knowledge of the Law before he voted for it. That while he certainly was not able to interpret it legally, he felt that he knew the results of it; that he does not apologize for it, that he tried at the time to include such items as Mr. Smith's amendment includes today without success, but he does not in any way apologize for voting for it before, and is willing to stand up for it now. He feels it is not a one-sided proposition as it seems there are quite a few people who are for the Law in spite of what might be the general opinion, that he has had a fairly good number of people to write him or call him who are for it, and want it strengthened, and he is out in the middle and he thinks he would like some type of Ordinance that is not quite so restrictive. That he thinks this is a real good move, it will allow people to buy the things they have to have from the point of view of health standards and that is a real good Amendment when the Council can do that.

Councilman Dellinger stated he is going to vote for it, but it is not going to be indicative of his belief any apologizes on the law voted in before.

Councilman Whittington stated the Council is just opening the doors but relieving the people somewhat. Councilman Dellinger remarked they will be opened again next week, only wider.

The vote was taken on the motion for the adoption of the Ordinance, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, at Page 1.

CITY MANAGER REQUESTED TO REVIEW PETITION OF RESIDENTS OF FIELDVIEW ROAD RELATIVE TO IMPROVING STREET AND MAKE RECOMMENDATIONS TO COUNCIL.

Councilman Smith advised that Mr. A. A. Snelling called him, who lives on Fieldview Road off Hunter Lane, saying the street is 450 feet long and dead-ends, and they want it paved. That they understand if the City does the work it will cost them \$2.50 per running foot and it must be 24 feet wide. That Mr. Snelling advised they have an estimate for paving the street at \$1.10 per running foot, at its present width of 16 feet. That it is a dead end street and serves a limited number of people, with very little traffic and they feel this width is sufficient. Mr. Veeder advised they can have it paved but under the City's present policy a 16 foot street could not be accepted for maintenance.

Councilman Smith suggested that it would be well to review the existing policy where streets of this nature are involved with the view towards deviating from the 24 foot width. He pointed out that Wendover Road, in front of his house, is paved to only 17 feet.

Councilman Whittington called to the attention of the City Manager that this is the street and petition he gave him two weeks ago and asked for a report on it. He stated he agrees with Mr. Smith, that this is a dead end street and will probably never be opened up and these people are willing to pave it and pay their part of it.

Councilman Smith asked the City Manager to review this with the Engineering Department and give Council a report and his recommendations.

ATTORNEY FOR ATLANTIC MILLS OFFERS TWO AMENDMENTS TO SUNDAY OBSERVANCE ORDINANCE AND REQUESTS THEIR ADOPTION.

Mr. John D. Shaw, Attorney for Atlantic Mills, stated he did not know Council was going into the Sunday Observance Law today, but he has two Amendments to this Ordinance which he would like to read and leave with Council for their action:

- (1) AN ORDINANCE AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CODE OF THE CITY OF CHARLOTTE, TO PROVIDE FOR THE DUE OBSERVANCE OF SUNDAY.

Section 1. That, Section 13-56, Article IV, Chapter 13 of the Code of the City of Charlotte, be amended, by inserting after the words "carrying on" in the second line thereof, the following: "including taking orders".

And further amend the same by inserting after the word "Florists" in the 13th line thereof, the words "Golf shops, sporting goods dealers".

Section 2. This ordinance shall be in full force and effect from and after its adoption.

He stated the second ordinance carries out the intent of the Ordinance, he takes it, except in one instance, that is that there shall be a day of rest. That it is a combination of two types of ordinances:

- (2) AN ORDINANCE AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CODE OF THE CITY OF CHARLOTTE, TO PROVIDE FOR THE DUE OBSERVANCE OF SUNDAY.

Section 1. That, Section 13-56, Article IV, Chapter 13, of the Code of the City of Charlotte, be amended, by adding at the end of section 1 thereof, a new section, known as Section 1-A, reading as follows:

"Any business establishment doing business in the City of Charlotte that either (1) employes five (5) persons or less, including working owners and employees, or (2) that closes on any day in the week other than on Sunday, shall be exempt from this ordinance."

Section 2. This ordinance shall be in full force and effect from and after its adoption.

Mr. Shaw stated this is voluntary closing for Seventh Day Adventist, Orthodox Jew or the man who would like to be opened on Sunday, and it also takes care of the "Papa and Mamma" businesses. He stated his people can live under this ordinance.

He stated further he would like to call to Council's attention that the question has arisen as to whether the Merchandise Mart can stay open under the present law, that the interpretation has been seriously given that they cannot, and the Council does not want to close the Merchandise Mart he takes it but if they adopt what they say here, they say "you close" and you cannot take orders on Sunday. He stated the Mart exhibits and they have, or had last week, an Office Equipment Show and they take orders on Sunday and Sunday is their big day when people come in. He stated it should be definite, that

this operation means a whole lot to the business community, the people they bring in. You cannot take orders for clothing, he is advised, and the clothing and jewelry displays will disappear from the Merchandise Mart. If you put it in you can say in your own way the taking of orders are not in violation of this Law, then his people can stay open and take orders and deliver the next day. Mr. Shaw called attention to the section of the first ordinance regarding "golf shops etc", he stated he now cannot buy clubs, golf balls or shoes. That if he wants to buy a golf ball he wants to do so legally and he does not want his folks in the position of doing something that is illegal when you can play the game of golf but you can't buy the equipment. You may buy fishing tackle and go out to fish, then why not be able to buy golf equipment to play golf?

He stated further that the other law is the "papa and mamma" law, you can close on Wednesday or any other day in the week and stay open on Sunday; that his people, Atlantic Mills, and he understands, Clarks can live under this, and if Council will pass it they are through litigating. That he will leave the two amendments for Council consideration.

Mayor Brookshire suggested that the City Attorney take the matter under advisement and consult with Council later.

CITY MANAGER AUTHORIZED TO OFFER STUDENT PARTICIPATING IN GRADUATE PROGRAM OF PUBLIC ADMINISTRATION INTERSHIP WITH CITY.

The City Manager advised there are a number of Universities that have graduate programs in public administration; the pattern of training that is common to these programs is that as a part of their training the students participate in internship programs in government. That those who are seeking careers in municipal government seek internships in City Hall. That in recent years the City of Charlotte has participated in these programs by making use of interns off and on, most recently Cyrus Brooks who was here for a little over a year and interned from LaSalle Institute of Local-State Government at the University of Pennsylvania. The immediate situation which he would like approved is these students in general are seeking assignments as interns effective about the 1st of July, they are in the market now to consider and be approached. Within recent weeks he has been contacted by a number of citizens mentioning students who might have, or do have an interest in serving an internship in Charlotte; just this morning he received a letter from a Staff Member of the Institute of Government at Chapel Hill who is serving this year as head of this graduate program at the University of Kansas, concerning a boy who is interested in serving an internship in North Carolina and has a great interest in Charlotte. If we are to participate in this program, which he thinks pays tremendous dividends for us, he would have to have Council's approval at an early date, otherwise it will be too late to attract one of these boys. That he is asking Council approval to see if he can get the type of student who would benefit by the experience and the City would benefit by having him with us for a year.

Councilman Dellinger asked if he could get a local boy? Mr Veeder stated he knows off-hand of one local boy in the sense of being a North Carolinian. That he would like nothing better than to interest a local boy who is participating in a graduate program of public administration, in interning here. That he thinks highly of this approach.

Councilman Bryant moved that the Council instruct the City Manager to so proceed. The motion was seconded by Councilman Whittington, who stated he wholeheartedly agreed that we should participate and agrees with Mr. Dellinger if we can get a man from North Carolina, he should be given the first change. The vote was taken on the motion and unanimously carried.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk