

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, September 28, 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 Dr. Clay Madison, Pastor Myers Park Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Minutes of the last meeting on September 21st were approved as submitted.

RESOLUTION OF AGREEMENT WITH THE STATE HIGHWAY COMMISSION ACCEPTING RESPONSIBILITY FOR THE ACQUISITION AND COST OF RIGHTS-OF-WAY NECESSARY FOR CONSTRUCTION OF A PORTION OF THE PROPOSED INNER CIRCUMFERENTIAL ROUTE PURSUANT TO ARTICLE 3A, CHAPTER 136 OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Mayor Brookshire announced that the Council would now consider the location of a portion of the Inner-Circumferential Loop between Eastway Drive at Independence Boulevard and Woodlawn Road at Park Road which has drawn quite a group of interested citizens, and when he looks around and sees the several maps on the walls he is reminded of the story of the little old lady who carried a \$1,000 Bond into a Bank, and gently placed it on the cashier's desk and he looked at it and then looked up at her and asked her, "Do you want a conversion or a redemption?" She answered "Is this the First National Bank or is this the First Baptist Church?", and with all these maps in evidence you may think this is a Highway public hearing, and I want to assure you that it is not a Highway Hearing but a meeting of the City Council doing exactly what it promised the Citizens of Charlotte it would do some months ago - advertise the fact that it would today make a decision on the proposed Belt Road.

He stated further that he wants the people in the audience and the people of Charlotte to know that this has been, and this is a tough decision for our City Councilmen, and as one Councilman put it, "we are damned if we do and we are damned if we don't". The Council has been the target of many suggestions and many criticism, but after all this Council was elected by the people of Charlotte to serve the interest of the City according to their best judgment and according to their consciences. As to Council's choice and probable action this afternoon, he has not and will not express a personal preference between the proposed routes. This choice of either accepting one or the other, or turning them both down, is the responsibility of the City Council, and that of no one else. That he will say this - Council has his sympathy in the matter and he hopes the sympathy of this audience. That his position, he thinks, is clear and has been, that he has said we cannot afford to turn our backs on progress. And when this matter has been finally concluded he certainly would

hope that the public will give the Council their sympathetic understanding and show some appreciation for their efforts. As he has said, this is not a public hearing, but he shall certainly, and is glad to welcome all of the citizens of Charlotte who are here in this interest, and he would like to give as many of them as desire an opportunity to express themselves to their City Council. That in the interest of time he will ask them to be as brief as possible and to please give their names.

Mrs Hungerford, Eastway Drive, stated she understands that progress is important but when you take homes of 200 to 300 residents and tear them up to put a highway, also affecting three large schools, Eastway Junior High, Garinger High School and Merry Oaks School, she thinks it is time the residents of Eastway Drive speak. She would like it understood she is here not to complain but to protest; she understands that the people on Eastway Drive were not a bit interested in their property, it was only the Wendover Road people who were interested. That she purchased her house in 1940 and pays her taxes and she is most interested in this highway as are many property owners on Eastway Drive.

Mr. Brodie Griffith, Vice President of the Charlotte Chamber of Commerce, stated he is here instead of Mr. John Belk, President, to present a resolution from the Directors of the Chamber of Commerce. That the Chamber of Commerce has been interested in the development of Charlotte's street and highway system in a special way these recent years because it now sees how the City has suffered from failures to meet these needs in the past. That on March 11, 1964 the Directors adopted a resolution, as follows:

"Whereas, the Charlotte Chamber of Commerce supported the City Council in requesting Wilbur Smith & Associates to make Charlotte's origin and destination survey, and

Whereas, the Charlotte Chamber of Commerce has worked closely with the City of Charlotte on the implementation of this survey in moulding public opinion and securing public acceptance of its many recommendations, and

Whereas, its proposed new expressways through and around the City, as well as the development of the arterial highways will considerably lessen Charlotte's ever increasing traffic congestion,

Now, Therefore, Be It Resolved, that the Board of Directors of the Chamber of Commerce does reaffirm its support of this program and urges prompt action on the part of the City Council on the implementation of it."

Mr. John Small, Attorney, stated he is pleased to see on the map that there is no suggestion of a dog-leg along Sharon Road from the Creek up to Wendover Road, that was the main interest of the home owners whom he represents, and his only purpose in being here today is to suggest to the Council that it may be very undesirable to leave any leg open - in other words, if the Council should come down either to Providence Road or to Sharon Road along the Creek, then they would be left in a way holding the bag for the next several years, not knowing what was going to happen, not knowing what to do about improvements, not knowing what to do about the possible sale or retention of their property. That he does think, not treading on anyone else's toes in the slightest degree, that it would be desirable if Council could produce a Belt Road today all the way, and certainly not up Sharon Road.

Mr. Jim McDuffey stated he has been here before; that he came when McAlway Road was to be widened because he felt it might be a plan to do away with connecting these routes; he was here again when Seneca Place bridge was built because Eastway Drive has a bridge that carries 9,000 traffic and

must have had 15 accidents in the last two years since the bridge was built on Seneca Place. That he wished he had the right to object but does not feel he has the right and let Council take a road down York Road where they have now moved houses, and the municipal golf course where they have now shortened holes to put in roads because any argument that anyone can raise about not putting a road down his street throws it on another street. That this city is going to grow and somebody has to suffer. That his street is already widened and he will not lose any trees and the people on Wendover cannot argue any more than his people can. That he heard out in the hall that Mr. Dan Moore, Governor-elect, was in the wings waiting to say something about this and some of our good Republican friends, and some of them on the Council believe in local government, and he hopes it stays the issue of local government, without revamping the Highway Commission and after Council has decided the road will go one place someone from the outside will tell you what to do. If the Council can find any objection for Wendover Road, or any other Road, those folks have the same right to object, so he says build all of the roads, all nine Belts for all of us.

Mayor Brookshire remarked if Judge Dan Moore is in City Hall he does not know it. Mr. McDuffey stated he does not mean today.

Mrs Elisha Carter, Wendover Road, stated she does not envy the Mayor or any member of the City Council today nor anybody on the Highway Commission. That she does want to say they are not all day dreamers, when the Council offered them a roadway down Wendover Road and called it a Belt Road, that was just a joke and there is not a gentleman here who wears his belt through him, each wears it around him, but this Belt Road would not be going around the city, it would be going through it and when the Council talked to them about a speed limit of 35 miles per hour, they cannot promise that because they are not always going to be the Mayor and the City Council, but if the Highway Department puts the road on Wendover it will always be a highway and they will set the speed limit on it, and the City will have nothing to do with it. That the 35 miles per hour would have to be cut to 20 miles per hour because of the schools; therefore, you are not going to get traffic through there in a hurry and after all one of the curses of today is too much speed, and this is going to encourage speeding through what has been described as the most beautiful residential section in Charlotte, and it certainly is, and who made it so? Did the Mayor? The City Council? The Highway Commission? No, the people made it so and is it right that we should be penalized by putting a road through there in order to speed up something when it can be put further out? The time is coming when it is going to be very important to have more women in political office for the simple fact that we have to work on a budget, we have to know what we are buying. We keep hearing about this corridor - well, we do not know exactly where the corridor is going to be. If women had been running this, that \$10,000,000 would have been used to buy a right-of-way further out so we could have gotten more for our money and we would have let the City of Charlotte widen their own streets and we would have never been in the mess Council is in today.

Mrs Hungerford remarked that she certainly thinks Mrs Carter's comments were wonderful; that she is a widow and she has the same problem of a Belt going through her instead of around her, and she also faces a devaluation of her property; her home is paid for and her children have finished college and here she sits on a highway.

Mayor Brookshire remarked that there may be a misunderstanding about the speed limit and whose authority it may be to set it. This would be a residential street after all and the rate of speed would be set by your City Council and whether it is higher or lower than you want it, it would still be the responsibility of the Council.

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Mrs John B. Alexander, Brookwood Road, stated her street is at the corner of Runnymede and Sharon Road, and she would like to ask why the lovely Park at A. G. Junior High School will be isolated by the Belt Road? That her children ages 10, 7 and 5, were able this past summer to walk to the Park, there was supervised play and the children had a grand time. That she let them walk by themselves, but now if they have to walk down a Belt Road, what will happen to them because there is no traffic signal nor guard at Sharon Road. She asked why the Council wanted to isolate the Park from them and from children on Ferncliff, Sharon Avenue and on Wendover and Forest Drive. Mayor Brookshire stated that part of the answer to her question would hinge on the action of Council this afternoon.

Councilman Whittington stated he would like to assure the Mayor and other members of the City Council and the people in the audience that he, and he is sure the other members of the Council, have concerned themselves with this Belt Road and questions since March 1960 when it was presented by Wilbur Smith. This Belt Road is mentioned in the Thoroughfare Plan in several places and has top priority second only to the two expressway routes. That the Council on three occasions has voted to run the center section of the Belt Road down Briar Creek to either Providence or Sharon Road, and on each occasion the State and Federal Governments have put us back to Wendover Road. The alignment was changed by Wilbur Smith this year so as not to go through the school property which brings us back again to the Wendover Road route. In February of this year the Council voted to support Alternate 2-A, which is the Creek Route. In February of this year the Highway Commission stated that it was their general conclusion that either Alternate I or I-A be used, which is the Wendover route. On September 21 of this year the Highway Commission gave the Council two routes - one down Wendover Road and one along Briar Creek to Providence Road, stopping there. If the Council selected the Briar Creek route, we would have to give the Highway Commission the center corridor by 1970 and the Highway Commission would have the right to pick the alignment, which would mean that the Council, in his opinion, would not know which way the center route was going, and the Council would either have to condemn Myers Park Golf Course or perhaps tunnel under it. That this has been a real difficult decision for him, and he is sure it has been of deep concern to the people who live in this corridor. That he does not believe that he can conscientiously, as a member of the City Council, vote today for this Route to be built on either end. That it does not matter where you start on the south end on Woodlawn or the north end at Sugar Creek and I-85 and not pin down the middle. That he thinks in the interest of the entire community and all the people that this is the only fair thing to do. That on three occasions his vote and his motion has been to run this Road down Briar Creek, and he thinks the Council has been shut down each time and we are back on the Eastway-Wendover-Woodlawn Route, and he moved in fairness to all citizens concerned that the Council adopt the Wendover resolution, which would be Eastway-Wendover-Woodlawn Road. The motion was seconded by Councilman Thrower.

Councilman Jordan made the following statement - Since there has been such a great deal of confusion on this particular issue, he would like to make his position crystal clear by indicating a few facts: (1) Upon taking the Oath of Office as City Councilman he pledged to render the citizens of Charlotte his most sincere objective and conscientious service, and this he has always done and will continue to do. The fact that he happens to reside in one section of Charlotte is completely immaterial to his avowed objective to represent all of the citizens of Charlotte as fairly and impartially as possible. (2) This particular Belt Road was generally outlined in the general plan of the development of the Charlotte Metropolitan Area during the next 20 years, and was voted on and approved by the 1960 City Council. That he was not a member of that particular Council and he is now called on to cast a vote on a particular issue with respect to the General 20 Year Plan, which would either completely scrap this Plan or continue it to move forward with the same.

(3) This General 20 Year Plan which was adopted by the previous Council was recognized as a General Plan and one that would be subject to change; however, this particular Thoroughfare was noted on this Plan as using a portion of Wendover Road. (4) Three of his fellow Council members were on the Council that adopted this overall general plan - Mr. Albea, Mr. Dellinger and Mr. Smith. (5) He feels that it is unfortunate that so much misunderstanding has developed over the possible location of this Route, and that it is particularly unfortunate that the News media has attempted to second guess the City Council members as to what their positions may be in this matter. It is his firm conviction that every member of the Council has conscientiously attempted to work out a reasonable solution to this problem, and has never dogmatically placed themselves in a position of voting on the particular issue before us today. It would have been impossible to have done so because this is the first time this particular Alternate Route has been presented to the Council in its present form. In this respect, the News media has indicated that he may switch his vote and on this point he would like to make it definitely clear that he has not voted on this issue before and that his vote on the issue today is not a switching of positions, but rather a firm conviction of his responsibility in representing all of the citizens of Charlotte, and after prayerful and thoughtful consideration of all the Alternates which have been presented to the City Council. (6) In view of the fact that this particular Belt Route is a part of the General Overall 20 Year Development Plan, adopted by the former City Council of which three members are with us here now, and since the Alternate now before us appears to be the only acceptable Alternate remaining, and will be of the greatest benefit to all of Charlotte's citizens, and will, in effect, be a continuation of the 20 Year Plan, he would like to join with this Council in a unanimous vote in favor of the Alternate Route. His position has been arrived at after thoughtful consideration and many weeks and months of study. This decision is in keeping with his voting record, being one of sincere objective analysis of the problem at hand, and he feels confident that the future of Charlotte depends on the decision that this Council makes today, and he sincerely urges his fellow Councilmen to be unanimous in the vote in favor of continued progress, and also casts his vote in view of the fact that it is impossible to satisfy the wishes of everyone concerned in this matter, but the inconvenience of some of must be sacrificed for the general benefit of the entire city. That he cast his vote in complete sympathy of all his friends and neighbors who may be affected by this Route, and with the confident feeling that they as friends and neighbors will respect his position in this matter and will respect the fact that he has attempted to act in the interest of all the citizens of Charlotte. The unanimous vote of approval of this Alternate Route would continue to subscribe to this Council its record of progress and fair play to all.

Councilman Jordan then offered a substitute motion that the Alternate Route be adopted. Councilman Smith seconded the motion and commented that from the very inception of this Belt Route idea some three years ago, he has contended that the Belt Road should have been put further out. That he thinks it is 20 to 25 years too late in its present location; that he has gotten support but not support in the votes of this Council on this idea because we had no alternative; we were told we had a choice but the choice always came back to the Wendover area. That he still thinks if Council adopts a resolution today in favor of this Belt Road, either at Wendover or along the Creek, this Council should take immediate steps with the State Highway Commission to get the second section moving, for every day and every month you wait it becomes a hardship on the people and their investments, and he thinks this is a shining example of people having to sacrifice by the dilly-dallying of their Government Officials. He stated with this statement he urges that as an Alternate, as a substitute, not the whole ball of wax but something that the State Highway Commission says will work, that we accept the Creek Route.

Councilman Bryant expressed his views in support of the substitute motion, and stated he would like to read a statement so that he will not be misunderstood. "It is agreed generally by everyone that a mistake was made when the Road under question was not built 15 to 20 years ago. To build it now through areas of residences and institutions that are now in their prime is to compound this mistake. It has been my contention all along that this particular effort should be made in two directions - first, widen the streets that are in question to a safe width, straightening them where possible; second, go out far enough around residential areas where you have predominantly unused land and construct a high-speed circumferential route. Obviously the Highway Commission does not agree with me; however, Mr. Wilbur Smith on one of his visits here assured me that determining the route of a road was not an exact science as yet. I feel that the Highway Commission has been rather inflexible in this particular instance. I regret the delay that has occurred in getting to this vote. I also regret that State politics seems to have gotten involved in the matter; the haste to allocate or reallocate the \$10,000,000 before election time is not the best situation. We have been admonished by the News Media to do what is best for all of the people, and they stated what they think is best. It is my opinion that the plan I have just outlined is best for all the people; however, I am afraid that is not an Alternate today and I will not be able to pursue it. I would like, therefore, to speak in support of the substitute motion."

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

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

Councilman Albea stated he voted for the Wendover Route and he tried as hard as anybody to find a different route but they always came back to this route, and in his opinion, this Council has just passed the buck to another Council and they will have just as hard time in 1970 locating a route as this Council has had, and nobody knows where they stand. He stated he makes this statement to clarify his stand on the question. That he has no feelings against anyone. He is at City Hall to perform his duty and as long as he is here he is going to perform it as he sees fit.

The resolution is recorded in full in Resolutions Book 4, beginning at Page 423.

#### CONSIDERATION OF DISPENSING WITH ALL ITEMS DOCKETED EXCEPT BIDS ON AIRPORT UNTIL THE NEXT MEETING DISAPPROVED.

Councilman Whittington stated in the interest of time, plus the fact that all of the Council has been working all night or certainly all day on the Belt Road route which has just been decided, he moved that all business on the Docket be dispensed with except the Bids for the Airport, until next week. The motion was seconded by Councilman Thrower.

Councilman Bryant called attention to the two Hearings on the Docket, which were advertised to be heard today, and if interested persons have come to the meeting he thinks the Council should hear them.

Councilman Albea commented he is opposed to dispensing with anything today that was suppose to come before the Council.

Councilman Smith remarked that he does not want to work a hardship on anyone. Frankly, he would rather postpone other matters today, but he thinks if there is anyone present who wishes to speak on any item on the Docket, it might influence the voting.

After polling the audience, Mayor Brookshire stated there are two gentlemen present who wish to be heard.

Councilman Dellinger offered a substitute motion that those items on the Docket be considered on which persons in the audience wished to be heard and all other items be postponed. The motion was seconded by Councilman Smith.

Following the discussion, Councilman Dellinger suggested that all items be heard; that if he by his motion put a hardship on anyone he is sorry, and he is perfectly willing to stay and consider all items and he withdrew his motion.

The vote was then taken on the original motion, and lost by the following recorded vote:

YEAS: None.

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

Mayor Brookshire then announced that we would proceed to consider all items presented.

ORDINANCE NO. 278-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 2.42 ACRES OF PROPERTY LOCATED IN SHARON TOWNSHIP.

The public hearing was held on Petition of S & T Development Company for the annexation to the City of Charlotte of 2.42 acres of property located in Sharon Township on Rokmont Road.

No opposition was expressed to the proposed annexation.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and un-animously carried, Ordinance No. 278-X Extending the Corporate Limits of the City of Charlotte by annexing 2.42 acres of property located in Sharon Township was adopted.

The Ordinance is recorded in full in Ordinance Book 14, beginning at Page 60.

ORDINANCE NO. 279-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 38.126 ACRES OF PROPERTY LOCATED IN PAW CREEK TOWNSHIP.

The public hearing was held on Petition of Spangler Construction Company for the annexation to the City of Charlotte of 38.126 acres of property located in Paw Creek Township on both sides of Hoskins Road, west of Beatties Ford Road and east of Johnson Motor Lines.

No opposition was expressed to the proposed annexation.

Councilman Jordan moved the adoption of Ordinance No. 279-X Extending the Corporate Limits of the City of Charlotte by annexing 38.126 acres of property located in Paw Creek Township. The motion was seconded by Councilman Thrower, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 62.

PETITION NO. 64-55 FOR CHANGE IN ZONING ON BOTH SIDES OF CUSTER STREET, DEFERRED PENDING FURTHER STUDY BY THE PLANNING COMMISSION.

Councilman Dellinger moved that decision on Petition No. 64-55 by Furr Realty

Company for change in zoning from R-6 to R-6MF of property on both sides of Custer Street, beginning south of LaSalle Street and extending to the rear of property on Garnette Place, and three lots on the northwest side of Garnette Place, be deferred pending the further study of the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 280-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING ZONING AT THE SE CORNER OF CENTRE STREET AND ODUM STREET, ADOPTED.

Councilman Whittington moved that Ordinance No. 280-Z Amending Chapter 23, Section 23-8 of the City Code, Amending the Zoning Map of the City of Charlotte by changing zoning of property from I-1 to B-2 at the southeast corner of Centre Street and Odum Street on petition of Mr. John H. Wynne and recommended by the Planning Commission be approved. The motion was seconded by Councilman Bryant, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 63.

DECISION ON PETITION NO. 64-61 FOR CHANGE IN ZONING OF SIX LOTS ON NW SIDE OF NAOMI STREET DEFERRED PENDING FURTHER STUDY OF THE PLANNING COMMISSION.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, decision on Petition No. 64-61 by Nance-Trotter Realty, Inc. for change in zoning from R-6 to R-6MF of six lots on the northwesterly side of Naomi Street, was deferred as recommended by the Planning Commission pending their further study.

ORDINANCE NO. 281-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP OF THE CITY OF CHARLOTTE BY CHANGING ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF CENTRAL AVENUE, ADOPTED.

Councilman Thrower moved that Petition No. 64-62 by Ethel C. Thompson for change in zoning from R-9MF to B-1 of a tract of land fronting 560' on the south side of Central Avenue, beginning 491' east of the centerline of Sharon-Amity Road, be deferred as recommended by the Planning Commission pending their further study. The motion was seconded by Councilman Albea.

Mr. Robert Hovis, Attorney for the Petitioner, stated he appeared last week in connection with the petition for the rezoning of the tract of land on Central Avenue next to the Southern Bell Keystone Exchange, and at the request of the Planning Commission after they had met following the Hearing, they amended the Petition to provide that only the lot that Southern Bell wants to use be rezoned, and the Planning Commission has indicated if he did that they would recommend approval of the amended petition. They have not acted formally on it, but he did what they asked him to do. That time is of the essence to Southern Bell, they are ready to let the contract for the construction of a substantial facility which will help the Keystone Exchange. If they delay this it will take up two weeks of good building weather, and he respectfully requests that Council approve this rezoning now.

Councilman Bryant stated he knows how Southern Bell operates and the type of operation they do in their physical locations and he would be inclined to go along with it on the other basis and he offered a substitute motion, with the acquiescence of taking the time of calling Mr. Sibley to give it to us for our own information to vote on the amended ordinance this afternoon. The motion was seconded by Councilman Dellinger.



Councilman Whittington asked Mr. Hovis if this would seriously damage his operation to delay it a week. Mr. Hovis replied that the Planning Commission does not meet again until October 5th, and he is doing exactly what the Planning Office asked him to do.

Councilman Thrower stated the only reason he is raising objections to it is it would be breaking a policy; that Council has always done this since he has been on Council.

Councilman Smith asked Mr. Hovis if the Planning Commission requested him to reduce the petition and he replied they did. Mr. Hovis stated further that he has talked with both Mr. Bryant and Mr. McIntyre and Mr. Sibley, and the petitioner is withdrawing the petition for the 560 odd feet and reducing it to 250-ft, which is the amount the Southern Bell wants to lease. That the property will be used for the construction of facilities to house and serve the trucks and automobiles of the Exchange.

At the request of Council, Mr. Veeder called Mr. McIntyre and reported that he indicated the Planning Commission specifically deferred action on this to see if the 250 feet would be acceptable to the property owner, and that the Commission is substantially on record as favoring the amendment.

The Mayor requested Councilman Bryant to restate his motion and to specify the 250 feet.

Councilman Bryant moved that Council accept the new boundaries on the property in question and grant the petition. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, at Page 64.

ORDINANCE NO. 282-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF A LOT AT 109 LAKEWOOD AVENUE, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 282-Z Amending Chapter 23, Section 23-8 of the City Code was adopted changing the zoning of a lot at 109 Lakewood Avenue, from R-6MF to O-6 on petition of the Charlotte Mecklenburg Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 65.

ORDINANCE NO. 283-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF A LOT AT 115 LAKEWOOD AVENUE, ADOPTED.

Councilman Smith moved the adoption of Ordinance No. 283-Z Amending Chapter 23, Section 23-8 of the City Code by changing the zoning from R-6MF to O-6 of a lot at 115 Lakewood Avenue on petition of Thomas H. Brand and recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 66.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Annie Mae Sipe for Grave 6, in Lot 119, Section 2, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs Mae C. Gill, for Graves 5 and 6, in Lot 136, Section 2, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED INTERNATIONAL HARVESTER SALES & SERVICE FOR TRACTOR WITH BACKHOE LOADER ATTACHMENT..

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder on their alternate bid, International Harvester Sales & Service, in the amount of \$6,077.00 for one tractor with backhoe loader attachment as specified.

The following bids were received:

International Harvester Sales & Service	\$ 5,948.25
Alternate Bid	6,077.00
Farm & Industrial Equipment Co.	6,172.32
Southland Equipment Company	7,826.97

CONTRACT AWARDED INTERNATIONAL HARVESTER SALES & SERVICE FOR TWO TRACTORS WITH 60" ROTARY MOWER.

Councilman Whittington moved award of contract to the only bidder, International Harvester Sales & Service, on their alternate bid in the amount of \$3,399.00 for two tractors with 60" rotary mower as specified. The motion was seconded by Councilman Dellinger, and carried unanimously.

The following bids were received:

International Harvester Sales & Service	\$ 3,296.00
Alternate Bid	3,399.00

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR ONE POWER LOADER WITH CAB.

Councilman Jordan moved award of contract to Spartan Equipment Company, the low bidder, for one power loader with cab, as specified, in the amount of \$14,250.05. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Spartan Equipment Company	\$14,250.05
Western Carolina Tractor Company	14,775.35
E. F. Craven Company	15,851.70
Carolina Tractor & Equipment Co.	16,094.27
J. W. Burress, Inc.	17,510.00

CONTRACT AWARDED INTERNATIONAL HARVESTER SALES & SERVICE FOR TWO TRACTORS WITH HYDRAULIC HIGHWAY MOWERS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to International Harvester Sales and Service, the low bidder, for two tractors with Hydraulic Highway Mowers, as specified, in the amount of \$5,150.00.

The following bids were received:

International Harvester Sales & Service	\$ 5,150.00
Western Carolina Tractor Company	6,050.22
Farm & Industrial Equipment Co.	6,096.86
Southland Equipment Company	6,530.20

BID REJECTED AND AUTHORIZED READVERTISED FOR TWO STREET SWEEPERS WITH CAB.

Councilman Bryant moved that bid received on two street sweepers with cab be rejected and readvertised as recommended by the Motor Transport Supt. and Purchasing Agent. The motion was seconded by Councilman Dellinger, and carried unanimously.

The following bids were received:

A. E. Finley & Associates, Inc.	\$21,871.02
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CONTRACT AWARDED FARM & INDUSTRIAL EQUIPMENT COMPANY FOR UTILITY TYPE TRACTOR WITH FRONT END LOADER AND 60" MOWER.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded Farm & Industrial Equipment Company, the low bidder, for one utility type tractor with front end loader and 60" rotary mower, as specified, in the amount of \$3,411.11.

The following bids were received:

Farm & Industrial Equipment Co.	\$ 3,411.11
International Harvester Sales & Serv.	3,579.25

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

Motion was made by Councilman Jordan awarding contract to the only bidder, Minnesota Mining & Mfg. Company for 15 rolls of scotchlite material, as specified, in the amount of \$4,793.36. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF NE/SW TAXIWAY DOUGLAS MUNICIPAL AIRPORT.

The City Manager advised bids were advertised for construction of the NE/SW Taxiway at Douglas Municipal Airport assuming that we would have the grant agreement with the FAA at this time. That we do have the agreement obligating the Federal Government to 50% of the cost up to a total of \$89,500.00.

Councilman Whittington moved award of contract to the low bidder, Rea Construction Company, in the amount of \$154,491.10, on a unit price basis, for the con-

struction of the NE/SW Taxiway at Douglas Municipal Airport. The motion was seconded by Councilman Bryant, and carried unanimously.

The following bids were received:

Rea Construction Company	\$154,491.10
Blythe Bros. Company	168,417.70
Propst Construction Co.	169,285.80
T. A. Sherrill Company	189,097.00

Councilman Bryant stated he had an opportunity to look at the facilities at the airport last week with the Chamber of Commerce Committee and feels that Mr. Raffety is doing such a fine job that he deserves a compliment and he can certainly deliver that. That he has done a good job out there. The other thing is this is one of the occasions where he is glad to vote for federal assistance because this is where it should be put and he does not want anybody to think he is solidly against Washington.

CONTRACT AWARDED WALKER & WHITESIDE, INC. FOR ELECTRICAL WORK IN THE CONSTRUCTION OF THE NE/SW TAXIWAY AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Walker & Whiteside, Inc. for the electrical work in the construction of the NE/SW Taxiway at Douglas Municipal Airport, in the amount of \$7,773.69, on a unit price basis.

The following bids were received:

Walker & Whiteside, Inc.	\$ 7,773.69
Rockwell Radio & Elec. Co.	9,667.90

CLAIM OF DETECTIVE BOYD GIBSON FOR DAMAGES TO CAR DENIED BY COUNCIL IN MEETING ON SEPTEMBER 14TH TO BE REVIEWED BY CITY ATTORNEY WITH REPORT TO COUNCIL.

Councilman Smith stated he has talked with Mr. Bob Gibson, Detective who had his car damaged when the tree fell on it while parked in the City Parking Lot to the extent of some \$230.00. That the city maintenance crew came to remove the tree from his car, and one allegedly said "we asked the city to get these rotten trees out of here when we paved the lot and the city said they could not do it because of the Urban Redevelopment". That in his mind this changes the City's liability and legally it may not have any effect. But if the City made a parking lot and there were trees which were rotten in the center, he thinks the City shows some negligence whether it is negligence because the city had to do it because we couldn't get the Urban Redevelopment people to work with us, or negligence on some other score. That personally he feels, if not a legal obligation there is certainly a moral obligation to do something about this man's automobile. He asked the City Attorney if the facts he presents are substantially correct - that the City could do nothing about the trees because of Urban Redevelopment's possession of the property? Mr. Morrissey replied the facts as presented by their investigation were there was no appearance of the trees being rotten until after they fell down. There was no way for the city to know the trees were rotten, and in the absence of notice, there was no negligence on the part of the city, therefore no liability.

Councilman Smith stated the maintenance man who pulled the trees off the car stated that he had mentioned to some city person - it might have been his department head or someone else - these trees ought to be removed because they are rotten on the inside. That he thinks this should be followed up and investigated.

Mr. Morrissey stated they would be pleased to review the facts.

COUNCIL TO BE ADVISED AS SOON AS HIGHWAY COMMISSION ALLOCATES THE \$10,000,000 FOR CIRCUMFERENTIAL ROUTE.

Councilman Bryant stated he would like to know just as soon as possible when the Highway Commission allocates the \$10,000,000 in question, as he understands it will be very shortly.

EFFORTS NECESSARY TO PROCEED WITH SECOND CIRCUMFERENTIAL ROUTE AUTHORIZED.

Councilman Bryant stated he would like to proceed immediately making whatever efforts needed to start the second circumferential route so that Council will not run into such a situation as they have at this time, and the sooner the better.

Councilman Thrower stated he was told that it would be done within a week. Councilman Bryant stated he did not think it would be too bad to have a motion from Council just as a formality and he so moved. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER TO CONFER WITH STATE HIGHWAY COMMISSION REGARDING FUNDS FOR WIDENING OF SHARON AMITY ROAD.

Councilman Dellinger requested the City Manager to confer with the State Highway Department to see if they have any funds available for widening of Sharon Amity Road. That he has talked with some of the officials and they say there might be a possibility and he believes Council should explore all possibilities. The City Manager stated he has already initiated a conversation with the State on this point.

DISCUSSION OF AND AWARDED OF CONTRACT FOR ENGINEERING SERVICES FOR WIDENING OF EASTWAY DRIVE POSTPONED FOR ONE WEEK.

Mayor Brookshire asked with further reference to the Belt Road, is the City not ready now to award a contract to J. N. Pease & Company.

Councilman Bryant moved the award of contract to J. N. Pease & Company.

Councilman Whittington asked what engineering Council has authorized Pease to do, and he was advised none. Mr. Veeder stated there is a form of a contract that has been worked out satisfactory to the City and Pease but this contract has not been authorized for signature by Council. Councilman Whittington asked on what area the engineering work will be done, and Mr. Veeder advised on Eastway Drive, from 29 to Independence Blvd and The Plaza from Eastway Drive to Highway Place. That Council has not authorized a contract as yet and is holding it up until this issue was resolved.

Councilman Bryant stated that was the only issue as he remembers, if the terms were agreeable with Council also, and the only reason it was not acted on was Council did not have anything to act on and didn't know what they would have.

Councilman Whittington stated this is asking Council to hire an Engineer to do Eastway Drive, when three members of Council voted against the Belt Route unless the whole route was done.

Mr. Veeder stated all members of Council voted for the improvement from 29 to Independence Boulevard because there is no alternatives between these two points, so regardless of which way a Councilman voted on the issue this afternoon, he would think it wise if they approved that portion of the project on which there is no alternatives.

Councilman Whittington stated that he thinks Council voted not to do anything about Eastway Drive until they knew where the road was going. Councilman Dellinger stated he did not think there was a motion; that it was discussed in the Executive Session and he offered an informal motion that Pease be authorized to do the engineering on it and Council threw it out because they didn't know where the road was going, and he now would make a substitute motion for Council to authorize the widening of Eastway Drive at this point. The motion did not receive a second.

Councilman Smith suggested that the City Manager bring the contracts to Council at the next meeting. Councilman Dellinger stated there has to be an intent of Council to widen the road, and they have to decide whether or not they are going to do it. The City Manager advised this project is included in the Capital Improvement Program. Councilman Dellinger stated it seems to him a simple motion would put Council on record as to whether they are going to widen the street, and then they could proceed with the other motion.

After a general discussion by Council, Councilman Bryant withdrew his original motion and moved that Council postpone this matter until next week. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington asked the City Manager to bring in any record as to how Council has voted previously on Eastway Drive and Woodlawn Road.


RESOLUTION ACCEPTING THE GRANT OFFER DATED SEPTEMBER 25, 1964 MADE BY THE ADMINISTRATOR OF FEDERAL AVIATION AGENCY ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CITY OF CHARLOTTE, N.C. IN THE SUM OF NOT TO EXCEED \$89,500 AS AN AID IN THE DEVELOPMENT OF THE DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and un-animously carried, Resolution Accepting the Grant Offer made by the Administrator of FAA on behalf of the U.S. of America to the City of Charlotte, N. C. in the sum of not to exceed \$89,500 as an aid in the Development of the Douglas Municipal Airport was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 426.

ADJOURNMENT.

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

  
Ruth Armstrong, Deputy City Clerk