

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, November 21, 1966, at 2 o'clock p.m. with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council with the following members present: Chairman Sibley, Commissioners Olive, Stone, Tate, Toy and Turner.

ABSENT: Commissioners Ashcraft and Gamble.

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#### INVOCATION.

The invocation was given by Dr. C. O. Williams, Minister of the First Associate Reformed Presbyterian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander and unanimously carried, the minutes of the last meeting on November 14 were approved as submitted.

PETITION NO. 66-89 BY J. H. QUATTLEBAUM AND JOHN T. BELK TO CHANGE ZONING FROM R-12MF TO O-15 OF PROPERTY ON THE SOUTHWEST CORNER OF ROBIN ROAD AND SHARON AMITY ROAD FRONTING 150 FEET ON SHARON AMITY ROAD AND 375 FEET ON ROBIN ROAD AND CHANGE FROM O-15 TO B-1 PROPERTY FRONTING 125 FEET ON THE SOUTH SIDE OF SHARON AMITY ROAD BEGINNING 150 FEET EAST OF ROBIN ROAD AND HAVING A DEPTH OF 500 FEET, WITHDRAWN AT REQUEST OF THE ATTORNEY FOR THE PETITIONERS.

Mayor Brookshire advised that Mr. Charles Henderson, Attorney, has requested by letter permission to withdraw the subject petition, and he asked the City Attorney if on that basis Council can act on the request?

Mr. Kiser, City Attorney, replied that Mr. Henderson has requested that this petition be withdrawn at an appropriate time, and the zoning ordinance amendment permits Council in its discretion to allow a withdrawal if there has not been a 2/3 protest petition filed. That it is his understanding that Mr. Henderson submitted a letter to the property owners in the area stating that he was asking for a withdrawal and wanted a withdrawal, and on the strength of that, in order to leave the situation clear for Council to permit a withdrawal if it desires, the property owners in the area did not file a protest petition, so it would be proper at this time, if Council is of a mind to do so, to permit the withdrawal.

Councilman Tuttle moved that Petition 66-89 be withdrawn. The motion was seconded by Councilman Short.

Councilman Albea stated in his mind there is some confusion here. If a man makes a petition and then comes up and asks to withdraw it, he should have considered that before he made the petition.

The vote was taken on the motion and carried unanimously.

Councilman Short asked the City Attorney if it is certain that the protest filed in connection with the "Cotswold Extension Petition" did not also include Mr. Henderson's in that those protesting signed what was written up as a protest of both at the same time? Mr. Kiser replied you can only protest the petition that has already been filed for a public hearing, and he does not believe the protest with respect to the first petition would have been applicable to the protest to this specific petition.

Councilman Short asked, even if it were written that way? Mr. Kiser asked Mr. Fred Bryant, Assistant Planning Director, if the petition for the subject petition had even been filed at the time the protest was entered? Mr. Bryant replied it had been filed but had not been advertised.

Councilman Albea stated Mr. Henderson said at the hearing he was going to file the petition; that is why he says there is confusion of the whole thing.

Councilman Tuttle stated as he understood it Mr. Henderson said he had just filed, and, as Mr. Bryant has said, it had not been advertised; and he was filing to protect his client, but if the other was denied, he was going to withdraw this.

Mayor Brookshire stated the other has been denied, and Mr. Henderson has requested permission to withdraw and Council has already granted the request.

HEARING ON PETITION NO. 66-86 BY DESSIE H. JAMIESON TO GRANT CONDITIONAL APPROVAL FOR A TRUCK AND FREIGHT TERMINAL TO BE LOCATED IN ACCORDANCE WITH SECTION 23-40.1 IN AN EXISTING I-1 DISTRICT ON A 19.655 ACRE TRACT OF LAND FRONTING 1,568.23 FEET ON THE NORTH SIDE OF INTERSTATE HIGHWAY 85, BEGINNING APPROXIMATELY 750 FEET WEST OF TUCKASEEGEE ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is on the north side of Interstate-85 just west of the Ashley Road-Tuckaseegee Road intersection. The property is completely vacant as is the majority of property surrounding it; to the north it is vacant all the way up to Tuckaseegee Road; there are some single-family residences on the north side of Tuckaseegee Road. Across Interstate-85 from the property is vacant land, a service station on Ashley Road near the intersection with the ramp coming off Interstate-85, and on the opposite side of Ashley Road is the Esso Truck Center. Other than that, the property is vacant throughout the area until you get down to Harding High School property. To the west of the property, it is entirely vacant for a considerable distance; the nearest thing is a storage lot used for storage of truck trailers, and a nursery located on Tuckaseegee Road. The zoning in the vicinity is I-1 all along on both sides of I-85, on the north and south side as well; the subject property is zoned I-1. The nearest residential zoning to the north is along Tuckaseegee Road where there is R-9 zoning on both sides of the road; there is a spot of office zoning at the intersection of Tuckaseegee and I-85 ramp; then multi-family zoning down south of I-85 and the area of Harding High School.

Councilman Short stated he would feel after this hearing perhaps Mr. Bryant should express an opinion to the Council whether the presentation material given here meet the requirements for Conditional zoning as recently arranged.

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Mr. Emil Kratt, representing the petitioners, stated this is already zoned I-1, and, under the Zoning Ordinance Section 23-40.1, Truck and Terminal facilities is a permitted use in this zone. They are not asking for a zoning change, but merely to be able to use this property as provided. This particular section of the ordinance is pretty clear as to what has to be shown. Number one, vehicular access to the terminal to be provided from a major thoroughfare which will not require the use of minor residential access streets. Mr. Kratt stated this is on I-85 and goes up to Tuckaseegee Road which is a main thoroughfare in the area. Number two provides that the terminal will not be located so as to create a hardship on adjacent property - that all the adjacent property is zoned I-1, and there is no residential property adjacent to the subject property. Also, that the purposes of the terminal shall be in keeping with the development of neighboring properties and does not offend the adjacent residential areas and will not be detrimental to additional future development in the area. That in this connection, the property next to this tract is an I-1 zoning, and a conditional use for a trucking terminal has been granted by the Council. Immediately across from that property is a bakery and the new parcel post building. That he thinks it is in keeping with the adjacent property; that they plan to construct a building of approximately 65,000 square feet of floor space.

Councilman Thrower asked who the principles are, and Mr. Kratt replied the petition is filed in the name of Cannon Realty Corporation but it is for Tennessee-Carolina Transportation who is now located on Atando Avenue and needs space for further expansion. They made a survey of Charlotte to find property and feel this is the best place for it, and he thinks it is the highest use that can be made of the land under the zoning ordinance.

Councilman Whittington asked if the subject property is on the other side of Freedom Drive as you go from here out to Gastonia on I-85? Mr. Bryant replied it is west of Freedom Drive on I-85; you go out Freedom Drive to Tuckaseegee Road and go out Tuckaseegee Road and turn to your left just beyond the bridge and get on the service road and go around, and it would be on your right.

No opposition was expressed to the request.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-87 BY W. D. CORNWELL TO CHANGE ZONING FROM R-6 TO R-6MF ON .862 ACRE TRACT OF LAND BOUNDED BY BROOK ROAD, STRATFORD AVENUE AND LYNHAVEN STREET (UNOPENED).

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director stated the property is located on the south-east side of The Plaza. He pointed out the City of Charlotte water tank and stated Stratford Avenue turns down beside the tank property and goes down to the right as you go out The Plaza. The subject property is located at the intersection of Stratford Avenue and Brook Road.

Mr. Bryant advised the subject property is a vacant tract of land at the intersection; formerly Lynhaven Street was dedicated through the property making it a triangular shaped piece of property with streets on three sides. He understands a portion of Lynhaven has been closed and is actually a part of the ownership of the petitioner at the present time and is included

in the petition. That the property is completely surrounded by single-family residential usages. There are a couple of duplexes in the area on Lynhaven, one block off of Mecklenburg. He pointed out Midwood Baptist Church, and stated there are some business uses scattered along The Plaza near Stratford and then up near Division Street.

The zoning in the immediate vicinity is all single family including the subject property; the nearest non-single family zoning is some business zoning along The Plaza with some multi-family zoning northeast of Division Street.

Mr. M. A. Lyons representing the petitioner stated they plan to construct sixteen units on the property. He presented a sketch of their plans and stated this is what they plan to do with a total of sixteen units - ten in one and six in the other. That they are debating whether to build one or two story units. They would like to have the one story, but they may have to go to two story in order to have sufficient room in them.

Councilman Whittington asked how long Mr. Cornwell has owned this property? Mr. Lyons replied this piece of property at one time was dedicated as a city park area, and then was not used and came back to the company, and Mr. Cornwell then picked it up.

Mr. Bryant stated according to the application filed by Mr. Cornwell it was acquired on December 31, 1965.

Councilman Tuttle asked how many apartments are contemplated assuming they build one story? Mr. Lyon replied they would have only sixteen units whether one or two story; that they know they can build sixteen units of two story with no question, and it is a matter of design as to whether they go to one story and cut the size down to one bedroom apartments.

Mr. James McMillan, Attorney representing some 160 of the neighbors who are not in favor of the proposed zoning change, stated they filed a protest by the number of people necessary to invoke the 20% Rule, which was signed by all the neighbors who had land fronting on the area on all three sides. He stated he now has the remainder of the protest signed by some 135 neighbors in addition to the 25 who signed the first one, which he filed with the City Clerk; that the signers are people scattered throughout the area of the subdivision and adjacent streets and have indicated that they do not believe this should be done.

Mr. McMillan stated the original map of the protestors which was filed shows that the area sought to be zoned is not really a triangle but is really the pie-shaped end of the juncture where Brook Road and Stratford Avenue come together. The area, if squared off, would be about 190 to 200 feet on a side. That he was startled by the information that they propose to put sixteen family units on a one-acre tract which is shaped as this one is and which was originally dedicated as a park. He stated he has a map which he would like for Council and the Planning Commission to inspect, from which lots to this land were sold beginning as early as December, 1942; that it shows not the present layout of the lots on which people live because some additional subdividing was done, but it shows that the biggest words on the map are for a park which is written in the center of the rounded off triangle, and it was from that map and maps like it that the land surrounding this area was sold in the 30s and in the late 40s when most of the building to the north took place.

Mr. McMillan stated Stratford Avenue, which runs north and south has never been built across the western edge of the property; that it has been there for all these years as an open area designated as a park; to some extent it has been grown up in weeds and been cleaned off from time to time under complaints from neighbors; it has been primarily a place that started out to be a park but was not and has been used by the neighbor boys for a baseball field.

That this is not a swanky community but it is a community of small single-family houses with a few duplexes here and there; it is a community primarily of homeowners - the average house in the neighborhood probably sold originally for \$8,000 to \$12,000 and some of them less before the War. It is a community of people who own their homes when they can and rent them if they are fortunate enough to build or buy a bigger house and move into fancier quarters. They are not people who can take off for a half a day and come to City Council and talk about this question. That a few of their community are here - Mrs. Kenneth Roberts, Miss Lola Sisk and Mr. Henderson are present.

Mr. McMillan stated there are a lot of people affected by this petition. That it seems to him this is the issue presented - it is presented by a man who bought the land ten months ago and is not under any hardship situation here because if it could stand 34 years as a park, it would be no hardship on him if the petition now to put his sixteen units here is denied; it was purchased with full knowledge that the people who originally sold the land around it, sold it under the representation that this park on the map was a park that would remain open in some fashion or other - that it has been unused for commercial rental property for 34 years. If sixteen apartments are put on less than a one acre lot, it will be a good departure from the basic single residence purpose of this area and from the purpose which was included in the law when this particular property was zoned as it is.

Mr. McMillan stated this is a neighborhood which has substantially maintained its integrity for a third of a century; that no economic hardship or loss is shown if the petition is denied; that the petitioner is someone who bought the land in full knowledge of whatever its zoning or other limitations are; that sixteen families on 8/10 of an acre lot will be a gross departure from the purposes of the original zoning, from the character of the neighborhood and from the needs of protection for the future of that community.

Mr. McMillan stated the City is in the middle of a bond issue in which a great many of the problems which are presented are the result of blight of one kind or another; that changes in neighborhoods could perhaps have been prevented by the correct decision back up the line. He stated he does not think this would be a very appropriate time for the City Council to contribute to the blight and the gross change in the character of this neighborhood; and unless there is some reason that is not apparent from the petition, then on behalf of all these neighbors of this area, and on behalf of good planning for the city, he respectfully requests that the petition be denied.

Mr. McMillan stated the area is located some three blocks east of The Plaza about a block and a half north of the Midwood Baptist Church; it is about a block west of the land that George Cramer has his house on, and two blocks north of Mecklenburg Avenue, and in the southern edge of the area that was widely built in the late 40s with a number of small, single-family houses, and on the north edge of the area that was developed before that.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 66-88 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING FROM R-9 TO I-1 ON PROPERTY LOCATED NORTH OF GRIFFITH STREET APPROXIMATELY 300 FEET WEST OF REMOUNT ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is the area of the proposed animal shelter location. The requested change was brought about by a provision of the subdivision ordinance which states that facilities such as the animal shelter must be at least 300 feet from the nearest residential district, and as the property is presently zoned this is not true. That a portion of the property that has been acquired from the Park and Recreation Commission to be used for the shelter itself is not at present zoned industrial. That the tract is approximately 300 feet wide.

He pointed out Remount Road, coming from South Tryon Street going towards West Boulevard, and Toomey Avenue or Griffith Street, coming off Remount Road down by the present animal shelter, and stated the area at the corner is the old incinerator facility which is now used for a truck body operation; that a park is located in the area and housing development of single-family residences and then the public housing project. He pointed out the location of the General Younts Expressway which is just about ready to be let for contract which runs through the area and stated the Bonnie Brae Golf Course is located on the west side. That the subject property is zoned R-9, and the adjoining property along Remount Road and along Griffith Street is zoned I-1 with R-6MF zoning on the South Tryon Street side of the Industrial zoning.

Mr. Bryant stated this is primarily a technical change in order to make possible the use of this site for the animal shelter, and comes to Council with the recommendation of the Planning Commission at this point.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-91 BY NORA MAE BIGHAM PRICE FOR CHANGE IN ZONING FROM R-9 TO I-1 OF A 4.1656 ACRE TRACT OF LAND FRONTING 456 FEET ON THE NORTH SIDE OF OLD GASTONIA ROAD (OLD DOWD ROAD) BEGINNING APPROXIMATELY 202 FEET WEST OF BERRYHILL LANE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the property is located on the Old Gastonia Road or Old Dowd Road on the north side of the road. The property is across the railroad going towards the Berryhill Community. He stated that Warren Road is located just west of the airport itself going down in a southerly direction to tie in with another road south of the location in the vicinity of where the new Holman and Moody automobile facility is located.

At present there is one house located on the property and is adjoined on the east by primarily vacant property, although there is another house located between it and the railroad and a couple of houses on the south side of the old Gastonia Road, and the edge of the airport property comes into the edge of the map. To the west of the subject property is a street called Berryhill Lane which has a number of single-family residences on it; then going on out the Gastonia Road is continuation of single-family residential usages; then you come to Berryhill School.

The subject property is zoned R-9 as is all the property on the west side and the north side of it. Across Old Gastonia Road is I-1; to the east of the property is I-1 on both sides of the road, and further south coming into the airport property is I-2.

Mr. Sam Williams stated he represents Mrs. Nora Mae Bigham Price who was the owner of the property having acquired it from her now deceased husband. That Mrs. Price inherited from her husband a tract of 42 acres; the property is all zoned I-1 except for approximately five acres. That Mrs. Price has a purchaser who has already purchased the property and desires the zoning change so that he will have approximately  $6\frac{1}{2}$  acre tract of I-1 zoning adjacent to the 100-foot buffer strip. Mr. Williams stated the homes in the area appear to be from \$6,000 to \$10,000 homes, and there is considerable need of some work to be done in the back areas where there are old automobiles parked.

Mr. Williams stated his basic argument is that they have a "T" intersection with 39 acres zoned I-1 and the bulk of 4 or 5 acres to be rezoned I-1. He stated that the land has been purchased since the petition was filed by the owner.

Mr. Herbert Brown, Attorney representing the residents of the Berryhill Community, asked Mr. Williams what the present owners plan to use the property for? Mr. Williams replied the contemplated use is for a trailer park, and under the ordinance it requires a site of five acres; that there are four or five trailer parks in the area; there is a trailer park a half mile down the road, one  $\frac{3}{4}$  of a mile and one a mile down the road. That new trailers, at this day and time, have a higher value for taxes than all the houses on Berryhill Lane; and it is contemplated that it will be a planned trailer park subdivision with 2,500 square feet surrounding each trailer site.

Mr. Brown stated he represents some hundred residents of the Berryhill Community who feel very strongly that a trailer park on this property would be detrimental to the land values, to their enjoyment and development of this area for residential purposes. He advised he has a petition signed by 100 persons who are residents of the area and landowners which he filed with the City Clerk. He stated the persons whom he represents reside on Berryhill Lane. He presented a map and pointed out the proposed property to be rezoned - Berryhill Lane, Besser Drive which is devoted on both sides to residential use after you pass Berryhill School which is located on Old Gastonia Road; that Wallace Neal Road is used for residential use; all of the houses in the area are single family; the residents of the area believe that a trailer park lying at the entrance to the Berryhill Community would be a detriment to the further development of this area. That in the past several years, many new houses have been built. That the houses on Berryhill Lane have values from \$8,000 to \$12,000, and the residences on Besser Drive range from \$10,000, and a number of \$30,000 homes; on Wallace Neal Road there are many substantial nice residences. They feel this would hamper and slow to a halt any further residential development of the area. He pointed out a twenty-acre tract which was acquired by one of the residents who lives on Besser Drive some months ago with a view towards developing it for residential purposes and in reliance upon the present residential zoning.

Mr. Brown stated the occupants of the trailer park are likely to be transient and in many instances would not be able to contribute to the community through taxes or participation in school activities - Berryhill School is the center of the Berryhill Community; the Berryhill Baptist Church is a few hundred feet down the road. The trailer parks with which he is familiar are the ones where the residents purchase a plot of land, and they must develop this in accordance with the zoning ordinance.

Mr. William Liles resident of the community stated he felt this was a community where he would like to bring up his family - a community where there is a very fine school, a very fine church with good people, and they need a lot of things in Berryhill but they certainly do not need a trailer park. That they do the best they can to carry the side of the county they have as far as taxes go. That private property owners support the schools, libraries, county police and such as that, and transient type of people seem to have a tendency to be gone when it comes time to collect the taxes.

Mr. M. G. Isley, resident of Wallace Neal Road and Principal of Berryhill School, stated he is speaking as a landowner. That he would like to be sure that the information is absolutely accurate here. There are two trailers parked 200 yards beyond Berryhill School; down below a quarter of a mile in a man's yard are four trailers and 1/4 of a mile, which is almost two miles from the property under consideration, there are three trailers in a small trailer park and one in a man's yard, and these are pieces of property that are acquired through purchase, and this is as far as these are going according to the information they get.

Mr. Isley stated he came into this area in 1955 as a property owner; he bought land and built a home after living for six years in a house owned by the Board of Education, and he decided this was his community, and he invested in it with his life as well as his money, and he would like to see all the residents who move into this community be contributing citizens as he has tried to be, and he fears that as good as the people may be who would reside in a park of the type they are talking about - this person owns another park, and he has worked with these people - he fears that these people will never contribute taxes to the community and a community that has the age that this community has with the school that for 46 years has been the hub around which this revolves and the piece of property in question here is less than 1/2 mile from the front door of the center of the community; there is a question in his mind as to where we will stop if we do not stop at the railroad and do not stop somewhere before we get to this property, will there be one across from the School as that property is open too.

Councilman Whittington asked what type of regulations do we have over the type of thing that Mr. Isley has described where three or four trailers have been placed in one yard or at one man's home in Berryhill? Mr. Bryant replied if it is inside the perimeter area, it would not be permitted. Inside the perimeter area trailer parks may be established only on a minimum of five acres of land. Individual trailers on individual lots are not permitted under any circumstances. That the question would be how long these trailers have been there, whether or not they assume grandfather status and so forth if they are within the perimeter area. Basically, individual trailers would not be permitted. Outside the perimeter and on Old Gastonia Road the Planning Office has been approving and has already approved one mobile home park for individual lot subdivision. As there is no zoning ordinance in the county, this is still permitted outside the perimeter, and they have given a subdivision approval to this type of thing, but inside it would not be permitted.

Councilman Whittington stated if these are in the perimeter, then Mr. Bryant should get this information from the people who have stated it here and see what can be done to do something about it as it is apparently in violation.

Councilman Tuttle requested the City Manager to have the Building Inspection Superintendent to look into this situation and see if these trailers are non-conforming.

Mr. Bryant advised the subject property is within the perimeter area, but the line is not too far west of this point and is just beyond Berryhill School.



Councilman Short asked Mr. Bryant if trailer parks could be built on the land east of this land as well as to the south, and Mr. Bryant replied they could; that any property that is zoned industrial, a trailer park could be located on.

Councilman Alexander asked if they are talking about just one or two trailers or trailer parks that are now established. That the first speaker spoke of a trailer park existing there now? Mr. Bryant replied this is the first knowledge he has of an existing trailer in the area. Councilman Alexander asked if there are any trailers between the Southern Railroad and Besser Drive, and Mr. Bryant replied there are no trailers located in that area.

Councilman Whittington asked that something be done about those that are in violation now if there are any. Mr. Bryant replied he can have an investigation made to determine whether or not they are legitimate.

Council decision was deferred for one week.

MAYOR DECLARES TEN-MINUTE RECESS AT 3 P.M. AND RECONVENED THE MEETING AT 3:10 P.M.

Mayor Brookshire called a ten-minute recess at 3 o'clock p.m. and reconvened the meeting at 3:10 o'clock p.m.

DISCUSSION OF DECEMBER 17 BOND ELECTION AND DOWNTOWN MASTER PLAN BY ALBERT PEARSON.

Mr. Albert Pearson stated it seems that a lot of people are confused about the Master Plan for Downtown Charlotte according to reports in the paper. He referred to one entitled "Objectors Raising a Smoke Screen" and an editorial in the Charlotte Observer which can be taken care of very easily by saying that it leaves much to be desired when it comes to telling the truth. Another one is an article put out by the Charlotte News in which it states that "City officials deny bond rumor issue." Does this mean there is not going to be any bond issue? It says City officials today outline the breakdown of items and rumors that the entire \$13.9 million would be in one lump, an effort by the opposition to confuse the voters. He wonders from the City official's point of view whether he is one of those in opposition, because he has been the one trying to get the other things straightened out so the people could understand them. Did this rumor start in the City Manager's office, or did he hear it somewhere else. It goes on to say that separating the six separate questions, which Mr. Veeder also said the public confusion probably stems from the opposition about the splitting up of the No. 1 item issue, which is very true. But he cannot understand why somebody in that office would charge the opposition with trying to confuse the issue. They are not trying to confuse the issue as far as he is concerned; they are trying to get it so that people will understand it, and when the Charlotte News itself goes out and asks one of its leading reporters how he understands this would be voted on, and they do not know, he would say issues are confused. Then they go on to explain that this is broken down in No. 1, Urban Renewal, Greenville, First Ward, Dilworth, and Downtown Areas. He asked if that is the way it is going on the ballot? Because if it is, he is confused. His understanding is that it will not go on that way; that actually the way it will go on the ballot, unless it is changed, this money could be used all downtown, could be used all in any one separate item. If he is wrong, he would appreciate it if anybody here will correct him. That it is vague and is only to state that they will have a bond issue of \$2.5 million cooperating with the Urban Renewal Redevelopment Board to carry out their lawful functions or words to that effect. He thinks this is the confusion when they put it out like this. They are trying to split up the residential urban renewal and the business urban

renewal. The number two is the plan for a civic center and adjacent parking drive for \$2.5 million. He asked if this is the way it is going to go on the ballot? Or is it going to say words to the effect that this money is for the city to use in buying property for official buildings, or words to that effect which could mean a civic center or to build another jail up there, because the way he understands it will be on the ballot, it could be used for any public building or buy any land; it could be used for anything. He stated the rest are fairly set the way they will be on the ballot.

Mr. Pearson stated he does not like to mention any city official, especially when they are appointed. He thinks one of the bad parts of our city in the last ten years is that our elected city officials have refused to take the blame for a lot of appointed city officials when issue arose, such as the Police Chief in the past. That it says here that Mr. Veeder said the four, referring to renewal projects, if it could have been broken down into separate ones, asked whether it would be legal. Does this mean he does not know whether it would be legal or not? The main thing is not whether they are broken down into four separate units. They mention in the article the \$28,000, and he thinks all know why Dilworth is on there for \$28,000. That he does not think there is any secret about it for anybody who has given it any thought. Then one official said it was kept together because each is related to the other. That he respectfully submits to this Council that the downtown redevelopment plan is not, as one man put it in the paper the other day, they are as different from one another as black and white. They do not belong together, regardless of what the official says. He hates to see local appointed officials getting into this. He thinks local appointed officials should be protected from these things.

Another one put out by the Chamber of Commerce - Keep Charlotte First. First in what, crime? He understands we are 17th in VD. He does not know what we mean by first. He would like to see us a little better too. To try to classify any opposition to the bond issue as being against the red, white and blue emblem they put out, he thinks is a little unfair. The article says - massive effort underway on bond issue campaign. What is perhaps the most massive and intensive efforts made in the history of Charlotte is being mounted to promote passage of the December 17 bond referendum for the City of Charlotte. He did not hear that type of talk when the school bonds were to be voted on last time. He did see a little flurry of somebody putting the number six on, or something like that with a little lip service in the paper, and pictures, but no concerted drive for school bonds which were more important than this thing. It seems to him that you are letting somebody else do your speaking for you.

In Sunday's paper is an article that has a piece in it and also mentions another official of the City of Charlotte. It says this area is a worn out system, and he is not the first one to give up on private enterprise. There have been others before and there will be others in the future. It says it seems to be our only alternative at this point because private enterprise has no plans for developing this area.

Mr. Pearson stated in the past that this Council and the ones before it have not in any way at any time tried to cooperate with private enterprise in the area. In fact, it can be said that the private enterprise that is pushing for this bond issue was the private enterprise that you gentlemen worked with in the past which helped get this particular area in the shape it is in. You did not give them any cooperation at all. That he refused to accept Mr. Grants words that they - speaking of private enterprise - the banks and the Chamber are now a part of government so they are not in private enterprise; that he guesses that is what he means, he would not

know any other. That the opposition, speaking of himself, states that there are other plans. There are plans that you people have been sitting on for years. That the same people pushing for this once had an invitation to build a park at the library by some of these same people, and one of the biggest five percenters handling this was Ed Vinson. They wanted the school children to pay the money for the park. Mr. Pearson stated he personally came here and handed this Council a certified check for 1/10 of 1% of his last years income for that, and asked this Council, with the exception of three members, to ask the other people in the area including the Downtown Charlotte Association to do the same. But it sort of fell through when the City was not going to do it and the kids were not going to do it. You did not hear these big patriotic citizens of today offer to put up any of their money to do it. When there has been discussion in the past about downtown parking, he took the position then and he takes it now, you should not take the parking off the street until you have some place to put it. Did anyone of the past Council offer to sit with anyone in this private enterprise system of ours in that area and try to do anything about parking in a cooperative way? You talk about keeping Charlotte first and the great big advantages you have. The little town of Chapel Hill did. They sat down with private enterprise and worked out a plan, and believe it or not, the North Carolina Bank and Trust Company, which is one of the leaders of this plan, helped them do it.

Mr. Pearson referred to papers in which the blighted areas are classified into various sections of (a), (b), (c) and (d). That he would start with (d) which is very poor. That (d) means the structure is completely inadequate, or feature is non-existing or beyond repair or not fit for occupancy. We have a city code, and if these words are true and it is as bad as they say it is here, then you people have been sitting doing nothing when you should have been acting and making the people who own these properties either improve them or tear them down. It has been done with some other little people, so he does not see why you should be afraid of these people. If that is not true, and he would like to say that he happens to be in one of those buildings marked (d). That outside of a ninety-day notice, he does not care if they tear it down. That the papers try to make believe because you are up here, you are a selfish merchant. If all the City had to worry about was helping him, there would have no problems in the City of Charlotte today. But these buildings should be torn down, and it is up to you people to get them torn down. It is not up to you to say please Mr. Small Taxpayer pay for it, or please Mr. Federal Government. You had the opportunity to do this before. Why have you not done it?

That this is not his spokesman. Mr. Keith does not speak for him. He should because he was appointed by the Mayor and the Mayor is his representative on that particular position too. But it seems now we have only one point of view. That is the point of view with the affirmative on its program. That he was interested in what Mr. Whittington said last Monday when he asked for a re-endorsement of this plan. That the City Council and the County Commissioners had endorsed it. Well, times change even in politics, and the next County Commissioners might be a little different. That he is just trying to bring this out to show you that you put on the ballot something that the next City Council could change its views entirely on. They are not pinned down to spend this money on a convention center; they are not pinned down to spend this money on this particular area of the redevelopment. If he has said something wrong, he wants to be corrected on it. He is challenging Council today to do what it can under the existing laws if this is correct. There are others marked (c), and it is almost as bad. In going through this he finds that the City Manager's office said there are a great many owners in the area, and it is hard to get them together. Do you know that in one particular block there are three owners?

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In another block there are two owners, one is the railroad, another has three owners, another one four. Which brings us to the statement of the City Manager's office again - that this area was picked because these blocks were in such bad shape and such non-taxable property. The third block of East Trade with the Belk Buying Office is in this plan. The second block has even a greater valuation than the third block, and why was the second block not in it? That it was quoted in this room a few weeks ago that they were not in it because the Belks had plans to develop the block. If they are strong enough to keep that block out of this plan, they were deeply strong enough to keep the next block out where the Buying Office is, and they did not, and he asks why? Is it because they are planning on building a new buying office in their new shopping center? If it is, he is against the taxpayers paying for that building to be torn down. Is it because they have been assured an exception on that building so that they can plead to build on the rest of the property and get it for 50 cents on a dollar, which is what the plan was selling the land for. That if that is not true in the other block and the people in that area own such property, the Belks had an opportunity to buy a piece of property in that block not too long ago, and it was too high for them. The figure they were asking for it was approximately the same as it would come out too under this plan. An out-of-town interest bought it. It was not too high for them. That is the block where S. R. Brookshire has a piece of property located which is (c), and he says the same about that building. If it is not up to standard it should be brought up to standard or torn down. It says that some of these buildings are 60-65% depreciated by the tax department. If you make them bring them up to standard, you automatically increase the tax valuation. That is under the City's power now. But to point your finger at the people in that area who have done something like the Charlotte Fish & Oyster, Lebo's Shoe Store and Kress Store, who have all done something and say that private enterprise has done nothing in the City of Charlotte. Who do you think built these new buildings going up like the Federal Savings & Loan, the building where the old YMCA is; who improved the Wachovia Bank, the Union National Bank, the American Building that was private enterprise, and it did not cost the taxpayers one cent. To mislead the taxpayers by saying if you build a hundred million dollars worth of property, and he says you are misleading them because the fact that you build a hundred million dollars worth of property in the next 15 years would not necessarily mean that you would not be in less trouble on taxes than you are today because you have had increases in the last ten years, and you are not in any better tax position. Every time you build a new building and bring in a new industry, you bring other responsibilities with it. And you have not faced up to those responsibilities in any of one or two ways - by cutting expenses on unnecessary things or by increase in whatever you are trying to pass.

Mr. Pearson said why not ask Mr. Keith to get on a platform with some of these people who are against this. They are honest sincere people; they are people you are suppose to be representing too. You were not suppose to take the one sided approach to this, you were suppose to have taken the approach that all the facts should come out and let the people vote on it if they wanted to. He does not question the sincerity but having the election eight days before Christmas on a Saturday when the main opposition will be busy, he does not question the motives, he does question the judgment. That this could be put off, and he will ask that it be put off and the reason - It could be put off for six months or a year because you have requested from the Federal Government \$339,000 to come up with a comprehensive plan that you will have something you can say we mean this. Not like the last meeting that was held where it was said - "Well, we don't know whether this is going to happen or that is going to happen." This is not a plan. You could take that money and come up with a plan that might

have some logic in it. If you use that money and decide that it is not worthwhile going ahead; that you have not lost a cent except the federal tax money from the taxpayers' point of view. The only way you will use that \$339,000 of the planning money is if you go ahead with the plan.

Mr. Pearson stated he is asking now why was this thing planned the way it is, without the people in the area being given a change to be heard. A date set. It was picked eight days before Christmas. It could have been held two weeks before that at the time of the other election if you had wanted to. It would have saved the taxpayers \$10 or \$12 thousand dollars. There was no urgency then. What is the urgency now? That he respectfully requests that before it is too late, the ballots have not been printed, they may get printed and then find out they cannot be used. He would hate to see that happen too. You have a chance to be big people. You have a chance to fight for an enlightened democracy or you can sit still and let it go down the drain.

Mayor Brookshire stated he has no worries about our city, our state of our nation as long as we can accept criticism and tolerate cynicism.

Mr. Pearson replied he would like to come here sometime and make a statement to this Council without a rebuttal being made. It is not necessary to criticize, accept or reject it.

RESOLUTION OF THE HOME BUILDERS ASSOCIATION OF CHARLOTTE ENDORSING DECEMBER 17  
BOND ELECTION.

Mr. Bob Beaumont representing the Home Builders Association of Charlotte stated they have a document which Mr. Ralph Howie, President of the Association will present.

Mr. Howie presented the following resolution:

"We, the Home Builders Association of Charlotte, do feel that the City of Charlotte's future growth and success is dependent upon a victory at the polls on December 17, 1966. We believe that it is imperative to this City's well being that the \$13.9 million Bond Issue pass by a safe majority. We believe that it is important that the outstanding civic and educational organization of this City support this bond issue by their wholehearted endorsement.

We believe that (1) the Bonds should be liquidated by means other than an increase in property tax and (2) that families displaced by Urban Renewal should be housed by Private enterprise rather than through additional Public Housing.

BE IT RESOLVED, that we, The Home Builders Association of Charlotte, do agree, as an organization, to support and vote for the \$13.9 Million Bond Issue on December 17, 1966, and by this Resolution do hereby give the passage of this Bond Issue our wholehearted endorsement.

This the 8th day of November, 1966."

Mayor Brookshire thanked Mr. Howie for the resolution and for the support. Council knows that their concern and interest is for Charlotte's continuing progress. That none of the members of Council, or certainly the Mayor, wants to pay any more ad valorem taxes; in fact, we would like to shore up the tax base we have, so as to insure against increases, that otherwise might be necessary.

SUPPLEMENTAL AGREEMENT NO. 3 TO CONTRACT OF PROPST CONSTRUCTION COMPANY AIRPORT PROJECT 9-31-017-C615 APPROVED.

Councilman Short moved approval of Supplemental Agreement No. 3 to contract of Propst Construction Company, Airport Project 9-31-017-C615, to provide for substitution of revised Sheet No. 2 in the construction plans; increase unclassified excavation quantity from 50,000 cubic yards to 70,521 cubic yards; increase crushed aggregate base course quantity from 4,190 cubic yards to 5,281 cubic yards, with all unit prices to remain unchanged. The motion was seconded by Councilman Jordan and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON DECEMBER 19, 1966, ON PETITIONS NOS. 66-92 THROUGH 66-96 FOR ZONING CHANGES ADOPTED.

Motion was made by Councilman Whittington to adopt the subject resolution, which was seconded by Councilman Tuttle and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 370.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion of Councilman Short, seconded by Councilman Alexander and unanimously carried, the following streets were taken over for continuous maintenance by the City:

STREET	FROM	TO
Briabend Drive	Firwood Lane	Pineville Road
McAllister Drive	Beatties Ford Road	1,030 feet west
Helena Street	Capitol Drive	487' S. to end of cul-de-sac

ORDINANCE NO. 554-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE NON-TAX REVENUES IN THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Jordan moved the adoption of the subject ordinance transferring \$1,873.40 to the Airport Operations Fund for payment to Abrams Aerial Survey Corporation for photogrammetric service in connection with damage suits filed against the City of Charlotte because of aircraft noise and operation at Douglas Airport. The motion was seconded by Councilman Alexander and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 437.

CONSTRUCTION OF SANITARY SEWER AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Albea and unanimously carried, the construction of sanitary sewers was authorized as follows:

- (a) Construction of 345 feet of trunk and 275 feet of main to serve Perth Court, inside the city, at the request of Ed Griffin Development Company, at an estimated cost of \$4,625 with all cost to be borne by the Applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

- (b) Construction of 3,590 feet of main and 480 feet of trunk in Shannon Park No. 8, inside the city, at the request of Tri-Development Corporation, at an estimated cost of \$33,055, with all cost to be borne by the Applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Construction of 600 feet of 12-inch trunk and 1,200 feet of 8-inch trunk to serve a portion of Ervin Construction Company's property, inside the city, at the request of Ervin Construction Company and Realty Development Company, at an estimated cost of \$14,200, with all cost to be borne by the Applicants whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

#### CONTRACTS FOR APPRAISALS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, authorizing the following right of way appraisal contracts:

- (a) Contract with Lionel D. Bass, Sr. for appraisal of seven parcels of land on Eastway Drive - property of R. P. Cooper, P. H. Stafford, J. B. Long, L. H. Maye, Bessie G. Anderson, J. E. Goines, and F. L. Davis - in connection with the Eastway Drive Widening Project.
- (b) Contract with Leo H. Phelan, Jr. for appraisal of six parcels of land on Eastway Drive - property of P. H. Stafford, J. B. Long, L. H. Maye, Bessie G. Anderson, J. E. Goines and F. L. Davis - in connection with the Eastway Drive Widening Project.
- (c) Contract with Al H. Carrier for appraisal of five parcels of land - property of Katherine Potts Asbury, W. E. Strane, Jr., C & D Realty Company, Men's Club of Charlotte, Inc. and John M. Dwelle - in connection with the East Third Street Connector Project.

#### TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Mr. Gottfrid Ryberg for Grave No. 5, Lot No. 175, Section 2, Evergreen Cemetery, at \$60.00.
- (b) Deed with R. Loomis Fox for Lot No. 388, Section 6, Evergreen Cemetery, at \$240.00.
- (c) Deed with Estate of Marion P. Spigener, Lot No. 381, Section 6, Evergreen Cemetery, at \$240.00.

#### CONTRACT AWARDED C. M. ALLEN & COMPANY FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN HIDDEN VALLEY ESTATES.

Motion was made by Councilman Jordan, seconded by Councilman Short and unanimously carried, awarding contract to the low bidder, C. M. Allen & Company, in the amount of \$19,995 on a unit price basis for construction of sanitary sewer facilities in Hidden Valley Estates.

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The following bids were received:

C. M. Allen & Company	\$19,995.00
Sanders Brothers	21,238.00
A. V. Blankenship	22,926.00
Boyd & Goforth, Inc.	23,461.50

CONTRACT AWARDED A. V. BLANKENSHIP FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN ROBINHOOD WOODS SUBDIVISION.

Upon motion of Councilman Albea, seconded by Councilman Alexander and unanimously carried, contract was awarded the low bidder, A. V. Blankenship, in the amount of \$16,369.25 on a unit price basis for construction of sanitary sewer facilities in Robinhood Woods Subdivision.

The following bids were received:

A. V. Blankenship	\$16,369.25
Boyd & Goforth, Inc.	16,704.20
Sanders Brothers	16,963.00
C. M. Allen & Company	17,104.00
O. L. Nixon	19,538.00
Howie Crane Service	19,774.20
Crowder Construction Co.	27,472.50

CITY MANAGER REQUESTED TO ASK THE ENGINEERING DEPARTMENT FOR RECOMMENDATIONS ON PENALTY CLAUSE.

Councilman Thrower requested the City Manager to ask the Engineering Department for their recommendation on the penalty clause. He understands there was talk that the penalty clause be completely abolished. That it now stands at \$10 a day which he thinks is a little ridiculous. These people could, perhaps, get a larger contract someplace else and move their equipment off and leave the project just hanging by its neck as long as they want to, and the City would have no legal recourse once they have moved the first truck load of dirt. That he would like to have a recommendation from the Engineering Department and see if we cannot increase the penalty.

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR RUBBER TIRED TRACTOR WITH SELF LOADING PAN.

Councilman Alexander moved award of contract to the low bidder, E. F. Craven Company in the amount of \$53,413.75 for one rubber tired tractor with self-loading pan. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

E. F. Craven Company	\$53,413.75
Interstate Equipment Co.	59,740.00

Bids received not meeting specifications:

Western Carolina Tractor Co.	\$57,420.80
Carolina Tractor & Equipment Co.	58,920.00



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CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TRACTOR WITH BACKHOE AND LOADER.

Motion was made by Councilman Jordan awarding contract to the low bidder, Charlotte Tractor Sales, Inc., in the amount of \$6,173.97 for one tractor with backhoe and loader assembly. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Charlotte Tractor Sales, Inc.	\$ 6,173.97
International Harvester Sales	7,471.15
Southland Equipment Co.	7,997.95

CONTRACT AWARDED SOUTHERN PUMP & TANK COMPANY FOR 1500 GALLON FUEL TANK.

Councilman Albea moved award of contract to the only bidder, Southern Pump and Tank Company in the amount of \$3,785.25 for one 1500 gallon fuel tank. The motion was seconded by Councilman Thrower.

Councilman Whittington asked if this is a new item? The City Manager replied that it is, and will permit fueling of equipment as it is parked around the jobs.

Mayor Brookshire asked if the City has had any other purchases of this type in the past to judge the value on? Mr. Brown, Purchasing Agent, replied the City does not have anything like this.

Councilman Thrower stated he was concerned about this particular bid and went to Mr. Brown and read the specifications. As it is spelled out, it is quite a simple thing, but it has two centrifugal pumps and quite a bit of plumbing and multiple tanks and Mr. Brown pointed out he submitted this to ten different people and only received one bid because these people specialize in this.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED CAROLINA EQUIPMENT & PARTS COMPANY FOR COMBINATION BACK-HOE LOADER.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder meeting specifications, Carolina Equipment & Parts Company in the amount of \$13,905.00 for one combination back-hoe loader.

The following bids were received:

Carolina Equipment & Parts Co.	\$13,905.00
Spartan Equipment Co.	14,265.50
Mitchell Distributing Co.	15,059.89
Western Carolina Tractor Co.	16,257.52

Alternate bid received not meeting specifications:

Spartan Equipment Co.	\$12,514.50
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CONTRACT AWARDED TAR-HEEL ENGINEERING & MFG. COMPANY FOR MATERIAL SPREADERS.

Councilman Albea moved award of contract to the only bid meeting specifications, Tar-Heel Engineering & Mfg. Company in the amount of \$2,765.55 for three material spreaders. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Tar-Heel Engineering & Mfg. Co.	\$ 2,765.55
Carolina Equipment & Parts Co. (did not meet specifications)	2,284.53
Interstate Equipment Company (did not meet specifications)	2,539.98

CONTRACT AWARDED SOUTHLAND EQUIPMENT COMPANY FOR ASPHALT SPREADER BOX.

Motion was made by Councilman Tuttle awarding contract to the low bidder, Southland Equipment Company in the amount of \$1,550.15 for one asphalt spreader box. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Southland Equipment Co.	\$ 1,550.15
Lee Boy Mfg. & Distributing Co.	1,643.88
A. E. Finley & Associates	3,053.95

CONTRACT AWARDED N. C. EQUIPMENT COMPANY FOR FORCE FEED LOADER.

Councilman Alexander moved award of contract to the only bidder, N. C. Equipment Company, in the amount of \$16,675.70 for one force feed loader. The motion was seconded by Councilman Thrower.

The City Manager advised as far as the Purchasing Department can determine the N. C. Equipment Company in Raleigh is the only distributor in the State for this item. They are told by several equipment bidders that this particular loader is the only one that will give good service. The City has one of them now, and has had satisfactory service from it. The State uses these in vast quantities and have 130 of them now and recently bought 14 more. This is the only one they know of that will do the job.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TRACTOR WITH ROTARY BROOM.

Councilman Whittington moved award of contract to the low bidder, Charlotte Tractor Sales, Inc., in the amount of \$2,872.17 for one tractor with rotary broom. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Charlotte Tractor Sales, Inc.	\$ 2,872.17
International Harvester Co.	3,307.11
G & W Equipment Co.	3,588.65
Southland Equipment Co.	4,613.17

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CONTRACT AWARDED FLEXIBLE PIPE TOOL DIVISION, ROCKWELL MANUFACTURING COMPANY FOR POWER BUCKET MACHINE.

Upon motion of Councilman Tuttle, seconded by Councilman Albea, and un-animously carried, contract was awarded the only bidder, Flexible Pipe Tool Division, Rockwell Mfg. Company, in the amount of \$1,241.15 for one power bucket machine.

CONTRACT AWARDED T. V. PIPE INSPECTION COMPANY FOR HYDRAULIC SEWER CLEANING MACHINE.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, T. V. Pipe Inspection Company, in the amount of \$9,270.00 for one hydraulic sewer cleaning machine.

The following bids were received:

T. V. Pipe Inspection Co.	\$ 9,270.00
Dillon Supply Co.	10,097.09

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR CUB TYPE TRACTOR WITH MOWER.

Councilman Thrower moved award of contract to the only bidder, International Harvester Company, in the amount of \$2,057.48 for one cub type tractor with 60" mower. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED PORTER BROTHERS, INC. FOR FLEXIBLE ROTARY MOWER.

Motion was made by Councilman Albea awarding contract to the low bidder meeting specifications, Porter Brothers, Inc. in the amount of \$2,064.79 for one 15 foot flexible rotary mower. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Porter Brothers Inc.	\$ 2,064.79
Engler Mfg. Corp.	2,880.65
E. L. Caldwell & Sons, Inc. (did not meet specifications)	1,891.81

CONTRACT AWARDED EASTMAN KODAK COMPANY FOR MICROFILM EQUIPMENT.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and un-animously carried, contract was awarded Eastman Kodak Company in the amount of \$1,436.85 for one piece of microfilm equipment.

CONTRACT AWARDED VULCAN SIGNS & STAMPING, INC. FOR ALUMINUM.

Councilman Whittington moved award of contract to the low bidder, Vulcan Signs & Stamping, Inc., in the amount of \$2,879.41 on a unit price basis for 200 sheets of aluminum. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

Vulcan Signs & Stampings Inc.	\$ 2,879.41
Municipal Street Sign Co.	2,925.20
Reynolds Aluminum Supply Co.	3,050.35
Southeastern Safety Supplies	3,285.70

CONTRACT AWARDED ATLAS SUPPLY COMPANY FOR C.I. SOIL PIPE AND FITTINGS.

Motion was made by Councilman Thrower to award contract to the low bidder, Atlas Supply Company, in the amount of \$30,984.83 on a unit price basis for 48,000 lineal feet of cast iron soil pipe and 4,825 fittings. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Atlas Supply Co.	\$30,984.83
U. S. Distributors Co, Div of Shelby Supply Co.	31,283.86
Parnell-Martin Supply Co.	31,361.88
Horne-Wilson, Inc.	31,513.79
Crane Supply Co.	31,648.81
Hajoca Corporation	31,786.02
Grinnell Co., Inc.	32,691.68

ORDINANCE NO. 555 AMENDING CHAPTER 6, ARTICLE IV, SECTION 6-34 AND SECTION 6-39 OF THE CODE OF THE CITY OF CHARLOTTE TO PROHIBIT PEDDLING IN "STADIUM DISTRICT".

Councilman Tuttle moved the adoption of the subject ordinance, which was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 438.

RESOLUTION AMENDING THE RESOLUTION ESTABLISHING AND REGULATING USE OF THE CITY EMPLOYEES' PARKING LOT.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted permitting the parking of city-owned vehicles in the city employees' parking lot when there is insufficient parking space in the City Hall area.

The resolution is recorded in full in Resolutions Book 5, at Page 370.

ORDINANCE NO. 556-X AMENDING ORDINANCE NO. 498-X, 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance transferring \$6,679 from the General Fund Contingency Account to the Police Department budget to defray the cost of providing additional and improved facilities for personnel authorized in the reorganization plan approved by Council.

The ordinance is recorded in full in Ordinance Book 14, at Page 439.

## CLARIFICATION OF REPORT REQUESTED FROM MR. SAWYER ON COST OF PROPERTY IN RENEWAL AREA IF PURCHASED BY CITY FOR USE AS PARK OR OTHER PERMITTED USE.

Councilman Tuttle stated he does not think the City got the proper request to Mr. Sawyer, Redevelopment Commission Director, from the report received. That he gave the value of the land at \$1,397,000; that this is a figure we already knew. What is wanted are the variances in things - the cost to the city, federal participation if it is bought outright, and whether it would include streets and gutters and so forth. If the City used this land for a park, he believes it would have a different price if there were to be no streets, no gutters and no sewage and so forth; and also to check and clarify whether or not it is feasible, and whether or not under this program the City can buy land and the federal government would pick up the interest for five years. That it is entirely possible the City could not do anything with it. If we decided we wanted the land, we might go ahead and buy it and let the government pay the interest. That he does not think there is any question about whether or not the land will be worth five years from now what it will cost today. As he understands it, if it is ultimately utilized for the use for which it was originally purchased, then this would stand as their tab on the interest. If the City later sold it for a profit, then we would have to go back and pick up the interest.

## CATV FOR THE CITY OF CHARLOTTE APPROVED AND CITY ATTORNEY REQUESTED TO PREPARE ORDINANCE SETTING FORTH THE MANNER IN WHICH APPLICATIONS FOR FRANCHISES SHALL BE SUBMITTED, THE INFORMATION TO BE CONTAINED IN THE APPLICATIONS, AND THE RULES AND REGULATIONS GOVERNING THE OPERATION OF CATV.

Councilman Thrower stated over the past few months, this Council has been studying CATV. On September 29 a public hearing was held at which all parties in interest were given an opportunity to speak on the question of whether CATV should be permitted to operate in the City. Based upon this study and upon the information received at the public hearing, he believes that it would be in the best interests of the citizens of the City of Charlotte for this Council to allow CATV to operate within the City. He therefore moved that this Council approve CATV for the City of Charlotte and request that the City Attorney prepare an ordinance setting forth, among other things, the manner in which applications for CATV franchises shall be submitted, the information to be contained in those applications, and the rules and regulations governing the operation of CATV within the City. The motion was seconded by Councilman Short, and carried unanimously.

## PETITION NO. 65-86 BY M. LEE HEATH FOR CHANGE IN ZONING FROM R-15 TO R-15MF ON 48.63 ACRE TRACT OF LAND EAST OF SHARON ROAD AND NORTHEAST OF NEW QUAIL HOLLOW ROAD, DENIED.

Councilman Albea moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington and carried by the following vote:

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

RECOMMENDATIONS ON EMERGENCY CREW IN MOTOR TRANSPORT DEPARTMENT REQUESTED FROM CITY MANAGER AND DISCUSSION OF COMPLAINT DEPARTMENT.

Councilman Whittington asked the City Manager if he is ready to make a report on the Emergency Crew for the Motor Transport Department.

Mr. Veeder replied this would cost about \$6,000; that he has gone over this in detail with Mr. Davis; that he would like to be in a position to give Council more information on it.

Councilman Whittington stated Council would like to have all the facts; that this was not mentioned when he brought this up, but some time ago at budget time and prior to budget time, Mr. Jordan brought up the question of a Complaint Department. Council did not take all the money out of the budget set up for that purpose, and this is one of the things that could be tied into this emergency crew. As Mr. Short brought up in the conference room, he went to a meeting the other night and more than any other thing needed were these people who need help and quite honestly do not know how to get it. As an example, someone who did not know how to get a dead animal removed from in front of their home and made five or six phone calls and after a while would forget it because they did not know who to call or did not get an answer the first time; all these things are related. That he thinks it is very important and would hope that the Manager would give Council something to consider as soon as possible.

CITY MANAGER, TRAFFIC ENGINEER AND CITY ENGINEER REQUESTED TO GET TOGETHER WITH STATE AND HAVE CONDITION AT 547 WOODLAWN ROAD RECTIFIED.

Councilman Whittington stated last week a family who lives at 547 Woodlawn Road called him, and for the last five weeks they have not been able to get in their driveway with either car; no delivery service has been available except from the side street of Murrayhill Road. That this is a state contract, but it is absolutely ridiculous and obsurb for us as a City Government to not be aware of these things and not go to these people and try and work with the State and get these conditions rectified as soon as we can. He stated he wants the City Manager, Traffic Engineer and City Engineer to know about it, and he thinks we should get out there and see these people with the State and with the contractor and try to help them. When we talk about progress and talk about trying to build future roads, and this sort of thing just goes on and on, then the progress of the future becomes even more difficult.

PLANS FOR LEFT TURN LANE AT SCALEYBARK AND SOUTH BOULEVARD TO BE SUBMITTED TO STATE WITHIN NEXT COUPLE OF WEEKS.

Councilman Whittington stated there is an ordinance on the books that prohibits a person from cutting through a business, shopping center or service station to make a short cut because he cannot get through the traffic. That we have been telling the people in the southeast section of the City who use South Boulevard and have to turn left on Scaleybark Road to get to their home that we cannot do anything about it. That it seems to him if this picture was presented properly to the State we could get enough area there to put a left turn slot where these people could turn left without breaking the law or killing themselves or someone else. That it has been brought up before, but if we just sit back and forget it, we do not get anything accomplished. That he requests that this be done immediately and that it be brought back to the Council with a yes or no answer so that we can tell all those people out there that the State cannot do anything for them.

Mr. Hoose, Traffic Engineer, advised Scaleybark, Remount, Griffith Street and Tremont and Poindexter are now under engineering studies with the City and State. The engineering drawings by his department and the field surveys by the Engineering have been finished and sent to the State.

Councilman Whittington stated four years ago we were talking about field surveys and engineering studies, and we still have a bottleneck out there that we have not done anything about. Something should be done and can be done.

Councilman Thrower stated money was appropriated in the budget for these five intersections.

Mr. Hoose stated his office did the design work and the signal sequence on Scaleybark and South Boulevard, and it has been turned over to the Engineering Department.

Mr. Cheek stated in a normal sequence of events these plans will be approved by the State and then the City will acquire the necessary right of way to do the work. That they expect to present the plans to the State within the next couple of weeks.

#### PROGRESS REPORT ON LEFT TURN LANE AT SUGAR CREEK ROAD AND NORTH TRYON STREET.

Councilman Whittington asked Mr. Hoose, Traffic Engineer, if anything has been done about the left turn slot at Sugar Creek Road and North Tryon Street?

Mr. Hoose replied they made the drawing on Sugar Creek Road and submitted it to the Engineering Department which checked out the drainage and wrote a request along with the Traffic Engineering to the State. In the meantime, a survey has been made with Duke Power Company to move the poles back; the additional lane will be widened out.

Mr. Veeder advised the City will do most of the work if the State will do a minor portion of it in order to get it in. That he thinks the State will go along with the City. Mr. Cheek, City Engineer, stated he does not think there will be any difficulty with the State on this particular intersection; that he talked with Mr. McBride about it personally, and he indicated they will probably go ahead and do the work right away.

#### DISCUSSION OF PAVING AND VARIOUS PHASES OF WORK ON WOODLAWN ROAD.

Councilman Thrower stated the contractor went out this morning to start putting asphalt on Woodlawn and the State knocked them off because it was 36° and falling. As he understands, they cannot top out at less than 40° and rising. Assuming that from now until the expiration of this contract, which is around December 17, that it is 40° and falling, and in their penalty clause after December 15 they cannot do any topping; he asked if they are under penalty for the whole winter and there will be no further paving and no further construction and nothing else done? Mr. Cheek, City Engineer, replied there will be no further paving if these conditions persist, but he is not sure whether the state contract is drawn in such a manner that they would be under penalty for this entire time; he would imagine they would be. That it would be inconceivable to him that we would have 40° and falling from now until December 15.

Councilman Whittington asked Mr. Cheek if retaining walls will be built on Woodlawn Road where the high banks are located? Mr. Cheek replied he does not remember how many different walls are to be built in this project; that he would imagine a good deal of the slopping of these banks is being done as the very last part of the project.

ORDINANCE NO. 557 AMENDING CHAPTER 23, DIVISION 2, ARTICLE VI, SECTION 23-83 REGULATING SIGNS.

Councilman Whittington stated for some time Council has had the amendment to the zoning ordinance pertaining to sign ordinance and he would move that Council adopt Petition No. 66-90 which amends Section 23-83 relating to sign regulations as recommended by the Planning Commission with the exception of proposed Section c(5), which he moves be deleted; and further recommend that representatives of the Planning Commission and the City Attorney's office arrange a meeting with the representatives of the sign industry to review and explain the interpretations of these provisions as seen by the Council and the Planning Commission's office. The motion was seconded by Councilman Tuttle.

Councilman Short stated he is glad that this motion involves deleting Section c(5) because he thinks it would have been a considerable difficulty in the ordinance. That he believes one additional change is needed - it is in reference to the word in paragraph (c) - "on the premises where no other business or permitted uses are established." The purpose of this new ordinance is said to be to clarify the wording but he believes the new ordinance does not clarify the one word which has been confusing over the years and that is the word "premises". That this ordinance in reference to the word premises was interpreted one way by Mr. Morrissey and another way by Mr. Kiser. That he does not believe the proposed ordinance clarifies this confusion. That he thinks this word should be defined and should be clarified. The essential question here is whether the premises refers to the lot line where some business is established including all that is actually used by the business as well as unused land within the lot lines or whether this word premises can be defined in some way relating to land actually used by a business as contrasted with what is actually vacant land regardless of the metes and bounds or lot lines shown in a deed in the Register of Deeds office. That he does not believe this matter of defining and clarifying the word premises is an academic or technical matter because of vacant land within the lot lines of nearby businesses. There are considerable numbers of these places in the B-2, I-1, I-2 and I-3 zones. That he thinks this situation has a substantial and frequent affect on the advertising sign industry in Charlotte, and he is advised reliably that efforts to get around the confusion about the meaning of this word by means of subdividing land usually cannot be done. That his objections to the proposed ordinance is directed not towards more signs, or less signs or the same number of signs but just that the ordinance should be clear and unconfusing. If we are going to regulate the sign industry, he believes we can very easily do it in clear language which the sign people, the City, the lawyers, and the public will have no difficulty over the legal interpretation.

Councilman Short made a substitute motion that action on this ordinance be deferred for two weeks and that Mr. Kiser be instructed to reword this proposed ordinance so as to clearly define the word "premises" in paragraph (c) and also to delete 5(c) as mentioned in Councilman Whittington's motion. The motion was seconded by Councilman Thrower.

Councilman Whittington asked if there is a difference in opinion on what Mr. Morrissey has stated and what Mr. Kiser has stated.

Mr. Kiser replied he can only speak on what he thinks about it as he does not know what Mr. Morrissey said. That he thinks Mr. Short is referring to Mr. Morrissey's interpretation that language of the existing ordinance was ambiguous enough that he should interpret it liberally in favor of the landowner instead of restrictively against the landowner. That he thinks



Mr. Morrissey based that interpretation upon the ambiguous language contained in Section (a) of the existing ordinance with respect to whether or not it definitely refers back to the preceding section and that whether or not subsection (c) included the restrictions contained in the preceding Section 23-82. That he does not know whether Mr. Morrissey has ever given an interpretation of the word "premises."

Mayor Brookshire asked Mr. Kiser if he thinks he might be able to overcome any cloudiness with respect to that terminology? Mr. Kiser replied they could attempt to comply with Mr. Short's request if it is the desire of the Council. That this word "premises" is used in many other sections of the zoning ordinance and is not peculiar to this particular section.

Councilman Short stated with reference to Mr. Kiser's last remark that the word "premises" is used in Section (a) and many other sections, the fact that the word causes no difficulty with reference to allowing some man to put an identification sign on his premises and the fact that this has not caused anybody any question, does not alter the fact that the word "premises" nevertheless has caused question with reference to prohibiting somebody from putting advertising signs on premises. In other words, the fact that this word has been used elsewhere without causing difficulty seems to be completely beside the point because it has caused difficulty in the paragraph he mentioned.

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

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


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

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

The ordinance is recorded in full in Ordinance Book 14, at Page 440.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk