

November 7, 1966
Minute Book 47 - Page 483

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 7, 1966, at 3 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.

* * * * *

INVOCATION.

The invocation was given by Rabbi Israel J. Gerber of Temple Beth El.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the minutes of the last Council Meeting on October 31, 1966, were approved as submitted.

LMC LIFE SAVING AWARD PRESENTED B. J. CHASTAIN, CHARLOTTE POLICE OFFICER, FOR SAVING THE LIVES OF HIS THREE YEAR OLD NIECE AND AN ADULT WORKING IN HIS HOME.

Mayor Brookshire requested Police Officer Bobby J. Chastain to come forward along with Elizabeth Ann Chastain and Billy Hyatt, and requested the other Police Officers in the audience to come forward and stand behind Officer Chastain.

Mayor Brookshire stated on behalf of the Executive Committee of the Board of Directors of Lumbermens Mutual Casualty Company, a division of Kemper Insurance Company, he has been requested to present to Officer Chastain a plaque and a medal, both signifying the very fine work performed by Officer Chastain in saving the lives of two people, all within the period of two weeks time. On June 8, his three year old niece, Elizabeth Ann, fell on a broken glass pitcher and severly cut her throat. Officer Chastain, living next door, heard the cries of distress, rushed over and administered first aid, rushing the child to the hospital, radioing ahead for the doctor to meet them at that point, and the girl's physician, Dr. Victor Hollowell, is quoted as saying - "If Officer Chastain had not reacted immediately and properly, the child would have died." Two weeks later, almost to the minute, Officer Chastain was checking with an electrician, Billy Hyatt, who was adjusting an attic fan in the Chastain home. Mr. Hyatt turned the fan on to inspect it, and the blade flew off slashing through his hand and burying itself deep into his neck. Officer Chastain gave immediate aid and rushed the victim to the hospital within minutes. Dr. John T. Kester credited Officer Chastain with saving Mr. Hyatt's life.

Mayor Brookshire stated it is with a great deal of pleasure, on behalf of the Kemper Company, that he presents to Officer Chastain the plaque which reads:

"Lumbermens Mutual Casualty Company certifies that B. J. Chastain has been awarded this LMC Life Saving Award for saving a human life through extraordinary efforts, quick thinking, and prompt action."

The citation reads:

"On separate occasions when you were off duty as a Police Officer, you acted with speed and calmness to administer first aid to two victims of serious throat injuries and transport them to the nearest hospital. Your quick action resulted in saving the lives of your three-year-old niece and an adult working in your home."

Mayor Brookshire stated it is a great pleasure to present to Officer Chastain the plaque along with the medal with his congratulations and the City's thanks.

DECISION ON PETITION NO. 66-90 TO AMEND THE TEXT OF THE ZONING ORDINANCE BY REWRITING SECTION 23-83 TO CLARIFY SIGN REGULATIONS IN B-2, I-1, I-2, AND I-3 DISTRICTS, DEFERRED.

The public hearing was held on Petition No. 66-90 amending the text of the zoning ordinance by rewriting Section 23-83 to read as follows:

"Sec. 23-83 B-2 Business District; I-1, I-2, and I-3 Industrial Districts

- a) Business and identification signs shall be permitted on premises of permitted uses conducted in buildings or with buildings associated. Such signs shall be regulated in accordance with the provisions of Section 23-82, paragraph (a), except that signs may extend twenty feet above the parapet or roof of a building.
- b) Business and identification signs shall be permitted on premises of permitted uses not conducted in or associated with buildings. Such signs shall be regulated in accordance with the provisions of Section 23-82, paragraph (b).
- c) Advertising signs shall be permitted on premises where no other business or permitted uses are established. Such signs shall be subject to the following regulations:
 - 1) No advertising signs shall exceed 750 square feet in area.
 - 2) Advertising signs shall be located not closer to the street right-of-way than 20 feet.
 - 3) Advertising signs exceeding 72 square feet shall not be closer to a residential structure than ten feet.
 - 4) Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of said structure.
 - 5) No advertising sign shall be located within 400 feet of any premises on which the subject advertised is available as a principal commodity or service."

Mr. McIntyre, Planning Director, advised the amendment is recommended by the Planning Commission to do two things. He stated paragraphs (a), (b), (c) and subparagraphs under (c), 1, 2, 3, and 4 will do nothing more than clarify a regulation regarding signs that have been on the books since the new zoning ordinance was adopted in 1962. These sections are a clarification of the purpose and intent of that similar section of the ordinance as was originally written. The original ordinance has been construed to

be ambiguous, and the rewrite of the provisions would sustain the original intent of the regulations. The original intent of the regulation was to allow advertising signs in certain districts, only on property that is vacant, unoccupied by other business establishment; that was the original intent of the ordinance; that is the way the ordinance has generally been administered for the last five years, and this is what these provisions will do, sustain that requirement.

That sub-paragraph (5) under (c) is a new provision in the ordinance that was not in the 1962 regulation of signs. This provision of the ordinance would restrict the use of advertising signs on property within 400 feet of the place where the subject advertised or merchandise advertised is distributed. This provision is the result of the experience the City has had in administering the ordinance itself with respect to advertising signs. It has become a practice on the part of some few people to take a piece of property on which they have a business already established, and, in order to avoid the size regulations that apply to signs put on that business property, they have cut off the corner or piece of property and established it as a second piece of property - a vacant piece of property - which makes it eligible for the advertising signs and then makes it possible for a much larger sign to be established for all practical purposes on the premises on which the merchandise is sold. The general regulation that is circumvented by this provision is a regulation that says on a business premise you can have a free standing sign of 100 square feet in area. It is this limitation that is being circumvented and occasionally by people establishing a separate piece of property adjacent to an established business constituting a vacant piece of land and permitting them to put up a sign up to 750 square feet calling attention to the business on the piece of property that, technically speaking, is next door but actually is just another part of the business premise.

Councilman Alexander asked if this condition prevails in any one type of business; Mr. McIntyre replied they found it principally in the oil and gasoline distribution business.

Councilman Short referring to sub-paragraph (5) asked if Mr. Kiser, City Attorney, has determined if this is actually a legal approach, is it constitutional, and asked Mr. McIntyre if he has been so advised? Mr. McIntyre replied no, that he has discussed this with Mr. Kiser but he has not been clearly advised that he is satisfied with that.

Mr. Kiser stated he discussed this 5th provision with Mr. McIntyre in an effort to get at the problem that he has outlined; that he has never been quite satisfied with the dimensions specified here, practically; but, from the standpoint of its going further than solving the problem which he was trying to get at, he believes it is a provision which is reasonable from the standpoint of limitation; that it was not from the standpoint of legality that he questioned Mr. McIntyre about it, but from the standpoint of going further than what was perhaps needed to get at the problem which he has been confronted with.

Councilman Short asked if this provision would enable the Texaco Company to put a 750-foot sign next door to an Esso Station, but would not allow the Esso Station to do this? Mr. Kiser replied if the next door location is more than 400 feet from his own property, it would, and there is no other use being made of that property.

Councilman-Alexander asked if most of the violations are coming from the oil industry or service station industry, could we restrict it to any one particular industry? Mr. Kiser replied the sign ordinance as written is generally applicable to all industries, and it would be preferable to leave it that way rather than to specify an individual business which cannot advertise any certain place.

Councilman Albea asked if he understood Mr. McIntyre to say the first four items would just clarify the law? Mr. McIntyre replied that paragraphs (a), (b), and (c), and under (c), sub-paragraphs (1), (2), (3), and (4) are a clarification of the law that has been on the books; it is simply clarifying the intent.

Councilman Short asked with reference to item (c) (2), the 20-foot setback, if it is not true that the 20-foot setback applies to buildings in all these zoning categories, B-2, I-1, I-2, except I-3; so the only change in (c) (2) that would create a variance between buildings and sign boards is in the I-3 district? Mr. McIntyre replied there is one other situation that had an impact on the location of advertising signs in all business and industrial districts and that is where you are dealing with a corner lot. In dealing with a corner lot you can have a building within four feet of the side line of the lot; advertising signs, in this case, are not allowed to come up within four feet of the side street property line; they are restricted to 20 feet.

Councilman Thrower asked if they are restricted to 20 feet from front and side? Mr. McIntyre replied from front and side.

Mr. Sam Hair of Interstate Advertising Company stated they are in the outdoor advertising business. That basically and primarily what they are faced with now, without any additional restrictions, is the most strict law that they know of anywhere in the South; this is the result of some study on their part. They have looked into the regulations in a number of other cities and found in the last few years it has been extremely difficult to work with the existing law. If additional restraints are put on them, such as the clarification of these ambiguities which leave them no room whatever except to build signs on vacant lots, it will be more than they can live with; it will mean that within two to five years their only vestiges of outdoor advertising in this market would certainly not be enough to call their business an outdoor advertising business; it would not compare in the services which they could give to the advertisers in other cities with similar companies of the same nature; the 20-foot setback, the vacant lot provision, the 400-foot provision have in the past or will work against them. They feel this is not the intent of the public they do not feel it is the intent of the city council; they feel if the worse happens and a large segment of their business is eliminated, a large part of their investment will be wiped out; a lot of people will be unemployed; services to the advertisers who are vitally interested such as the hotel, motel, restaurant and other businesses that are dependent on a large number of the public coming into their place of business will be adversely affected. That he does not think this is really what Council wants to do. It will mean a disruption in some other related businesses such as suppliers and some of the advertisers who are vitally involved.

Mr. Hair stated paragraph (c) refers to the advertising sign being allowed where no other uses are established, and stated this in itself in the long run is an extremely punitive thing and, by itself, would lead to a serious reduction in their business. Section (2) of paragraph (c), the 20-foot setback is a provision which they looked for in other cities and were unable to find it and is peculiar only to Charlotte and is aimed directly at the outdoor advertising business; that it is untypical and is something that bears a good deal of further looking into. That subsection (5) of paragraph (c) states that no advertising signs shall be located within 400 feet of the premises where the product is sold; that he heard what Mr. McIntyre said, and he understands the reason for this additional provision, but it will eliminate a segment of their business; it will also do a lot of other things to a lot of other people. For example,

if there is a place of business such as a restaurant on one side of the street with a high-rise building on either side of it so that you cannot see it, and if the restaurant owner wants to go across the street and put up a sign, he cannot do it. Mr. Hair stated he thinks this is going to extend into a lot of businesses where it does not really belong; it is going to do things to businessmen which they do not deserve; that he is strongly against a blanket provision like that.

Mr. Hair stated regarding the gas stations on Highway 85, he thinks this was directed against them, but it will have side effects with much more of a nuisance to a good many people.

He stated that the 100-square foot limitation on free standing signs has been with us since 1961, and they do not find this in too many other cities. For example, a hundred unit motel is part of a chain; frequently with a local franchise so that it is not a national proposition but is very much a local thing, and the standard electric signs of Holiday Inn, the Ramada, the Howard Johnson and a good many others could not be built in Charlotte. Who wants to spend a half million dollars on a motel where you cannot put up a standard electric sign. That this is not vital to a business, but it leads to things such as Mr. McIntyre mentioned. He stated he thinks the 100-square foot limitation is self-policing to a degree, because a small business is not going to build a great big sign.

Mr. Hair stated they have heard from Greensboro, Raleigh, Atlanta, Memphis, Jacksonville, Nashville, New Orleans, Birmingham, Richmond and Louisville, and there is a remarkable consistency in the zoning laws with respect to signs in those cities. In most of the cities (1) the outdoor advertising structures are accorded the same setback regulations as are other commercial structures; (2) the advertising signs are permitted with negligible exceptions in business, commercial and industrial areas; and (3) they are permitted on property where there is an additional permitted business use. For example, if in Charlotte there is a piece of property with 500 feet of frontage which is occupied by 50 feet of a garage, they cannot build on the remaining 450 feet under the present restrictions, and they do not find this restriction anywhere else. Consequently, they feel the sign regulations are untypical; they are worth further study. Mr. Hair stated they welcome sensible regulations, and they try to police their business better than they have before and they think it is an area where there is a middle ground; that he thinks it is in the best interest of the businessman, the public and themselves to find this middle ground and to try to go right down the middle of the line with the City on a cooperative arrangement of sensible regulations.

Mr. Hair remarked that anything he has said has been in a respectful spirit of constructive remarks, and they will welcome any sensible regulations but they cannot live with any more regulations than they have.

Councilman Alexander asked Mr. Hair if any attempt has been made by the sign industry to meet with Mr. McIntyre in an attempt to bring up the industry suggestions along these lines? Mr. Hair replied when the present zoning law was passed there was every effort at that time to converse and have meetings and make known their position, and they were joined at that time by the commercial sign companies. Councilman Alexander asked about recently, since these amendments have been suggested? Mr. Hair replied he has not; that he never knows when such a discussion is going on.

Councilman Short stated the present provisions - 23-83 (c) (2) - has in it the 20-foot setback; that this affects Mr. Hair in the I-3 districts and on corner lots, he asked him if this is a good percentage of the Interstate Company's business, and Mr. Hair replied it is.

Mr. Irvin Boyle, Attorney for Interstate Advertising Company, stated he is present mainly to see if any question was raised about the very thing that Mr. Short pointed out and which the City Attorney said he had not given any consideration to it as it was not the approach he made to it. Mr. Boyle stated regardless of the practical aspects, the punitive portions of what these amendments would do to the industry he thinks has some questionable legality, and he simply brings that to the Council's attention.

Mr. Boyle stated the City has a most able City Attorney and the City is very fortunate to have a man of this ability, and he would suggest that Council might want to ask his office to look into that portion of it further.

Mr. James Cobb, Attorney for Schloss Poster Advertising Company, stated Mr. Hair has told the story very well, they join in with everything he has said; that they and Mr. Hair are competitors and, therefore, are affected similarly by the proposed amendments to the zoning ordinance. That Mr. Schloss feels within two to five years his business will be all but gone and that a good portion of the 25 people who are now employed in his business will have to be employed elsewhere, and the local suppliers and sub-contractors will have lost a customer and that local businessmen who often cannot use other mediator for advertising have lost this mediator.

Mr. Cobb stated he can answer Mr. Alexander's question to Mr. Hair. That after Schloss's appearance before Council in August, 1966, he told Mr. McIntyre that this matter was of vital concern to Schloss Poster Advertising Company and would welcome an opportunity to appear before them, to sit down with his staff or members of Planning Commission. Mr. Schloss made similar statements to Mr. Sibley, and they heard nothing from anyone until they read in the newspaper that this proposal was going to be presented to Council.

Councilman Jordan stated he would like very much to postpone any decision on this hearing today; that he has received quite a bit of additional information on this subject, and he would like to go over it, and he is sure the other members of Council would as well, and he moved that any decision on the matter be deferred for at least two weeks until the Council itself has had a chance to study the additional information. The motion was seconded by Councilman Alexander and carried unanimously.

RESOLUTION CLOSING PORTIONS OF EAST SECOND STREET, EAST FIRST STREET, SOUTH ALEXANDER STREET AND SOUTH MYERS STREETS.

The scheduled hearing was held on the petition of the Redevelopment Commission of the City of Charlotte to close portions of East Second Street, East First Street, South Alexander Street and South Myers Street lying within the project boundaries of Redevelopment Section No. 2 of the Brooklyn Urban Renewal Area.

Councilman Albea asked if the Redevelopment Commission has decided they will not need these streets any longer, and Mr. Veeder replied they have.

No opposition was expressed to the closing of the streets.

Councilman Jordan moved approval of a Resolution entitled: Resolution Closing Portions of East Second Street, East First Street, South Alexander Street and South Myers Street. The motion was seconded by Councilman Thrower and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 367.

Councilman Alexander asked if this only includes that portion of Second Street which has already been closed off in a fashion, and not the portion from Caldwell Street to Brevard Street? Mr. Veeder replied this is just within the Brooklyn Area No. 2, it is from McDowell Street to its intersection with South Davidson Street.

ORDINANCE NO. 548 AMENDING CHAPTER 5, ARTICLE IV, DIVISION 2 OF THE CODE OF THE CITY OF CHARLOTTE TO PERMIT THE USE OF POLYVINYL CHLORIDE PIPE AND FITTINGS FOR DRAIN, WASTE AND VENT.

An Ordinance Amending Chapter 5 of the City Code to permit the use of polyvinyl chloride pipe and fittings for drain, waste and vent as recommended by the Building Standards Board, and approved by the State Building Code Council and the City Plumbing Advisory Board was considered by Council.

The City Manager advised this is not the ADS-DWV plastic pipe approved by Council recently; that it is another material that stands in the same shoes in effect as the previous material and bears all the same approvals.

Mr. George Ray with Thermo Plastic Corporation stated this is a product that is commonly called PDC, and the material Council passed before was ADS, and these two products were developed by the industry together being suitable for drain, waste and vent application. PDC has a 15- to 20-year history in industrial waste handling chemicals. The standards of the two products were developed together and were passed by the State Building Code Council simultaneously, and the only reason they were not brought up simultaneously to this Council was because the Celanese Corporation already had action beginning before it was passed by the State Building Code Council.

Councilman Tuttle asked Mr. Ray if his product is guaranteed for 50 years also? Mr. Ray replied it has a standard industry guarantee of 5 years for labor and the material; this is a standard guarantee of the industry for PWV applications. It has a guarantee on the material without life and that is also a standard warranty of the industry. The 50-year guarantee by Celanese Corporation was limited to one owner and is a guarantee that is peculiar to that particular company.

Councilman Tuttle asked if he could offer the same 50-year guarantee, and Mr. Ray replied he could offer the 50-year guarantee but statistics show that people move every 5 years. The industry in both materials, at the request of the Federal Housing Administration, adopted this 5-year standard warranty with labor payment which they offer along with other members of the industry. Mr. Ray stated it is rather unusual to offer a labor payment, and this was at the request of the FHA, and they meet that request.

Councilman Alexander asked if he understood Mr. Ray to say the material was good for life, and Mr. Ray replied the material itself is guaranteed for the use they are talking about without any termination period; it is just plain guaranteed to be replaced.

Councilman Whittington asked what the statement about people moving every 5 years has to do with it? Mr. Ray replied he was trying to refer to the fact that a 50-year warranty provides only for the original house owner and, in effect, has about the same validity as the 5-year margin.

November 7, 1966
Minute Book 47 - Page 490

Councilman Short asked if the 5-year warranty refers to labor and the product itself, the labor to put it in, as well as the cost of the product itself, and is also a broadside in that it would apply to a sequence of house owners; whereas, the other guarantee is not for years but forever, in effect, is just aimed at one man and to the product and not labor.

Mr. Ray replied the material is guaranteed forever to any owner or sequence of owners, and the labor allowance is restricted to a 5-year period. That the two warranties - the standard material warranty and the special drain, waste and vent warranty for household application - are standard among the 40 or 50 producers of these materials in the country. The Celanese warranty that was introduced is standard to the Celanese Corporation. Mr. Ray stated they would have no objections to issuing the 50-year warranty but what effect would it have, as he does not think this Body would want to be involved in selecting certain manufacturers product.

Councilman Tuttle stated we are now; this is the second one, and he assumes another one is going to come along, and they will have a three-year guarantee and before long anybody who wants to stick a piece of plastic pipe in a house can do so.

Mr. Ray stated the State Building Code Council passed the material on the basis of the NSF approval and the Commercial Standard which are the two controlling factors in the production of the material; this is where the quality of the material is actually policed, it is by the National Sanitation Foundation; this restriction is in the State Building Code.

Councilman Thrower moved approval of the subject ordinance, which was seconded by Councilman Alexander.

Councilman Jordan asked Mr. Jamison, Superintendent of the Building Inspection Department, if this is the same warranty that all the people provide. Mr. Jamison replied the Code does not get into warranties of material or labor; they judge the material for what it can do and how it will stand up under the tests; that this has been approved by experts in the field, and it is recommended by the Building Standards Board.

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

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

The ordinance is recorded in full in Ordinance Book 14, at Page 412.

RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE SIGNING AND FILING OF THE APPLICATION FOR APPROVAL OF PROPOSED BONDS WITH THE LOCAL GOVERNMENT COMMISSION.

Mr. Kiser, City Attorney, requested Council to consider a Resolution ratifying, confirming and approving the signing and filing of the application for approval of the proposed \$13.9 million bonds with the Local Government Commission, and advised this was done by Mr. Bruce Smith, the City Treasurer.

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

The resolution is recorded in full in Resolutions Book 5, at Page 368.

ORDINANCES AUTHORIZING \$5,500,000 REDEVELOPMENT BONDS, \$2,500,000 LAND ACQUISITION BONDS, \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS, \$1,000,000 STREET BONDS, \$1,000,000 POLICE HEADQUARTERS BUILDING BONDS, AND \$2,900,000 AIRPORT BONDS, AND RESOLUTION CALLING A SPECIAL ELECTION, ADOPTED.

Ordinances entitled: Ordinance Authorizing \$5,500,000 Redevelopment Bonds, Ordinance Authorizing \$2,500,000 Land Acquisition Bonds, Ordinance Authorizing \$1,000,000 Street Widening, Extension and Improvement Bonds, Ordinance Authorizing \$1,000,000 Street Bonds, Ordinance Authorizing \$1,000,000 Police Headquarters Building Bonds, and Ordinance Authorizing \$2,900,000 Airport Bonds, were introduced.

Mr. Kiser, City Attorney, advised it is necessary that Council designate an official to file with the City Clerk the statement of debt and assessed valuation of the City and he would suggest that the proper official would be the City Accountant, Mr. Jerry Branham.

Councilman Whittington moved that Mr. Branham, the City Accountant, be designated as the officer to make and file the statement of debt and assessed valuation of the City with the City Clerk. The motion was seconded by Councilman Tuttle, and carried unanimously.

Mr. Jerry Branham filed with the Clerk a statement of debt and assessed valuation for the City of Charlotte, North Carolina as of November 1, 1966.

Thereupon, upon motion of Councilman Tuttle, seconded by Councilman Albea, and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$5,500,000 REDEVELOPMENT BONDS" was passed by the following vote:

YEAS: Councilmen Albea, Alexander, Jordan, Short, Thrower, Tuttle and Whittington
NAYS: None.

Thereupon, upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$2,500,000 LAND ACQUISITION BONDS" was passed by the following vote:

YEAS: Councilmen Albea, Alexander, Jordan, Short, Thrower, Tuttle and Whittington
NAYS: None.

Thereupon, upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS" was passed by the following vote:

YEAS: Councilmen Albea, Alexander, Jordan, Short, Thrower, Tuttle and Whittington.
NAYS: None.

Thereupon, upon motion of Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$1,000,000 STREET BONDS" was passed by the following vote:

YEAS: Councilmen Albea, Alexander, Jordan, Short, Thrower, Tuttle and Whittington.
NAYS: None.

November 7, 1966
Minute Book 47 - Page 492

Thereupon, upon motion of Councilman Albea, seconded by Councilman Tuttle and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$1,000,000 POLICE HEADQUARTERS BUILDING BONDS" was passed by the following vote:

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

NAYS: None.

Thereupon, upon motion of Councilman Whittington, seconded by Councilman Albea and unanimously carried, the foregoing ordinance entitled: "ORDINANCE AUTHORIZING \$2,900,000 AIRPORT BONDS" was passed by the following vote:

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

NAYS: None.

Thereupon, Councilman Jordan introduced the following resolution: Resolution Calling a Special Bond Election. Thereupon, upon motion of Councilman Jordan seconded by Councilman Whittington, the foregoing resolution entitled: "Resolution Calling A Special Bond Election" was passed by the following vote:

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

NAYS: None.

The ordinances are recorded in full in Ordinance Book 14, beginning at Page 413.

CHANGE ORDER NO. 2 IN CONTRACT WITH R. MARRET WHEELER COMPANY FOR THE MINT MUSEUM ADDITION, APPROVED.

Councilman Whittington moved approval of Change Order No. 2 in contract with R. Marret Wheeler Company, general contractor for the Mint Museum Addition, for additional cost for furnishing labor and materials for adding structural members at top of future elevator shaft and extending lintels at future openings for an addition to the contract price of \$117.00. The motion was seconded by Councilman Albea.

Councilman Tuttle asked if the elevator was in the original plans, and Mr. Veeder replied the shaft was in the original plans. Councilman Tuttle asked the reason for the structural members at the top reinforcement; if the structural members were left out of the bid?

Mr. Veeder replied they are future openings for the elevator when it is installed; that this is at the top of the opening; it is not a new shaft; it is \$117 additional for labor and materials for adding structural members to the top of the opening that will be left for the vent.

Councilman Tuttle asked why this \$117 was not in the original plans. Mr. Veeder stated he thinks A. G. Odell & Associates just did not put it in, and they now find in the construction part of the work that it should be put in.

The vote was taken on the motion and carried unanimously.

November 7, 1966
Minute Book 47 - Page 493

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Albea and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 190 feet of main to serve Freedom Drive, inside the city, at the request of Vernon S. Alexander, at an estimated cost of \$1,035 with all cost of construction 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 5,580 feet of sewer trunk and main to serve a portion of Hidden Valley Estates, inside the city, at an estimated cost of \$35,935, with all cost of construction 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.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Leo H. Phelan, Jr. for appraisal of two parcels in connection with the Eastway Drive Widening Project - property of Latney W. Osborne & Wife, and property of William H. Taylor and Wife.
- (b) Contract with Wallace D. Gibbs, Jr. for appraisal of three parcels in connection with the East Third Street Connector - property of Lomis Cook Bush, Sarah Lottie Collins and R. Read Tull; and one parcel in connection with the West Sixth Street Widening - property of John D. Shaw.
- (c) Contract with Stuart N. Elliott for appraisal of five parcels in connection with the East Third Street Connector - property of Lou A. Harrill, A. C. and J. W. Kimbirl, Lomis Cook Bush, Sarah Lottie Collins and R. Read Tull; and one parcel in connection with the West Sixth Street Widening - property of John D. Shaw.

CLAIM OF MR. RALPH D. WADDELL FOR DAMAGES APPROVED.

Councilman Tuttle moved that claim in the amount of \$118.45 be paid filed by Mr. Ralph D. Waddell, 719 Woodlawn Road, for damages to his bathroom floor when sewage backed up in the line causing an overflow into the claimant's bathroom floor when City Engineering Department forces repairing the line failed to remove the plug from the sewer lateral and did not notify the claimant that his sewer line was out of service. The motion was seconded by Councilman Thrower and carried unanimously.

Councilman Whittington asked when there is a situation where it is obvious that the foreman is asleep at the switch, is it handled in any disciplinary way? Mr. Veeder advised that it is.

CONTRACT AWARDED SOUTHERN RUBBER COMPANY FOR RUBBER RAINSUITS.

Councilman Albea moved award of contract to the low bidder, Southern Rubber Company, in the amount of \$2,851.35 on a unit price basis for rubber rainsuits. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Southern Rubber Co., Inc.	\$2,851.35
Goodall Rubber Company	2,982.11
Catawba Industrial Rubber Co.	3,022.03
Sears, Roebuck & Co.	3,071.87
The Hub Uniform Co.	3,543.51

CONTRACT AWARDED SOUTHERN RUBBER COMPANY FOR REVERSIBLE RAINCOATS AND CAP COVERS.

Motion was made by Councilman Jordan and seconded by Councilman Thrower to award contract to the low bidder, Southern Rubber Company, Inc., in the amount of \$791.26 on a unit price basis for reversible raincoats and cap covers.

Councilman Thrower asked if the City has bought from this company before, and Mr. Veeder replied about two years ago, and the service was satisfactory. Councilman Tuttle stated these coats sell for \$27.21, and he notes they are being used as overcoats, saving the City considerable sums of money. He asked if this means they do not have overcoats on hand? Mr. Veeder replied the Police Department uses these in lieu of overcoats; the orange portion is florescent, and they would use them on a clear night anyway in directing traffic.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Southern Rubber Co., Inc.	\$ 791.26
The Hub Uniform Company	806.19
Goodall Rubber Company	821.42

ORDINANCE NO. 550-X AMENDING ORDINANCE NO. 498-X, 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF WATER-SEWER CONTINGENCY FUND.

Councilman Alexander moved approval of the subject ordinance, transferring \$800 from the Water-Sewer Contingency fund to the City Water Distribution Division to supplement budgeted funds for the purchase of rain clothing. The motion was seconded by Councilman Thrower and carried unaniomusly.

The ordinance is recorded in full in Ordinance Book 14, at Page 433.

CONTRACT AWARDED SOUTHERN RUBBER COMPANY, INC., FOR RAINCOATS, BOOTS AND OVERSHOES.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unani- mously carried, contract was awarded the low bidder, Southern Rubber Company, Inc., in the amount of \$1,424.01 on a unit price basis for raincoats, boots and overshoes.

The following bids were received:

Southern Rubber Co., Inc.	\$1,424.01
Goodall Rubber Company	1,774.69
The Hub Uniform Co.	2,020.35

November 7, 1966
Minute Book 47 - Page 495

ORDINANCE NO. 551-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.

Upon motion of Councilman Tuttle, seconded by Councilman Albea and unanimously carried, the subject ordinance was adopted transferring \$1,800 to the Nature Museum account for operational funds.

The ordinance is recorded in full in Ordinance Book 14, at Page 434.

ORDINANCE NO. 552-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION TO BE USED FOR ESTABLISHMENT OF AN ARSON DETECTION PROGRAM.

Councilman Thrower moved the establishment of an arson squad, and the adoption of the subject ordinance transferring \$7,470 to the Fire Department Budget to be used for this purpose. The motion was seconded by Councilman Tuttle.

Councilman Whittington stated he thinks it is wrong or perhaps ill-advised for the Council to be given this type of request or proposition without more information. That for the future he would request and would hope that the Departments affected along with the City Manager's office would furnish Council with more information before they recommend to Council to vote on something that heretofore, or at that time, has not been brought to Council before with any information to consider.

Councilman Albea stated this is just a small part of setting up this budget. He wonders if they will not have too many chiefs and no place for them; but with the information he has gotten orally today, he would feel like an ingrate if he voted against it.

Councilman Jordan stated he feels he has received enough information on this personally as well as what the City Manager and City Attorney has given; therefore, he feels he can go ahead and vote on this today.

Councilman Tuttle stated he concurs with Mr. Jordan; that perhaps the two of them are maybe a little more knowledgeable because of their business, but he would have been for this without any information whatsoever.

Mayor Brookshire stated that Mr. Veeder in the conference session advised he has some 20 pages of notes regarding the recommendation as a result of conferences between the Chief of Police, Chief of Fire Department and the North Carolina Fire Marshal and others, and he has given these recommendations in brief.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 435.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Thrower, seconded by Councilman Short and unanimously carried, adopting the subject resolution amending Schedule IV, Pay Range Assignments of Classes, Class No. 404 Police Patrolman deleting the notation "assigned cycle or plain-clothes duty one pay step in addition

November 7, 1966
Minute Book 47 - Page 496

to basic salary" and substituting in lieu thereof the following "assigned to cycle duty or to investigative or specialized technical duty as determined by the Police Chief with the approval of the City Manager - one pay step in addition to basic salary."

The resolution is recorded in full in Resolutions Book 5, at Page 369.

PROPERTY TRANSACTIONS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of easement 10' x 388' on unopened portion of Fort Street, from George B. Cramer and wife, at \$1.00, for right of way to Fort Street Sewer Line.
- (b) Acquisition of easement 25' x 257' on Wilmont Road at Taggart Creek, from Betty K. Price and Claude W. Kuykendall, at \$500 for right of way to Taggart Creek Outfall.
- (c) Acquisition of easement 10' x 526' in New Subdivision of Hampshire Hills off Somersworth Drive, from John Crosland Company, at \$1.00 for sanitary sewer line to serve Hampshire Hills.
- (d) Acquisition of right of way 5' x 150' at 515 Westbury Road, from George B. Coon and wife, at no cost, for permanent drainage easement to correct drainage problem at Westbury Road across from dead-end of Crosby Road.
- (e) Acquisition of 2,367.92 square feet of property at 1001 Sharon Amity Road, from James M. Reid and wife, at \$1,200, in connection with the Sharon Amity Road Widening.
- (f) 5.71 acres of property on Old Dowd Road to be advertised for sale with the bid beginning at \$20,000 and specifying that appropriate easements and restrictions to be reserved.
- (g) 5.745 acres of property on Archdale Drive, adjacent to and east of Celanese Corporation of America, to be advertised for sale with the bid beginning at \$15,800.

CITY MANAGER REQUESTED TO CHECK DIRT ROAD RUNNING BEHIND 4500 RIDGLEY DRIVE TO THE SEABOARD RAILROAD TO CORRECT DUST PROBLEM.

Councilman Tuttle requested the City Manager to have the dirt road running behind 4500 Ridgley Drive to the Seaboard Railroad checked as Mr. C. D. Watkins, 4500 Ridgley Drive, in the Thomasboro-Hoskins section, wrote him commending Council for its investigation of their neighborhood, and stated there is a small dirt road running behind his home, between his house and the Seaboard Railroad, with a great deal of traffic on it, and it keeps their houses and cars covered with dust constantly.

ADJOURNMENT.

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

Ruth Armstrong

Ruth Armstrong, City Clerk