

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, April 3, 1967, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

INVOCATION.

The invocation was given by Reverend W. Jack Hudson of Northside Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting on March 20th were approved as submitted.

CITY EMPLOYEES' SERVICE PLAQUE PRESENTED TO W. HOWARD WILSON ON HIS RETIREMENT FROM THE WATER DEPARTMENT.

Mayor pro tem Whittington recognized Mr. W. Howard Wilson and stated he was a customer serviceman with the Water Department who was employed with the City in January, 1925 and is retiring effective April 1, 1967. On behalf of the Council and all the people of Charlotte he presented to Mr. Wilson the City's retirement plaque and wished for him the very best as he begins his retirement which is one well deserved.

RESOLUTION CLOSING A PORTION OF NORFOLK AVENUE, LOCATED SOUTH OF REMOUNT ROAD.

The scheduled hearing was held on petition of the Woman's Division of the Board of Missions of The Methodist Church and the Housing Authority of the City of Charlotte, North Carolina, to close 125 foot portion of the southerly end of Norfolk Avenue, located south of Remount Road.

No opposition was expressed to the proposed closing of the street.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 5, at Page 426.

ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 18-25 OF THE CHARLOTTE SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF SIGNS AND BARRICADES ON DEAD-END STREETS.

The public hearing was held on the proposed amendment to the Subdivision Ordinance of the City relative to requiring the installation of signs and barricades on dead-end streets.

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Mayor pro tem Whittington advised that Council has heard the presentation by the Planning Commission.

No opposition was expressed to the proposed change in the Subdivision Ordinance.

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

The ordinance is recorded in full in Ordinance Book 14, at Page 500.

COMMITTEE APPOINTED TO WORK WITH THE TAXICAB COMPANIES TO AID THEM IN PROVIDING TAXI SERVICE TO THE CITY.

The scheduled hearing was held on the revocation of out-of-service certificates of public convenience and necessity held by certain taxicab operators in violation of Chapter 19 of the City Code.

Mr. Allen A. Bailey, representing Checker and Red Top Cab Companies, stated he is familiar with this section of the Code which requires the certificates to be in operation. He assumes the part of the Code that is referred to is that some of the certificates have not been in operation for some time. That most of the companies have the same problems they have. It is a question of personnel. They could hire this afternoon, and would hire this afternoon, if at all possible not less than one hundred drivers; they are doing everything they can to get the personnel to put into operation every certificate they have; there is no other reason why they are not in operation today. Mr. Bailey advised they are authorized at Checker and Red Top 65 certificates and there is in operation about 34. They have advertised, begged and tried to buy additional drivers. By buying drivers he means they offer other drivers and other employees of their company a bonus if they will bring in a driver - in effect right now is a plan where they will give an employee an additional week's vacation during the summer if he will bring in two drivers and the drivers stay with them 60 days.

Councilman Jordan asked if the increased robberies would deter the employment of personnel? Mr. Bailey replied he is reluctant to say anything about this, but it is known that the taxicab industry at best is hazardous when it comes to whether or not a person is secure in his own safety. There have been any number of robberies, and this is and has been affecting the hiring of competent personnel.

Mr. Bailey stated he does not really think it is a question of pay. If he thought this were the answer he would be before Council asking for an increase in rates. He cited as an example one of their very finest drivers who is a colored man and he took home through their office about \$125.00. That this man worked hard for this money and worked long but it is an industry in which a man who is willing to work can feed his family. That this driver is an exception and most of the drivers do not make that kind of money, but even so they are not sufficiently hurting in this respect to warrant coming before Council and saying help us. That he knows of no other business that is more demanding than this business of operating taxicabs because it is hard work; these people have to put up with an awful lot. They are proud of the caliber of people they have been able up until now to be representatives of the City of Charlotte in their companies. It

is a question of trying to get qualified, competent people to perform a difficult task where they can earn a limited amount of money to take home.

Councilman Alexander stated when Council raised the rate sometime ago, he was interested in the wage side of it. That he has been told by white drivers and Negro drivers they just do not make enough money; they do not get paid enough.

Mr. Bailey replied he is simply trying to be honest in saying he cannot come here and say that this is the lone answer. That it may be if they could offer them more that this would be an attractive feature, but there are other elements that are affecting them and whether or not this one would overcome it, it might. That they are asking for Council's help in trying to solve a difficult situation.

Mr. Bailey stated in Charlotte the standards are quite high for people to drive taxicabs. Not only do they try to abide by the standards set by the industry but for their own safety and the safety of people who ride with them, they have to be very sure that they do have a qualified person behind the wheel.

Councilman Alexander asked if they are losing drivers, and Mr. Bailey replied they lose them to other industries. That there was a time when they could go to the mill industry and solicit help; but now they are looking for personnel.

Councilman Alexander asked if they feel their wage scale is comparable and favorable enough? Mr. Bailey replied drivers work hard and assume a lot of risk for the pay they receive. That he would like to see their drivers take home more money; out of their gross they permit them to take home as much as they possibly can which is 45% of the total gross. The average driver of their company grosses about \$85 for 11 to 12 hours a day.

Councilman Tuttle stated Mr. Bailey seems resigned to the fact that additional personnel is not available, and if this is the case why would he object to giving up these certificates; that he believes he is correct in saying that at least one other cab company uses every certificate they have? Mr. Bailey replied a survey can be made and they will find that Yellow Cab Company or any other cab company in this city is not operating all of their taxicabs a majority of the time in the City. That every night this week you can go by Yellow Cab Company and find this is so. That they have made this check at Yellow's lot, at Baker's lot and Isenhour's lot.

Councilman Tuttle asked if his 34 are operating constantly? Mr. Bailey replied the 34 are operating a good majority of the time, but if you come to their lot you would find cabs sitting there also. Councilman Tuttle asked if by comparison he would say that Yellow Cab is operating a good majority of the time, and Mr. Bailey replied yes. Councilman Tuttle stated he is not advocating that the City take certificates from Mr. Bailey and give them to Yellow Cab; that there seems to be a demand for the certificates and Mr. Bailey says he cannot get the drivers. Mr. Bailey stated he understands that Council several weeks ago gave another company 20 certificates and he doubts if they are in operation.

Councilman Short stated he does not see the issue here. That he has attempted to find out and went back to the inception of the matter and looked at the minutes of January 30 and found this entered: "Chief Ingersoll has reported there are three companies holding 30 certificates that are inactive and have been for more than six months, and his recommendation is that those 30 certificates be revoked." Councilman Short stated in his own business he has personnel problems too and he is sympathetic with what Mr. Bailey is saying about personnel. That there is no limitation on the number of certificates issued. He does not see what the issue is here. Why is it necessary to revoke these certificates?

Councilman Jordan stated he knows these people have tried and are still trying to give the citizens of Charlotte the best service they possibly can. That it is a personnel problem and these robberies they have been having at night is no inducement for someone to take a job with a cab company. That he would like to see if Council can help these people in some way. That perhaps the Mayor could appoint a committee of someone from the Council or private citizens that might be able to help them in many ways as they are providing a very necessary service to the city, and he cannot see where the City can do any good in revoking these licenses. That as Mr. Bailey has said they are not making any money with the car sitting on the lot. That he would like to ask the Council to give some consideration to appointing a committee to help these people solve some of their problems.

Councilman Albea stated he is not opposed to the committee but what can it do that these people cannot do themselves if they cannot hire the necessary personnel? Councilman Jordan stated the Committee might be able to help as they might need public relations or something.

Mr. Troy Brown of Charlotte Cab Company advised they have been operating all 14 certificates they have for the past three years and they keep drivers good. Occasionally they have a car standing up when a driver wants off. That the 20 additional certificates awarded to them will be in operation in the time the City gave them.

Councilman Tuttle stated his understanding was this hearing came about by virtue of the fact that the certificates are outstanding in technical violation of the law; and he believes they were to be revoked because theoretically, under the law, they have already been revoked and he sees no harm in revoking the certificates and then at any time Mr. Bailey's companies want to come back, and they can provide the drivers and cab and ask for the issuance of the certificates, would they not then be allowed these certificates? Mr. Kiser, City Attorney, advised one of the provisions of the taxicab ordinance is that all certificates will expire on December 31 of the year during which they were granted. Subsequently the taxicab operators come back for a renewal from the Taxicab Inspector. A further provision is that if a taxicab is not in operation for a period in excess of 30 days, it is cause for grounds for suspension or revocation. Another provision is they must operate 18 hours out of the 24 hour day.

Mr. Bailey stated they consider the certificates a valuable asset of the company. If he was getting ready to sell the company this afternoon, it would be worth more with the certificates they have, than if they were revoked. There is not much room for profit in two taxicab companies operating on 34 certificates. They would have to go back through the procedure in trying to get them reinstated. To answer Mr. Tuttle's question, they consider them valuable assets of the company. They would like to keep them; they would like to get them in operation and they are going to make a great effort to

do this. They invite Council's help. After an investigation by the committee they may recommend that they have an increase so the drivers can carry more money home. That he did not want to come here and say their sole problem was that they were not getting enough money.

Councilman Tuttle stated the Council's responsibility is to the public and all we have ever thought about is getting cabs on the road. He asked Mr. Brown, Charlotte Cab Company, if he had five more certificates, could he put five more cars on the road. Mr. Brown replied they have 20 additional certificates Council awarded and gave him 60 days to get them in operation; they are not suffering for drivers.

Mr. Kiser advised another provision of the ordinance is that any owner who shall permanently retire any taxicab or taxicabs from service and not replace them within 30 days shall immediately surrender any certificate or certificates granted for the operation of the taxicab or taxicabs to the inspector; and if he does that he cannot secure additional taxicab certificates without going through the procedure of a public hearing for determination that public necessity would require it.

Councilman Short stated apart from some formalities or legalism that Mr. Kiser has mentioned, he does not see an issue and does not see how an issue has been pinpointed, and he does not want to vote on this until Council can get Chief Ingersoll here and find out just what he meant when he said these certificates should be revoked. Councilman Tuttle stated he agrees with Mr. Short, and he thought this hearing would bring forth people who would say if they had these certificates they could put cabs on the road, and he does not see any evidence of any such, and as a result he would like to know more about why Chief Ingersoll asked for this revocation.

Councilman Alexander stated the regulations require that certificates which are not in use on December 31 in the year issued are automatically retired; Mr. Kiser replied it expires on December 31 of the year in which it was issued, but the reissuance of it is automatic unless determination is made that public convenience and necessity do not require it. Councilman Alexander stated on request for renewal it can be granted; he asked if there is any stipulation in regards to the request - that all the cab company has to do is to come in and make formal request and show cause why he wants additional certificates, and there is no extenuating circumstances in the regulations that would cause Council not to grant the renewal? Mr. Kiser replied when he comes in and asks for the renewal of a certificate, unless there is basis for Council's finding that the public convenience and necessity does not require that it be issued, the renewal is automatic. Councilman Alexander asked if a company should decide to sell their company and they own the certificates, can they be a part of their sale; do they have the right to sell the certificates, or do they belong to the City? Mr. Kiser replied in a change of ownership the new owner has to come in and get approval of the transfer of the certificates. However, as Mr. Bailey indicated, there is some value as an asset to the company selling to the company buying the taxicab company. They hold the certificates by virtue of Council, but in the taxicab business he assumes the seller and buyer assess some value to the certificate.

Mr. Veeder, City Manager, advised the recommendation of the Police Department was strictly based on the fact that these have not been in operation; they have been inactive and the code calls for Council consideration if Council wishes when they have been inactive. This was the reason Council called for the hearing; it was not on the basis of any dissatisfaction with any of the operators. That Mr. Bailey alluded to the fact that some of the requirements in the ordinance were unrealistic; that he agrees with him on this point. That this ordinance was written a long time ago and he thinks it would be in the best interest of the industry as well as the City if the whole ordinance was considered for a fresh look to see what needs to be rewritten or if it all needs to be rewritten to take care of the interest of both the City and the industry.

Councilman Jordan stated he thinks the committee report would do this, working with the taxicab people and their ideas.

Councilman Jordan moved that the Mayor appoint a Committee to work with these people and see if they can help them in providing the services the City needs as soon as possible. The motion was seconded by Councilman Albea.

Councilman Tuttle stated he believes Mr. Bailey has concurred with Mr. Veeder and before Council goes into what it can do for them, see if we cannot relax the ordinance itself. He would make a substitute motion that Mr. Veeder get with the taxicab people and with the Attorney and take a look at the ordinance itself, and defer action on any revocation. Councilman Jordan stated his motion is that this committee along with the taxicab people who are vitally interested cooperate with the Committee in revising the ordinance. Councilman Tuttle stated if he includes that in his motion, then he withdraws his substitute motion.

Councilman Short suggested that Chief Ingersoll be a member of this Committee.

Mayor pro tem Whittington stated that Council had this hearing to get this information together. That it is a known fact that for many, many years these certificates have been inactive, and Council was beginning to wonder why. In regard to Mr. Jordan's motion, he would appoint the following to the Committee:

Mr. W. J. Veeder, Chairman
Mr. Sandy Jordan
Mr. J. W. Kiser
Chief John E. Ingersoll
Mr. Jack Fennell
One representative from each of the Cab Companies.

He requested the Committee to report back to Council in 30 days.

Councilman Jordan asked if it would not be best to have some private citizens on the Committee as they might be able to throw some light on the subject which would be helpful. Mayor pro tem Whittington replied that other names can be added to the Committee.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 602 AMENDING CHAPTER 5, ARTICLE I, SECTION 5-3(b)
ADOPTING THE 1967 NORTH CAROLINA STATE BUILDING CODE.

Mr. John Crosland, Jr., Chairman of the Building Standards Board, stated the proposed ordinance adopts Volume I and IA of the 1967 edition of the North Carolina State Building Code. The code is published by the North Carolina Building Code Council and the North Carolina Department of Insurance. The Building Standards Board has reviewed the volumes and recommends its adoption by the City. The suggested local administrative provision contained in Volume I is not considered as part of the Code and is therefore excluded in the proposed ordinance. Volume I of the State Code has to do with general construction and Volume IA contains the fire resisting rating for various approved building material. The code was prepared utilizing the framework of the Southern Building Code, 1965 Edition. Several chapters and amendments were taken from the latest edition of the National Building Code published by the American Insurance Association, the Life Safety Code of the National Fire Protection Association and the American Standard Association.

These various nationally recognized codes were used to bring together a comprehensive performance type code. Prior to the adoption of the Code by the State Building Code Council three state wide public hearings were held and the State Council itself held numerous committee meetings and various other groups have also studied these codes.

The code offers greater utility than the old code due to the improved format, color-coding, and cross reference index; larger building areas per type of occupancy and per type of construction are permitted with automatic sprinklers and various other protection is provided; window-less buildings have better exit requirements and sprinklers are required; safety requirements for existing buildings are stronger; minimum design loads have been revised to recognize current and accepted design usage.

Mr. Crosland advised that schools are being conducted to discuss the new codes - one at Chapel Hill and one at Central Piedmont and there are about 85 persons going to these schools and trying to get updated on the new contents of the new books.

Mr. W. H. Jamison, Building Inspection Superintendent, advised he is engaged in both of the schools mentioned and he personally thinks it would be a step in the right direction if the City adopts the Code as recommended.

Councilman Short asked how the interior finish of a building is related to safety to life? What is it about the interior finish that bears upon human life? Mr. Jamison replied it has to do with the flame spread rating of the material used for building material finish. Councilman Short stated it is for existing buildings; that he assumes if it were a new building it would have to be fireproof to begin with; as to existing buildings, are we putting some requirements on merchants where they are not protected by grandfather clause? Mr. Jamison replied this is not the case; primarily they are talking about an existing building that is changed in use. For instance, a building that has been used for a retail establishment and converted into a restaurant. Councilman Short asked if we are getting into a situation where some merchant wants to put in a closet or wants to build an

addition to a room and he goes for a permit and he is faced with spending \$25,000 for fireproofing or any amount of money for some general renovation of the whole building to make it more fireproof? Mr. Jamison replied it would depend on the hazards involved; if you had a real flammable situation in there you would want to take this into consideration. This is the reason the new code provides for sprinklers in the large areas where there is a lot of flammable material displayed.

Councilman Short stated this is the sort of thing that a merchant does not understand and does not realize until he gets caught in the situation and then he finds he cannot continue his business and improve it as he had hoped to do or make some small enlargement without some tremendous expense. He asked if there is any relief or any Board that can give relief in this type of situation? Mr. Jamison replied there is the local Building Standards Board and also a State Building Code Council to act on these. That he would hope the Inspectors would use good sound judgment on this type of thing and he insists that they do.

Councilman Short stated this is not a remote or unlikely marginal type situation as these sort of things occur all along, and he is reluctant to slap this upon merchants and the real estate people in a flat out way unless there is an adequate escape hatch.

Councilman Thrower moved the adoption of the subject ordinance, which was seconded by Councilman Jordan.

Councilman Tuttle stated there are many things in which judgment is used. You use judgment in the sanitation, judgment on the part of an inspector and there is always going to be a real difference as to who calls black black and gray gray. You have to use judgment on a thing like this.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 1.

GIRL SCOUT TROOP NO. 313 OF MYERS PARK BAPTIST CHURCH AND LEADERS
WELCOMED TO COUNCIL MEETING.

Mayor pro tem Whittington stated Mrs. Smith of Myers Park Baptist Church is in the audience with Girl Scout Troop No. 313. He stated Council is delighted to have them present. Councilman Short stated he recognizes Mrs. William Stuart and Mrs. William Gribble who are with the Scout Troop today and are assisting with the troop.

PETITION REQUESTING RELIEF OF TRAFFIC HAZARD AT INTERSECTION OF
ARCHDALE DRIVE AND PINEVILLE ROAD REFERRED TO CITY MANAGER FOR
DISCUSSION WITH TRAFFIC ENGINEERING AND TO REPORT BACK TO COUNCIL AT
NEXT MEETING.

Mrs. Katie McMillian, 6215 Netherwood Drive, stated she is representing the Pedal Pushers Garden Club of Charlotte. That they bring to Council's attention the traffic situation at the intersection of Archdale Drive and Pineville Road. There is such heavy traffic, especially during the peak hours in the morning and evening, until it is practically

impossible to get into and out of the Starmount-Montclair Subdivision, or into and out of the K-Mart Shopping Center. That the Club consists of residents living in this area who feel strongly about the situation. That they have obtained signatures, totaling over 5,966, of persons who reside in this area and other areas who are also concerned with the problem. She submitted the petition and requested Council to take action to relieve the hazardous traffic situation. The recommendation is that a traffic light is clearly necessary.

Councilman Albea moved that the petition be turned over to the City Manager to take it up with the Traffic Engineering Department and report back to Council by the next meeting. The motion was seconded by Councilman Tuttle.

Mayor pro tem Whittington advised this request has been given to Council many times, and the problem is that the road is only two lanes and until the City can get a left-turn lane, this is the reason for the delay, but Council will bring it back up again.

The vote was taken on the motion and carried unanimously.

PETITION NO. 67-7 BY AMERICAN REALTY CORPORATION FOR A CHANGE IN ZONING FROM R-9 TO I-2 ON A 8.96 ACRE TRACT OF LAND AT THE DEAD-END OF MCDONALD ROAD, APPROXIMATELY 780 FEET NORTH OF THRIFT ROAD, DENIED.

Councilman Albea moved that the subject petition for a change in zoning be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short and carried unanimously.

ORDINANCE NO. 603-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE NORTHEAST CORNER OF BELLHAVEN BOULEVARD AND MCGEE STREET, AND ON THE SOUTHEAST CORNER OF BELLHAVEN BOULEVARD AND MCGEE STREET ON PETITION OF LEONARD W. COPPALA AND RALPH COPPALA.

Motion was made by Councilman Jordan adopting the subject ordinance changing the zoning from R-6MF to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 2.

DECISION ON PETITION NO. 67-10 FOR CHANGE IN ZONING FROM R9MF to I-1 OF PROPERTY ON THE NORTHWEST SIDE OF DELANE AVENUE, BEGINNING AT THE SEABOARD RAILROAD AND EXTENDING TOWARD CRAIG AVENUE, DEFERRED UNTIL SEVEN MEMBERS OF COUNCIL PRESENT.

Councilman Thrower moved that decision 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, be deferred until seven members of Council are present. The motion was seconded by Councilman Albea, and carried unanimously.

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ORDINANCE NO. 604-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A LOT ON THE NORTH SIDE OF HICKORY GROVE ROAD EAST OF NEWELL-HICKORY GROVE ROAD.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted changing the zoning from O-6 to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 3.

PETITION NO. 67-12 BY J. W. ALEXANDER, JR. FOR CHANGE IN ZONING FROM R-6MF TO B-1 OF THE BLOCK BOUNDED BY THE PLAZA, OAKWOOD AVENUE AND ESSEX AVENUE, DENIED.

Councilman Tuttle moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 605-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A LOT ON THE WEST SIDE OF SOUTH TRYON STREET, SOUTH OF BOWMAN ROAD, ON PETITION OF DEWEY A. FRICK, ADOPTED.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MF to R-6MFH as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 4.

PETITION NO. 67-14 BY J. L. PATTERSON, SR., J. L. PATTERSON, JR. AND T. A. LITTLE FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF THREE LOTS LOCATED AT 1045, 1051, and 1057 PROVIDENCE ROAD, DENIED.

Councilman Tuttle moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

DECISION ON PETITION NO. 67-15 TO AMEND ARTICLE III, DIVISION I, SECTION 23-31 CATEGORY (b) OF TABLE OF PERMITTED USES INSERTING "JEWELER, WHOLESALE", AS A USE TO BE PERMITTED IN B-1, B-2, B-3, I-1, I-2 and I-3 DISTRICTS DEFERRED.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject petition was deferred pending further study by the Planning Commission.

PETITION NO. 67-16 BY W. H. KEISTLER, ET AL, FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE WEST SIDE OF BELLHAVEN BOULEVARD, BEGINNING NORTH OF DAKOTA STREET, DEFERRED ONE WEEK.

Councilman Thrower moved that the subject petition for a change in zoning from R-6MF to I-1 be approved. The motion was seconded by Councilman Alexander.

Councilman Tuttle made a substitute motion that decision on the

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subject petition be deferred for one week as he believes there are some who have not seen the property. That he has seen it. The motion was seconded by Councilman Short

Councilman Tuttle stated he has been looking at one piece of property and putting one operation on it and another piece and putting this on it.

Mayor pro tem Whittington advised the American Realty Corporation is Item No. 6 on the Agenda today, and Mr. Thrower is talking about Item 14 on Bellhaven Boulevard.

Councilman Tuttle stated he withdraws his substitute motion.

Councilman Short stated he intended to visit this property but was unable to get out there, and he would make a substitute motion that this petition be deferred for one week. The motion was seconded by Councilman Tuttle.

Councilman Thrower asked Mr. McRae what is planned for the property?

Mr. John McRae, Attorney for the Keistler family, stated they have a tenant in a building on Hoskins Avenue about two blocks up the street - the James H. Matthews Company in the printing plate business. They need a larger place to expand.

The vote was taken on the substitute motion and carried unanimously.

ATTORNEY FOR TELEVISION TRANSMISSION COMPANY OF NORTH CAROLINA VOICES OBJECTIONS TO GRANTING CATV FRANCHISES TO JEFFERSON-CAROLINA AND COX-COSMOS INCORPORATED.

Mr. Paul Ervin, representing the Television Transmission Company of North Carolina, stated he feels the City Council is on the verge of making a very serious mistake in granting the C.A.T.V franchises.

Mr. Ervin stated the T.V. industry has had a greater impact on the life and times of our people in this generation than probably any other industry. The television industry is still somewhat in its infancy and the matter of furnishing CATV service is in its bare inception and as far as this city is concerned it has not come into the city although there is a small operation in the county. He stated Council should be aware of the very serious impact this ordinance will have upon the whole television industry in this locality if the ordinance is adopted.

As the ordinance now stands authority will be given to two local television companies to operate CATV operations. There is one phase of the operation which he does not think members of the City Council have given full and complete consideration to - to license a local TV station to carry on CATV operations brings about a distinct conflict of interest on the part of the local T.V. stations. There has been a great deal of discussion and some litigation already. He stated the theory of CATV operation is that there will be brought in to the viewing public of this locality a large number of programs of additional channels which are not now available. The local TV stations have no particular interest in doing this. They have their own operation which they are primarily concerned in. They program their programs which are based, he presumed, upon public demand as well as upon the cost. Torn between those two extremes they come up with the best programs they think they can afford or those which will be the most profitable to them. The result is that a large

number of very fine programs are available under CATV which will not be available under local television operation. Here is where the public interest is concerned. The public is interested in seeing the improvement of television programs; interested in a balanced fair; interested in a wide selection - that we do not now have. With CATV, that kind of programming would be possible; it would be possible to have a much wider selection.

There is a very definite conflict of interest on the part of the local TV operator and the operators of CATV because the local operator is concerned not with CATV but is concerned with its own operation. He thinks it would be an extremely serious mistake for the City Council to license two local companies for this very vital service which can be rendered the public, realizing that when you do so, you will be getting half a loaf or a quarter of a loaf and not the full loaf which you have a perfect opportunity to do at this time by permitting an outside operator, one that does not have a local TV station, to come in and operate CATV.

Mr. Ervin referred to the current issue of the "Broadcasting Business and Television Weekly" and stated in this issue dated March 27, there is recounted the experience which has been had in the State of Connecticut where this very question was up and the Connecticut Public Utilities Commission last week issued 17 grants for CATV to serve 83 communities and presented a new policy. After a long deliberation the new policy read - "No cross ownership with television station operators". The reasons given for the policy were that the Commissioners concluded the public interest justified dismissal of certain applications and in each case a portion of the ownership or management of the enterprise is vested in a person or corporation engaged in television pursuits. In their opinion more effective competition between the media will be promoted by preparation of the ownership of television enterprises and the CATV system. The interest of the viewing public is not the same as that of the television station or network. The CATV customer is interested in receiving the widest assortment of high quality entertainment that is possible. In order to meet the desire, the CATV operator must make a choice of the available signals it sends into the subscriber's home. A CATV, unencumbered by a financial interest in a particular television station, will be free to select those channels, which in its opinion, will secure maximum viewing. The interest of the viewing public and the CATV here are coincidental and coincide; however if the CATV operator has a substantial financial interest in a local TV station, he may approach the problem of channeling selection with conflicting interest.

Mr. Ervin stated there is an appeal from the Council's decision on this matter to the Federal Communication Commission, and he thinks in this case there will be an appeal. That the Federal Communication Commission has been concerned about this very matter and handed down a very recent decision upon this matter in which the decision held that each case would have to be considered on its special separate merits; but the Commission viewed with real grave concern this interlocking, overlapping or ownership by local TV and stations of the CATV operation because of the natural conflict of interest. A conflict of interest which is against the interest of the public.

The Chairman of the FCC has made a very clear statement of position. He said a television viewer's incentive to subscribe to a CATV system decreases as the quantity and quality of the off the hour signal increases. If the CATV system is independently owned, the television licensee will, to the extent possible, seek to improve the technical quality of its signal and the attractiveness of its program so as to

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make subscription to CATV less appealing by comparison. If a station and local CATV system are owned by the same person, the incentive to compete is absent.

Mr. Ervin stated now we are denied many of the finest programs available in the county and which would be available under CATV. That this Council is faced with a momentous decision. If Council permits the two T.V. stations in this locality also to have CATV, then you have robbed CATV of its most attractive ingredient, and you have robbed the people of the community of the opportunity of having a much wider, much more entertaining, and much more educational scope of television viewing than would be possible if you had another operator here who was not wise connected with the local T.V. stations.

Mr. Ervin stated he would like to suggest to Council that it not adopt this ordinance on its second and last reading, but that instead, that Council give them an opportunity to present some facts to Council at a subsequent meeting.

ORDINANCE NO. 599-X GRANTING A FRANCHISE TO JEFFERSON-CAROLINA, A NORTH CAROLINA CORPORATION, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE, ADOPTED ON SECOND READING.

Councilman Alexander introduced an ordinance entitled: Ordinance Granting A Franchise to Jefferson-Carolina, a North Carolina Corporation, to Construct, Operate and Maintain a Community Antenna Television System in the City of Charlotte, which was read in full.

Councilman Albea asked the City Attorney, since Council has had the hearing and voted on the ordinance on the first reading, would Council be in a position today to reverse that previous action? Mr. Kiser replied the Council has to adopt each ordinance on two readings before it becomes effective. If you adopt an ordinance at the first reading and do not adopt it at the second reading, it does not become effective. Councilman Albea asked if Council would be in order now to change what it has already done after the hearing three weeks ago, and has gone this far with it? Mr. Kiser replied Council is free at this moment to make up its mind as to whether or not to adopt each ordinance on the second reading.

Councilman Alexander moved the adoption on its second reading of the ordinance granting a franchise to Jefferson-Carolina, A North Carolina Corporation, to construct, operate and maintain a community antenna television system in the City of Charlotte. The motion was seconded by Councilman Jordan.

Councilman Albea stated he is not satisfied about this. That he does not know whether we are doing the right thing or not. That he asked four weeks ago for a hearing but did not make a motion to that effect. That he is not opposed to the people getting the franchise, he is just in doubt.

The vote was taken on the motion to adopt the ordinance on its second reading and passed unanimously.

The ordinance is recorded in full in Ordinance Book 14, Pages 496 and 497.

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INDEMNIFICATION AGREEMENT FILED BY JEFFERSON-CAROLINA ACCEPTED BY COUNCIL AS RECOMMENDED BY THE CITY ATTORNEY.

Mr. Kiser, City Attorney, stated in connection with the grant of the franchise to Jefferson-Carolina, one of the requirements of the Ordinance is that they submit either an insurance policy covering possible loss or damages to the City for copyright infringements or that they submit an indemnification agreement, and the indemnification agreement must be satisfactory to Council. Mr. Kiser stated they have submitted for Council consideration a proposed indemnification agreement which would protect the City against all losses arising from the copyright infringement and they will appear and defend all claims and lawsuits arising out of potential copyright infringement and he recommends at this time that Council go on record as indicating the indemnification agreement is satisfactory to Council.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, the recommendation of the City Attorney was approved.

ORDINANCE NO. 600-X GRANTING A FRANCHISE TO COX-COSMOS, INCORPORATED, A NORTH CAROLINA CORPORATION, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE, ADOPTED ON SECOND READING.

Councilman Short introduced an Ordinance entitled: Ordinance Granting a Franchise to Cox-Cosmos, Incorporated, a North Carolina Corporation, to Construct, Operate and Maintain a Community Antenna Television System in the City of Charlotte, which was read in full.

After the reading of the ordinance, Councilman Short moved the adoption of the ordinance granting a CATV franchise to Cox-Cosmos, Incorporated. The motion was seconded by Councilman Tuttle, and was unanimously adopted on its second reading.

The ordinance is recorded in full in Ordinance Book 14, beginning at 498.

INDEMNIFICATION AGREEMENT AND INSURANCE POLICIES FILED BY COX-COSMOS, INCORPORATED ACCEPTED BY COUNCIL AS RECOMMENDED BY THE CITY ATTORNEY.

Mr. Kiser, City Attorney, advised he has an indemnification agreement from Cox-Cosmos in the amount of \$50,000 and insurance policies covering the copyright infringements for amounts in excess of \$50,000 up to \$2,000,000 as required by the ordinance and they are satisfactory and he recommends that Council go on record as indicating it is satisfactory to the Council.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, the recommendation of the City Attorney was approved.

ATTORNEYS FOR COX-COSMOS, INC. AND JEFFERSON-CAROLINA, INC. ASSURES COUNCIL THAT BOTH COMPANIES WILL BRING TO THE CITIZENS OF CHARLOTTE EVERY SIGNAL PERMITTED UNDER FCC RULING, AND ATTORNEY FOR COX-COSMOS, INC. FILES WITH CITY CLERK ACCEPTANCE OF FRANCHISE FOR COX-COSMOS, INC. TOGETHER WITH BOND, INSURANCE POLICIES AND INDEMNIFICATION REQUIRED UNDER THE CODE.

Mr. Carlton Fleming, Attorney representing Cox-Cosmos, Incorporated, stated by way of reassurance to the Council, that Cox-Cosmos, Incorporated will bring to the public of the City of Charlotte every channel which is authorized under current regulations of the Federal Communications Commission. This matter has been discussed at length before the Council and he thinks Council is aware of the fact that under current FCC regulations signals of a certain strength may be brought into the City. Signals of lesser strength may not be brought into the City unless the FCC grants specific approval and in the instance in which we are now involved where there unquestionably would be some opposition to distant signals being brought in, there will be some limitations imposed by the FCC on the number of channels that can be carried. That he is sure Cox-Cosmos, Inc., and he feels sure that Jefferson-Carolina would take the same position, will bring in all channels which can be currently brought in under FCC regulations.

Councilman Short asked if this information is included in their application and Mr. Fleming replied that it is but not in great detail but the application filed by Cox-Cosmos does indicate the number of channels which can be brought in under current FCC regulations. The long regulations of the FCC which relate to these Grade B signals have not been incorporated; however, he thinks the City Attorney has available and probably has seen the FCC regulation on this point, and he is aware of what can be brought in without specific FCC hearings and specific FCC action.

On the diversion of interest between a television station owned CATV operation and an independent CATV operation, that Cox-Cosmos is owned by Cox Cablevision Corporation and Cosmos Cablevision Corporation. That Cosmos Cablevision does not operate nor does any of its affiliated companies operate any sort of television transmission station any closer than Columbia, South Carolina. So it has the same interest in a successful CATV operation here as any independent CATV operator might have.

He stated that Cox-Cosmos, Inc. will bring the best service that is available under the law; that the signal of Channel 9 will not be degraded as has been suggested. Channel 9 signal will be the best that modern engineering and transmission facilities can make it.

Mr. Fleming stated to indicate to Council how anxious Cox-Cosmos is to proceed in the orderly construction of a CATV system in the City of Charlotte, he has been instructed to file with the City Clerk the acceptance of the franchise on behalf of Cox-Cosmos, Inc. together with the bond, insurance policies and indemnification required by the Ordinance, which he did.

Mr. Charlie Tompkins, Attorney representing Jefferson-Carolina, stated they too will bring in every signal that the current FCC regulations permit them to bring in.

RESOLUTION AUTHORIZING CANCELLATION OF INTEREST AND PENALTIES ON
TWO STREET ASSESSMENTS ON LYTTLETON DRIVE.

Councilman Thrower moved the adoption of the subject resolution cancelling interest and penalties accrued from December 10, 1962 through April 1967 because of an error in listing the assessments. The motion was seconded by Councilman Alexander.

Councilman Short asked if there is a possibility of personal liability forgiving money due the City, and Mr. Kiser, City Attorney, replied no as under the street assessment procedure you have authority to forgive interest and penalties where they have accrued as a result of a mistake.

The vote was taken on the motion and carried unanimously.

RESOLUTION FIXING A DATE OF PUBLIC HEARING ON MONDAY, MAY 1, 1967 ON
PETITION TO WITHDRAW FROM DEDICATION A PORTION OF NORTH COLLEGE STREET.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the subject resolution was adopted setting a date of public hearing on Monday, May 1, 1967 on petition of Carolina Paper Company, Inc. to withdraw from dedication a portion of North College Street, between East 27th and East 28th Streets.

The resolution is recorded in full in Resolutions Book 5, at Page 428.

QUITCLAIM DEED TO REDEVELOPMENT COMMISSION FOR PORTIONS OF EAST SECOND
STREET, EAST FIRST STREET, SOUTH MYERS STREET AND SOUTH ALEXANDER STREET.

Motion was made by Councilman Tuttle authorizing the Mayor and City Clerk to execute a quitclaim deed from the City to the Redevelopment Commission by which the City will quitclaim all its right, title and interest in and to certain portions of East Second Street, East First Street, South Myers Street and South Alexander Street. The motion was seconded by Councilman Jordan and carried unanimously.

SANITARY SEWER CONSTRUCTIONS AUTHORIZED:

Motion was made by Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, authorizing the construction of sanitary sewer mains, as follows:

- (a) Construction of 50 feet of main in Greenbrook Drive, inside the city, as requested by Mrs. Eva Edmundson, at an estimated cost of \$600.00. All cost of the construction will 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 100 feet of main to serve a portion of Chippendale Road, inside the City, at the request of Ed Griffin Construction Company, at an estimated cost of \$555.00. All cost of the construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

CONTRACT FOR INSTALLATION OF WATER MAINS APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, contracts for the installation of water mains were approved as follows:

- (a) Contract with John Crosland Company for the installation of 2,750 feet of water mains, and three (3) fire hydrants, to serve a portion of the Hampshire Hills Subdivision, inside the City, at an estimated cost of \$13,000.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (b) Supplementary Contract to contract dated January 24, 1966, for the installation of 3,680 feet of main and two (2) fire hydrants to serve Huntingtowne Farms Subdivision, outside the City, at an estimated cost of \$15,500.00. The applicant will pay for the entire cost and will own same until such time as the area is incorporated into the City at which time the mains will become the property of the City without further agreement.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Alexander, and unanimously carried, authorizing appraisal contracts, as follows:

- (a) Contract with B. Brevard Brookshire for appraisal of one parcel of land in connection with the Northwest Expressway;
- (b) Contract with Alfred E. Smith for appraisal of two parcels of land in connection with the East Third Street Project and Northwest Expressway.

CLAIM OF R. L. KILLOUGH FOR DAMAGES TO CAR AUTHORIZED PAID.

Councilman Tuttle moved that claim of Mr. R. L. Killough, 1658 Medford Drive, in the amount of \$72.50 for damages to automobile caused when his right wheels passed over an open manhole in the 2200 block of Arnold Drive be paid as recommended by the City Attorney. The motion was seconded by Councilman Thrower, and carried unanimously.

CHANGE ORDER NO. 4 IN CONTRACT WITH R. MARRET WHEELER COMPANY FOR MINT MUSEUM ADDITION, APPROVED.

Motion was made by Councilman Tuttle approving Change Order No. 4 in contract with R. Marret Wheeler Company for the Mint Museum Addition adding \$530.00 to the contract price. The motion was seconded by Councilman Jordan.

Councilman Short stated in previous monies involving the Mint, the situation was a little different, as we were merely using their money. Mr. Veeder, City Manager, advised this is the same and was inadvertently left off the agenda; they have deposited this amount of money with the City.

The vote was taken on the motion and carried unanimously.

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CHANGE ORDER NO. 1 IN CONTRACT WITH WATSON ELECTRIC COMPANY FOR MINT MUSEUM ADDITION, APPROVED.

Councilman Tuttle moved approval of Change Order No. 1 in contract with Watson Electric Company, for the Mint Museum Addition, adding \$457.00 to the contract price. The motion was seconded by Councilman Jordan, and carried unanimously.

CHANGE ORDER NO. G-5 IN LEE CONSTRUCTION COMPANY, INC. CONTRACT AND NO. E-2 IN INDUSTRIAL ELECTRICAL COMPANY CONTRACT FOR HOSKINS FILTER PLANT ADDITION, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Alexander and unanimously carried, change orders in contracts for additions to Hoskins Filter Plant, were authorized as follows:

- (a) Change Order No. G-5 in general contract with Lee Construction Company, Inc., increasing the price by \$1,060.00, to cover the installation of a walkway to give access to an area where the compressor and other equipment will be operated and maintained as the existing access doorways to this area have been blocked by the installation of a 42" water main;
- (b) Change Order No. E-2 in electrical contract with Industrial Electric Company, increasing the price by \$300.00, to add six lighting fixtures with the necessary conduit wiring switches to provide lighting in a pipe gallery located beneath the additions to the high service pumping station.

RENEWAL OF SPECIAL OFFICER PERMIT TO EDWARD W. ANDERSON.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, approving the renewal for one year of a Special Officer Permit to Mr. Edward W. Anderson to serve on the premises of the Y.W.C.A., at 3424 Park Road.

CLAIM OF R. C. SCHOONMAKER AUTHORIZED PAID.

Councilman Tuttle moved that claim of Mr. R. C. Schoonmaker in the amount of \$226.50 for rental bill incurred while his automobile was in the custody of the Police Department, be paid as recommended by the City Attorney as the City was negligent in failing to comply with the method set forth in Section 20-22(a) of the Code for notifying owners of impounded vehicles. The motion was seconded by Councilman Thrower.

Councilman Short commented that this is indeed negligence. He asked what has happened to the procedure where there would be a sign hung on the parking meter explaining that we had to take your car and you can pick it up. Councilman Tuttle stated they are on the meters. Councilman Short stated apparently this was not done in this case. The City Manager advised this was purely and simply a human error where the police officers thought the other had followed through on notification when in fact neither of them had. Recognizing that this type of thing did happen, the City Attorney's office, as well as the Chief of Police's office, has seen to it that revision in the procedures has been made so this cannot happen again. That there is a sign hung on all meters, but this car was blocking a driveway and was not a meter violation.

Mayor pro tem Whittington stated this is a perfect example of no follow through and no coordination of records and he hopes the involved officers have been notified of this mistake and that it will not happen again.

The vote was taken on the motion and carried unanimously.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Stuart R. deWitt and wife for Graves No. 3 and 4, in Lot No. 472, Section 6, Evergreen Cemetery, at \$360.00;
- (b) Deed with Earl S. deWitt and wife for Graves No. 1 and 2, in Lot No. 472, Section 6, Evergreen Cemetery, at \$120.00;
- (c) Deed with Mrs. J. Kingsley MacDonald, for Lot No. 481, Section 6, Evergreen Cemetery, at \$240.00;
- (d) Deed with Mrs. Minnie Patat Brown, for Lot No. 382, Section 6, Evergreen Cemetery, at \$240.00;
- (e) Deed with Mrs. Mae Kenney, for Lot No. 363, Section 6, Evergreen Cemetery, at \$240.00;
- (f) Deed with Miss Sara L. Hodges, for Lot No. 441, Section 6, Evergreen Cemetery, at \$240.00.

PREVIOUS DECISION TO DENY PETITION NO. 67-7 BY AMERICAN REALTY CORPORATION FOR A CHANGE IN ZONING ON A 8.96 ACRE TRACT OF LAND AT THE DEAD-END OF MCDONALD AVENUE, NORTH OF THRIFT ROAD, RESCINDED AND ACTION DEFERRED FOR ONE WEEK.

Councilman Jordan stated that possibly some of the Council members were confused and looking at the wrong item when Zoning Petition No. 67-7 was considered. That he went out and looked at the subject property and he moved that Council reconsider its previous motion today to deny the petition and defer action for one week so that the Councilmen who have not looked at the property might have a chance to do so. The motion was seconded by Councilman Tuttle, who stated he has seen the property and this is one that he finds difficult to understand and he would urge all Councilmen who have not seen this particular parcel to do so before next Monday.

Councilman Albea stated he was not confused when he voted on the item, and he still thinks it is right, but if the other members were confused, he will go along with the motion.

The vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Thrower moved approval of the following property transactions, which motion was seconded by Councilman Albae:

- (a) Condemnation of 5,769 sq. ft. of property at 233 North Myers Street, property of G. W. Hunter Estate, at \$8,950.00, in connection with Sixth Street Improvement;
- (b) Permanent construction easement at 317 Prince Charles Street, of 6,000 sq. ft. of property of James L. Yow, at \$2,350.00, in connection with the Eastway Drive Project;
- (c) Permanent construction easement at 321 Prince Charles Street, property of James J. Jordan and Mary P. Jordan, at \$1,650.00, in connection with the Eastway Drive Project;
- (d) Acquisition of easement 52.24 sq. ft. at West Fourth Street, between Cedar and Irwin Streets, property of Ethel G. Brown, widow, at \$5.00 in connection with the West Fourth Street Extension;
- (e) Acquisition of right of way 10' x 11' and 10' x 67' on Orange Street and Skyland Avenue, from Tri-Investors, Inc., at \$1.00 for easement to Skyland Avenue sanitary sewer extension;
- (f) Acquisition of 4,848 sq. ft. of property on the southside East Fourth Street, between Cherry Street and Independence Boulevard, from Katherine Potts Asbury, et al, at \$5,500.00 in connection with the East Third Street Project;
- (g) Acquisition of 7,511.98 sq. ft. of property at 1011 Grove Street, from Luther Lee Choice and wife, at \$9,850.00, in connection with the West Fourth Street Extension;
- (h) Acquisition of vacant lot on West Fourth Street, from J. C. Witherspoon, at \$1,650.00, in connection with West Fourth Street Extension;
- (i) Acquisition of 4,323.17 sq. ft. of property at 221 Irwin Street, from Alfred E. Allen and wife, Fanny G., at \$75,00.00, in connection with West Fourth Extension;
- (j) Acquisition of 910 sq. ft. of property at 112 West Sixth Street, from J. H. Bridges and wife, at \$8,000.00, in connection with Sixth Street Improvement;
- (k) Acquisition of 2,272 sq. ft. of property at the northwest corner of North Pine Street and West Sixth Street, from J. H. Van Ness et al, at \$7,500.00, in connection with the Sixth Street Widening;
- (l) Acquisition of 2,067 sq. ft. of property at 700-02 East Sixth Street, from Pyramid Motor Company, Inc., at \$2,650.00 in connection with the Sixth Street Widening;
- (m) Acquisition of 1,036 sq. ft. of property at 3427 Eastway Drive, from Bessie G. Anderson, at \$1,000.00, in connection with Eastway Drive Widening;

- (n) Acquisition of 1.094 acres of property on Wilmount Road in Berryhill Township, from Sanders M. Strange and wife, at \$7,300.00 for Airport Clear Zone;
- (o) Acquisition of 1.42 acres of property on Horseshoe Lane, in Berryhill Township, from W. D. Warren and wife, at \$3,000.00 for Airport Clear Zone;
- (p) Acquisition of 1.34 acres of property on Horseshoe Lane, in Berryhill Township, from W. Lloyd Warren and wife, at \$24,400.00, for Airport Clear Zone.

Councilman Short stated he wants to be sure that the condemnation item is not a private business? The City Manager advised that is correct, it is a dwelling unit.

The vote was taken on the motion and unanimously carried.

PROPERTY ON ARCHDALE DRIVE, ADJACENT TO AND EAST OF CELANESE CORPORATION OF AMERICA AUTHORIZED SOLD TO CELANESE CORPORATION OF AMERICA.

Councilman Thrower moved that property on Archdale Drive, adjacent to and east of Celanese Corporation of America, be sold to Celanese Corporation of America, the successful bidder at \$15,800.00. The motion was seconded by Councilman Albea, and carried unanimously.

CITY MANAGER REQUESTED TO HAVE SOMETHING DONE ABOUT THE WATER BILL DUE DATES BEING PRIOR TO DATE BILLS ARE MAILED.

Councilman Tuttle stated about a year ago he mentioned this particular item and it is small but he gets tired of people joking about the City's water bills. That he has his own bill in front of him which he recieved on the 29th day of March, stating that the due date is the 26th day of March. That in the fine print it says you have 15 days in which to pay the bill, but a lot of people think when accounts are not paid by due date that it affects their credit. That a week does not go by that somebody does not joke about the bill. That he cannot understand why there cannot be some change where they are mailed prior to the due date.

Mr. Veeder, City Manager, replied he thinks Mr. Tuttle is right and he will see if something can be done about them; that he remembers it being brought up before and he thought it had been taken care of, but it has not.

CITY MANAGER REQUESTED TO THANK JAYCEES AND IBM FOR THEIR CONTRIBUTIONS IN DISTRIBUTING COMMUNITY WATCH PAMPHLETS PREPARED BY POLICE DEPARTMENT.

Councilman Tuttle advised that the Charlotte Jaycees are forming a Committee to contact the owners and managers of local stores all over town in an effort to get them to cooperate with the Police Department in distributing the pamphlets on Community Crime Watch; and they are also going to distribute them during the business hours for a week at the square. That he thinks Council owes the Jaycees a

vote of thanks for the effort they are making in attempting to see that every citizen in the City gets one of the pamphlets.

Councilman Jordan stated the one the Police Department is putting out to the ladies of the things they should do is also very excellent. That he has heard a lot of comments on them.

Councilman Tuttle stated he also thinks a vote of thanks is due IBM for printing the pamphlets also.

Mayor pro tem Whittington requested the City Manager to see that the necessary people are thanked on behalf of the Council and the Mayor for their contributions.

NEWS MEDIA REQUESTED TO RUN ARTICLE EXPLAINING TO THE GENERAL PUBLIC CATV.

Councilman Tuttle stated he has a request to make of the Press. That he has had letters and telephone calls from obviously elderly people with reference to CATV. That he has a letter before him and the gentleman is of the impression that he is going to be out of the television business because he cannot afford \$20.00 a month for CATV. That the public does not understand CATV, they do not understand the fact that whether they buy it or whether they do not, they will go right on receiving the same programs they have been receiving. That he would hope the News Media would run an article and really explain this to the public, and see if we can stop the letters of protest about having to buy television in the future.

CITY ATTORNEY REQUESTED TO NOTIFY BUSINESS LOCATED ON NORTH COLLEGE STREET THAT PORTION OF STREET IS BEING CONSIDERED FOR WITHDRAWAL FROM DEDICATION.

Councilman Short stated in connection with the petition to close a portion of North College Street on which Council today set a hearing for May 1st, the thought occurred to him there are several businesses in that area; that it is a warehouse area and he is not sure how close they are to this exact part of College Street. He requested that the City Attorney notify those businesses along this area that the street is being considered for closing.

COUNCILMAN REQUESTS THAT COUNCIL PROCEED AS QUICKLY AS POSSIBLE WITH THE INSTALLATION OF SIGNS AT CUL-DE-SACS AND DEAD-END STREETS AS REQUIRED UNDER ORDINANCE ADOPTED TODAY.

Councilman Short stated in connection with the Ordinance Amending the Subdivision Ordinance to require the installation of signs and barricades on dead-end streets and cul-de-sacs, there were some 62 locations which were adequately handled and there are nearly 800 others where the city is in a position of tort liability in case someone runs an automobile on through and gets hurt. He asked if the City cannot proceed with the signs on the other locations quickly as there are hundred of such situations without even a sign. That to put in 800-odd concrete posts may take years, and he would hope that the City could proceed with the signs.

RESOLUTION APPROVING REQUEST FOR FINANCIAL ASSISTANCE TO PLAN AND DEVELOP A COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

Councilman Albea moved the adoption of a Resolution entitled: Resolution Approving Request for Financial Assistance to Plan and Develop a Comprehensive City Demonstration Program. The motion was seconded by Councilman Jordan and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 429.

REQUEST FOR CITY MANAGER TO SERVE ON TASK FORCE OF REPRESENTATIVES OF STATE AND LOCAL GOVERNMENTS TO DEVELOP PLANS TO SIMPLIFY THE GRANT-IN-AID PROCESS, APPROVED.

Mr. Veeder, City Manager, stated on March 17th the President transmitted a message to Congress on the quality of American Government. In his message he made a number of recommendations on ways to improve the quality of government, its machinery, manpower and methods.

One portion of his message relating to matters concerning local and state government concerned itself with the consolidation of grant-in-aid programs. That he pointed out this was a problem for local government because of the different administrative arrangements and formula within the federal government, and then he made some suggestions on what he wanted to do to improve this situation. One of the suggestions was the formation of a task force of representatives of state and local governments to develop a plan that would have some relevancy to simplify the grant procedures that the local government is now involved in.

Mr. Veeder stated he received, this morning, a notice asking him if he would serve on this Task Force. That he was flattered at being asked to serve and indicated a willingness to do so. He stated this will be a time consuming activity for at least a short period of time; but he thinks that Council is aware of the problem of multiplicity of the programs and the approaches that must be had towards relationship with the federal government on it. An opportunity to serve in the capacity is one that we can all approve of. That he has indicated a willingness to serve but is concerned about the time consuming nature of it, but he thinks it is something that is important.

Councilman Albea moved approval of the City Manager serving on the Task Force. The motion was seconded by Councilman Jordan, and carried unanimously.

Mayor pro tem Whittington stated he thinks it is a great honor that the President of the United States would recognize Mr. Veeder in this endeavor and he would hope that whatever contribution he makes would be to speed up an already very slow, outmoded, antiquated process of getting things done from the federal government down to state and cities.

REQUEST FOR CITY MANAGER TO SERVE ON PROGRAM OF THE UNITED
COMMUNITY FUNDS COUNCIL OF AMERICA, APPROVED.

Mr. Veeder stated some several months ago, Mr. Gordon Berg and Mr. Don Sanders asked if he would be willing to serve on a program of the United Community Funds Councils of American to comment on the effective relationships the local government in Charlotte has with the United Community Service. That he indicated a willingness to do this and then he found out last week that it is scheduled for next Monday. With Council's approval, as he has gone as far as he has with the out-of-town program, he would like to appear on the program.

Councilman Albea moved that Mr. Veeder's request be approved, which was seconded by Councilman Thrower, and carried unanimously.

CITY MANAGER ADVISES BIDS WILL BE RECEIVED ABOUT THE ELEVENTH OF
THE MONTH ON THE FIRST GROUP OF DOWNTOWN STREETS.

The City Manager advised the City Engineer is having a pre-bid conference this afternoon with contractors interested in bidding the first group of downtown streets. That probably after the conference the bids will be received on the 11th.

That this is on four specific projects -

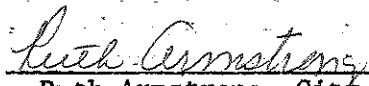
- (1) Fifth Street, from College to Brevard Street;
- (2) West Sixth Street, from Graham to Pine Street;
- (3) East Sixth Street, from Caldwell to Davidson Street;
- (4) East Sixth Street, from Myers to Alexander Street.

Councilman Tuttle stated he thought we were going to do Fifth Street all the way and the City Manager replied we are, but Council indicated as it was ready a block at the time to go with it, and that is what we are doing.

Councilman Alexander stated Council has been waiting on this a long time and he thinks it is important enough for Council to go down there and celebrate the beginning of it.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk