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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 27, 1964, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: NONE.

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INVOCATION.

The invocation was given by Councilman Don G. Bryant.

MINUTES APPROVED.

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

HEARING ON APPLICATION FOR ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CHARLOTTE CAB COMPANY, INC. POSTPONED FOR TWO WEEKS.

The attorney for Charlotte Cab Company advised there is an error in their application for the issuance of certificates of public convenience and necessity and they request a postponement of the hearing so they can make the correction.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the hearing was postponed for two weeks.

OFFICIALS OF BROADCASTING COMPANY OF THE SOUTH PRESENTED PLAN TO COUNCIL FOR COMMUNITY ANTENNA TELEVISION AND PERSONS OPPOSING THE PLAN ADVISED HEARING WOULD BE HELD BEFORE COUNCIL TAKES ACTION ON APPLICATION FOR A FRANCHISE.

Mr. Henry Fisher speaking for Mr. John Shaw who represents the Broadcasting Company of the South presented Mr. James Yaeger, Director of Planning and Development and Mr. Robert Shafto, President of the Company..

Mr. Yaeger directed Council's attention to several charts before them and stated Charlotte is a very growing community which ranks 60th in the United States in population, and as a Television market it ranks higher - 22nd - which is due to the two very fine Television Stations in operation. That the reason they are here today is to talk about increasing the television service to the residents of Charlotte. That there are cities with less population and less ranking which ranks ahead of Charlotte as far as Television Service is concerned. Many cities have less population but more television service. By more television service they mean the service of the three major networks - NBC, ABC and CBS. There are forty cities which rank ahead of Charlotte with television service but behind it in population. Mr. Yaeger advised in a 3 station city there is 73½ hours prime time programming available from which residents can choose, and in Charlotte there are now 49 hours available - prime time being between 7:30 and 11:00. In

discussing the void he stated Charlotte misses  $14\frac{1}{2}$  hours of NBC programming each week, 3 hours of ABC and 3 hours of CBS; that 4 hours of NBC is delayed each week, 5 hours of ABC and 1 hour of CBS. He called attention to a number of programs which are not available in Charlotte - Fight of the Week on Friday Night, Hollywood Palace, Sunday Night at the Movies and ABC News, Caesar and Adams. He stated further this is not due to any inadequacy in the present setup of the Television Stations; that it is due to the fact that there are only the two stations in Charlotte. On CBS, the Judy Garland Show, To Tell the Truth, Tell it to Camera, Password and Twilight Zone are not available, but the real void as seen in Charlotte comes with NBC such as The Virginian, Joey Bishop, Saturday Night at the Movies, Show of the Week, Mitch Miller, Hollywood and the Stars, Monday Night at the Movies, Espionage, 11th Hour, Temple Houston and That was the Week that Was, these are the shows that are not available as there are only two stations. The solutions to the problem - 1st, would be a third station, and for Charlotte that would mean a UHF Station and beginning May 1st all sets sold are going to have to be UHF set, and UHF offers some possibility to solve the problem. Unfortunately solving the problem with UHF would be how long it would take for all residents of Charlotte to have UHF capabilities. That a survey shows by May 1964, 10% of the people in this country would be equipped to receive UHF and that it would be 1972 before it could be hoped that everyone would have UHF capabilities. That while UHF has possibilities for the future they are here to talk about CATV - Community Antenna Television. Basically this is a master antenna receiving system which receives distant signals - signals outside the city - brings them in by a master antenna and distributes them throughout the community by means of coaxial cables. He called attention to the system which they have just completed in Florence, South Carolina - that it is an all channel system with a 600 foot tower to which are affixed master antenna complexes - one for each channel and in many cases four or five antennas for each channel. The signals are received on the tower and brought into a head-in building or control complex. There the signals are cleaned up and amplified and put out on coaxial cable lines which they run throughout the community in exactly the same way the Telephone Company runs their lines, and that is the reason they are here today. Mr. Yaeger stated the lines have to be run over public thoroughfares and public rights-of-way. That coaxial cables are attached to utility company poles. They lease the poles from the different utilities here in Charlotte such as Duke Power Company and Southern Bell. The lines then go into the subscribers house as a phone company comes into a house; instead of to the phone, it goes into the back of the television set - a little jack which goes into it. That in Florence before they built the station there were two signals available; now they are bringing in ABC out of Columbia on a UHF station and out of Charleston, S. C.

Mr. Yaeger stated some of the advantages are - 23 hours of ABC in prime time,  $24\frac{1}{2}$  hours of NBC and  $24\frac{1}{2}$  hours of CBS. That it will give to any of the persons who subscribe to the system this much network service. In addition it will enhance their overall television service; it will increase the syndicated material available on TV; it will magnify the number of film programs which are now available. That they propose to build a continuous time and weather service which runs 24 hours a day. It would increase the number of sporting events and it would have the capabilities of bringing in educational programs. That because they would control the signals and constantly maintain the signal, they would improve not only the reception of the present station but the reception of stations which are planned for the future, such as UHF stations. The growth of CATV throughout the U. S. has been spectacular within the past several years; that Dayton, Ohio is now entertaining the idea of an application, Altoona, Pennsylvania has one of the largest systems in the country and a number

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of others which he named. He stated there are 1300 CATV systems now in existence in the U. S. with many more planned. To recap what CATV will do and why they are interested in bringing it to Charlotte - it will make complete network service a reality, will improve the services already available. He then introduced Mr. Robert Shafto, President of the Company.

Mr. Shafto distributed booklets to the Council which abbreviated the Plan of the Broadcasting Company of the South and stated they had not hoped that Council would render any decision at this time; they just wanted to introduce in a very quick way the Antenna television signals which would give a greater variety of shows to Charlotte. He stated they could have the proper documents for Council within the next 30 days.

Mr. Shafto was asked if this is pay television and he advised this is not and even within the industry there is nothing more misunderstood, but that it would cost to subscribe to their service which would run about \$5.50 per month.

Mr. Roy Smart stated the sizeable amount of information he has, leaves him to believe there is grave doubts as to whether this town should embark on the business of issuing a franchise to a Community Television; also as to whether it would be fair and as to whether it would be in keeping with the wishes of the people of Charlotte; or if it would be legal. He stated this subject is a grave and serious one and should be considered very deeply and wisely before any action is taken on it. He then requested the Mayor to set aside some time at the convenience of the Mayor and Council when the other side of this question may be discussed, and when the facts he has referred to may be brought to Council.

The Mayor advised that Council has nothing before them for consideration at the moment and if an application for a franchise is filed with the City, he is sure a public hearing will be called before Council takes any action.

Mr. Harry Pickett, representing the theatre owners of North and South Carolina, stated they do not feel that such a system is in the public interest and when a hearing is called they would like to be heard to present the other side of the story.

#### OPPOSITION TO THE ROUTE OF THE BELT ROAD EXPRESSED BY RESIDENTS OF WENDOVER ROAD.

Mr. Erwin Walker, resident of 1419 Wendover Road, stated the residents of Wendover Road have been circulating petitions regarding the Belt Road and they now have some several thousand signatures; that he had intended turning the petition in today but they have had numerous calls from people who wanted additional petitions so they could get them signed; that the petition represents many areas of the City and reads as follows:

"We the undersigned representing many areas of Charlotte firmly oppose the construction of an interstate connecting road from Highway 21 to Highway 85, passing through built up residential and school areas when possible to avoid such areas. We believe that undeveloped land can be and should be utilized. We urge the City Council to adopt a route which will avoid the above described areas and will utilize land which is largely undeveloped."

He stated the signatures on these petitions represent only a fragment of the population but they represent many areas of the city, encompassing our citizenry; people who were asked not to sign if they did not agree with the

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contents. Although the proportion of those approached was small, over 95% of those who were approached willingly signed. That he feels this proves the belt road issue is non-sectional and of utmost concern to the citizens of Charlotte from all areas. That Council has heard arguments from both sides of the issue and that they are an able and honest Council of whom they are proud, and it is now a case of judgment as to what they should do. He asked Council to remember their decision could make the difference of approximately 120 families between Harris and Randolph of losing \$1,500,000.00 in property devaluation which will not be reimbursed. The beauty of one of Charlotte's finest residential areas and the proximity of the belt road to school areas are equally concerning. And it resolves that the vote of Council now controls the destiny of the City whether this be a city of Highways and chopped up areas or a city of beauty to attract desirable citizens and healthy industries. He advised he would file the petition next week.

Mr. John D. Warren stated it was his understanding over the weekend there is a possibility all hope with the Myers Park Country Club is not ended, and he would therefore like to ask Council to take no action, and delay the matter until we really find out if this is at an end. He stated there is 84 acres in the Country Club which is on the tax books at about \$2500 an acre, and that is not very much money when you consider ruining one of the finest residential streets and while ruining it fail to open up some unused land down on the creek and flood plains area that add to the tax valuation of the city. That no matter how long it may take to work it out to put the road in that direction, that it would behoove all of us to be patient and wait. We are talking about a school complex, in which taxpayers have invested millions of dollars; talking about a road near that complex which will subject these small children to a high speed which will be a permanent matter which can't be changed later. Before any vote is taken even on whether it shall be voted on or where it shall be, he asked Council to consider continuing to study the matter and continuing to try to work out a plan that will do the least harm to the least number of people realizing that everyone will not be satisfied and going on the premise that our most valuable possessions are our children and our second is our money, and he asked that Council not vote on the matter prematurely until we know whether the other route is available.

Mr. Bob Hudgins, 1514 Wendover Road, stated he is concerned about the highway which is being proposed for Wendover Road, and he would like to ask some questions of Councilman Thrower. He asked if Councilman Thrower has seen a breakdown of an estimated cost of property along Wendover Road which will be required for the highway and Councilman Thrower replied he has; and Mr. Hudgins asked a parcel by parcel breakdown and Councilman Thrower stated to his knowledge there is not one available. Mr. Hudgins asked how the damages would be paid to the property owners? Would they be paid on a basis of 10 feet of property taken along the front of the land or of the value of the land only, or on the devaluated basis of the property after the road goes through? Councilman Thrower replied he imagines it will be done as with the rest of the roads when the City takes land, that they will be paid for the land as taken. Mayor Brookshire advised Mr. Hudgins that it would not be possible to have detailed estimates prepared for appraisals until the route is adopted and the public hearing is held by the Highway Department and the parcels of land involved could be surveyed. Mr. Hudgins stated since State funds will be used, will the State Highway Department dictate to the City regarding Speed limits, type of traffic, parking or will the City Traffic Engineering Department actually be in control of these matters on a permanent basis?

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The City Manager advised he presumed the traffic control devices would be arrived at mutually between the City and State in accordance with existing statutes and standards available to both the city and state, recognizing that the city and state both try to adhere to the standards outlined in the uniform manual of standards put out and used by the nation. Mr. Hudgins stated he is concerned about the commitment to them; that the speed limit, for instance, would be 35 MPH but the group that signs the agreement with the state is not the group which makes the commitments to them, and if the State elects to change the speed limits, the group with whom they have been in contact would say "that's out of our hands". That they do not want this to happen if the Road does have to go down Wendover Road. Mr. Veeder called attention that the Highway Commission at the hearing stated the speed limit would be 35 MPH. Councilman Smith stated that this has been up before and some of the people on Providence Road attempted to get the speed limit reduced and Mr. Hoose said it was out of his hands. That this has also occurred on Sharon Road, and what Mr. Hudgins, he thinks, is saying if this is a state built and state maintained road, we would be in the same position as on Providence Road and Sharon Road.

Mr. Hudgins stated further it would be hard for him to believe that a state maintained road, no matter how many lanes, connecting Routes 21, 27, 49, 74, 29 and I-85 will not eventually be a truck highway, regardless of how many residential areas it goes through. That the state can't help but eventually make it a truck highway and as he understands that is not the purpose of the belt route.

Mayor Brookshire stated they have been told by the State Highway Engineering Department that trucks would not be allowed.

Mr. Hudgins asked further if it is proposed that parking be permitted along the proposed belt road, and the Mayor advised this is controlled by the State Highway Department and the Federal Bureau of Roads, and as he understands there will be no parking on it. Mr. Hudgins stated in order to have parking it would have to be a six lane road? and the Mayor stated it is not proposed to be a six lane road.

Mr. Veeder stated that Mr. Babcock of the State Highway Department made the point that from the state's point of view they would prefer not to have parking on the road, and that the state on a number of occasions has made it clear it is not interested in building roads that would provide additional space for parking, and he doubts if the State would be interested in participating in additional lanes to provide parking space.

Mr. Hudgins asked if anyone knew how much additional tax burden to Charlotte and Mecklenburg taxpayers the so-called belt routes will add, and the Mayor stated he did not think so. Mr. Hudgins urged the Council to delay voting until such time as they can find answers to all the questions.

Mrs. C. F. Sides, who lives at the corner of Providence and Wendover Road, asked if she understands correctly that the City Traffic Engineering Department has no control over the speed limit on Providence Road because it is state maintained, and that will be true of the Belt road, will it not? That if they decide to put a truck route through the schools, they would have no recourse. Councilman Whittington replied that Mr. Babcock and the engineers with the State Department have stated the City would have control over the road as to the speed limit and as to whether it would be a truck route or not. They have said the speed limit would be 35 MPH controlled and set by the City Department and it would not be a truck route. Mrs. Sides asked if the new proposed highway would follow the present road - the road as laid out now? And the Mayor advised that still has to be resolved. Mrs. Sides

stated if it doesn't, it will not be a straight road and that is what the maps in the paper have been showing. That they have been referred to as a "plush neighborhood" which is not true; it is a hard working neighborhood, a lot of retired people such as school teachers and business people live on the street aside from families, and they have put a great deal of their life savings in their homes. That in her instance it is a duplex built in accordance to the City Code and they are 31 feet from the center of the road to the first step on the rental side of the property, and she asked how many lanes will there be and if there is a prospect for an additional lane in there. Councilman Whittington stated he understands from the Highway Department at the main intersections, it will be six lanes wide in order to take care of turning traffic. Mrs. Sides asked if there will be a median and Councilman Whittington stated the plans now show no median, and she asked about sidewalks stating if they are going to have sidewalks are property owners going to have to pick up the tab in addition to everything else. That from Wendover Road to Providence Road, there are no sidewalks. Councilman Bryant stated where there are now sidewalks, sidewalks will be replaced and where there are no sidewalks, sidewalks will not be replaced. Mrs. Sides asked if they are going to be included in the original cost of construction and Mayor Brookshire advised only where they replace present sidewalks.

Councilman Bryant stated he would like to comment on two things - concerning the speed limit there was never any indication that he heard that the City would have any control over the speed limit. That they did say the City would have some control over what type traffic would use this road. That at the proper time it would be his intention to ask for some definite commitment in writing wherever it is built the City have some control over it so there will not be any heresay. No. 2, the way he understands it is the road will not necessarily take the path of the present road because it would be straightened out to some extent and also from the point of view of topography and several other things, so the City will only establish a corridor and within that corridor the road will be built, so that it does not necessarily mean that they will go from the center of the road where it is built now over a certain number of feet on each side as it can vary as to need for traffic flow.

Councilman Smith asked if that isn't admitting it is hard to tell how much the road will cost at this point and Councilman Bryant stated absolutely. Councilman Bryant further stated that a number of the questions which have been asked are impossible to answer in any road that might be built because of the procedure that must be taken; there are certain things that cannot be determined until the plans are further along.

Mrs. Sides stated then no estimates have been made as to damages, and Councilman Bryant stated no precise damages but some estimates have been made but none that could be held to contract or court. Mayor Brookshire advised estimates have been made but not appraisals as that would have to follow the engineering of the road. Mrs. Sides then asked if any of the questions would be settled before the voting takes place, and Mayor Brookshire stated a general routine has to be followed as is done in such cases.

Councilman Smith stated in some of the reports people say this route costs "x" dollars and this route costs "x" dollars and this cost so many dollars more than this route and the point Mrs. Sides has put into evidence is before a decision is made there is no one who can determine the cost and the differential of the cost between the routes, saying this route is so much less expensive that you should take this route over this one. This is the point the people are trying to put over and he thinks they are well taken and well presented. Mayor Brookshire stated that action on Council's part would have to be predicated on estimates that are available.

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Councilman Smith stated Mrs. Sides is only asking that common sense in judgement be used. That no one can pinpoint it - it is going to have to be a matter of judgment on Council's part.

Mrs. Archer, resident of Wendover Road, stated she is worried about the children who will have to cross this 4-lane road without sidewalks with all the traffic going through there. With 18,000 cars a day, how are they going to get back and forth to get off and on school busses; they do not have traffic lights at every corner and she asked if anything will be done about this. She asked further if perhaps the noise of 18,000 cars a day going by school will not be very difficult; that the schools are not airconditioned and it seems with windows open it would make an awful lot of noise. She also asked how many houses are actually going to be taken down and demolished. The Mayor advised, pending the engineering design, he does not think anyone can answer that.

Mr. Guy Carswell, Attorney, stated according to Wilbur Smith's survey there are nine belt roads proposed to be built and the people have only heard of two. That he can furnish a facsimile of the map of Wilbur Smith and also his writings showing there are nine belts to be built about a mile from one another. That he does not know what all the belt road proposes to carry but one thing certain he is opposed and the people he represents are opposed to these belt roads being connected up with the Expressways. Connected up in order to drain off traffic on to that road into this road, which carries the burden of interstate travel and travel from one city to another. He stated this road would bear its share of the other belt roads and if so, there will be double the traffic that is there now and there will be all this traffic with children walking on the side of the road without sidewalks on some of it, and there will be noises and there is a law which he is not going to discuss except to say that Hospitals, Schools and things of that kind - the courts have spoken about it; that they should not be close by. He stated further the noises will be unbearable, the hazards unthinkable, and no one wants to see some little girl pulled out from an automobile and carried to some mother's home. He stated this road is located wrong from the beginning, located on one of the most prominent residential streets in the city having no place for beer joints and all those things - it is clean and wholesome for the rearing of children where the influence of the father and mother is felt because they do not have the places to go nearby which are unattractive for children. That to build this road by this school when there are 8 other places mapped out, is unthinkable - you have 6 or 7 million dollars tied up in schools, and to circle almost around it, there are 5 thousand children who pass twice a day and if it goes on 6 or 7 more years there will be twice that many children and you will have 12 to 14 thousand children passing a day. Traffic will double and double up, out-of-state people will come during the school term from the north. That these highways drag with them an undesirable element who are stranded along the road and children and women do not want to be out. These people are not asking for this road, it is not built for their benefit, it is built for someone else. Mr. Carswell stated further the City Council is given the power conferred upon them by the law of the land to say where a road shall be placed. That it has been said they do not have the right but they do have the right. That all city councils of towns and cities have the right of roads that come through their cities as to where they will be located. That it has also been heard around that if the road is <sup>not</sup> put there the money will be taken away. That would be countermount to having a council with authority to say where the road can go, if they can threaten with cancellation what they are going to appropriate. Mr. Carswell stated if he had anything to do with the road, instead of putting an engineer and architect on it, he would want a superintendent of Schools, mothers of children living in the area, sociologist, historian and psychologist. He would want something the

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children could grow up and their lives not be endangered with automobiles coming thick and fast from every direction. That they could probably get 30,000 people all over town who would say don't put it by that school and don't take the wealth away from this city by putting this highway down this fine street. People are going to move out and he asked Council not to be driven by the threat but to stand upon their own conscience and own mind and what they know is right for their fellow man and when they do they say these automobiles are not going to endanger the children of this city, they are more important than anything else. They are the hope of our future.

Mrs. Elisha Carter stated the City is going to want more bonds before long to build more schools and what will be the answer when people ask what did you do with 5 million dollars worth of schools you already have. You have put these roads through there and ruined them. She stated everytime a country has gone under a dictator the people have lost their sense of value and she asked if we are going to lose our sense of value here and let something else come ahead of the schools, the children and the homes.

Mr. Bob Weathers of 1219 Wendover Road stated he understands there are 3200 cars now on Wendover Road and with the opening of the other two lanes, it immediately goes to 9,000 and by 1970 it will be 18,000, and what he would like to ask if any thought has been given to how two of the main arteries will be crossed coming into Charlotte which is in the fastest growing section - the Randolph Road area and Sardis, Providence which is already very heavily traveled - and he understands Sharon Road will be widened to Queens Road eventually which will give a 3rd main artery. That if it is true as to the number of cars that will be traveling over the belt road, regardless of where it is located there should be consideration given either going under or over it at some point because 18,000 cars is almost as many cars as you have on South Boulevard or some other main streets. That he has been told this is actually no more than a Selwyn Avenue but it can't be compared to Selwyn because there are 15 or 20 blocks which dead ends into another main artery and to transport this traffic from the south across these main arteries it seems to him it should be given lots of consideration before trying to bottleneck the main arteries which are coming in and out of the City. Another request he would like considered is on Runnymede Avenue when school is being let out to see the number of cars in the area - that it would take 8 lanes instead of 4 if the traffic is going to be moved through that area.

Mr. Albert Pearson stated some of the things said today by Mayor and Council is directly opposed to what the report says the road is for. The report says that major roads of this type are for one thing - trucks and busses, and he says the newspapers have been very unfair to members of the council and other people involved. That the people on Wendover have the same right to expect the same treatment that some thinks should be given to the Myers Park Country Club.

That the newspaper has tried to poison the minds of the Council by saying if they vote against the route the way some would like it, then they are voting against the poor people in the other neighborhoods and things of that type. And he hopes Council will not go into this just because someone suggests that it go down some other road and the people there revolt it. That the whole thing is very important to these people; if they thought it wouldn't hurt them, they would not be down here fighting it. He asked Council to change their attitude and go at this and try to get the cooperation of the people in the area. That the road isn't to handle the traffic which is already there, the report says it is to collect it.

PROTEST OF JOHN K. BAILEY FOR AMBULANCE CHARGE REFERRED TO CITY MANAGER

Mr. John K. Bailey, 518 Bradford Drive, presented a bill which he received from the Ambulance Service, stating his mother had a heart attack on April 13th and the ambulance service was called at 7:00 o'clock and did not get there until 8:50. That he thought the bill should have been \$12.50 but they want \$18.50 and he feels that the Ambulance Service is overcharging.

Mr. Brookshire asked Mr. Veeder to look into the matter.

PETITION NO. 64-11 FOR CHANGE IN ZONING OF TRACT OF LAND AT SW CORNER OF MONROE ROAD AND RAMA ROAD, WITHDRAWN.

The Mayor advised that a letter has been received withdrawing Petition No. 64-11 by Robert G. Phillips for change in zoning from R-9 to B-1 of a tract of land 165' x 300' at the southwest corner of Monroe Road and Rama Road.

ORDINANCE NO. 239-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY AT THE SW CORNER OF BAXTER STREET AND CHERRY STREET, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 239-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from R-6MF to B-2 of a tract of land approximately 60' x 100' at the southwest corner of Baxter Street and Cherry Street, as recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and unanimously carried.

The Ordinance is recorded in full in Ordinance Book 14, at Page 5.

PETITION NO. 64-16 FOR CHANGE IN ZONING AT NE CORNER OF CENTRAL AVENUE AND GLENN STREET, DENIED.

Councilman Whittington moved that Petition No. 64-16 by Cash Investment Company for change in zoning from B-1 and O-6 to B-2 of a lot 148' x 290' at the northeast corner of Central Avenue and Glenn Street, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and unanimously carried.

ORDINANCE NO. 240-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON SE SIDE OF CALDWELL STREET AND BOTH SIDES OF N. DAVIDSON STREET, FROM BELMONT AVENUE TO NEAR E. 16TH STREET, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, Ordinance No. 240-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from R-6MF and B-2 to I-2 of property on the southeast side of N. Caldwell Street, from 210 feet southwest of Belmont Avenue to near E. 16th Street, and property on both sides of N. Davidson Street, from Belmont Avenue to near East 16th Street, was adopted.

The ordinance is recorded in full in Ordinance Book 14, at page 6.

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ORDINANCE NO. 241-Z, AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE GRANTING CONDITIONAL APPROVAL FOR PARKING CARS AT 1318 BERKLEY AVENUE, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Bryant and unanimously carried adopting Ordinance No. 241-Z Amending Chapter 23, Section 23-39 of the City Code granting conditional approval for parking cars at 1318 Berkley Avenue in conjunction with the Berkley Properties, Inc. office building at 1201 E. Morehead Street, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at page 7.

DECISION ON PETITION NO. 64-19 FOR CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF GLORY STREET, WEST OF SUGAW CREEK ROAD, DEFERRED FOR ONE WEEK.

Upon motion of Councilman Whittington, seconded by Councilman Alba, and unanimously carried, decision was deferred for one week on Petition No. 64-19 by Abernethy Lumber Company for change in zoning from I-1 to R-9MF of a 6 acre tract of land on the south side of Glory Street, beginning approximately 1,000 feet west of Sugar Creek Road.

ORDINANCE NO. 242-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY SOUTH OF NORFOLK-SOUTHERN RAILROAD EXTENDING WEST FROM END OF HARVEY DRIVE, ADOPTED.

Councilman Bryant, moved the adoption of Ordinance No. 242-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from I-1 to R-9MF of 39 acres of land south of the Norfolk-Southern Railroad, extending west from the end of Harvey Drive, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

The Ordinance is recorded in full in Ordinance Book 14, at Page 8.

ORDINANCE NO. 243-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE GRANTING CONDITIONAL APPROVAL FOR PARKING CARS ON SW SIDE OF EAST END STREET, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Bryant and unanimously carried, Ordinance No. 243-Z Amending Chapter 23, Section 23-39 of the City Code granting conditional approval for parking cars on a tract of land 150' x 350' on the southwest side of East End Street, beginning 450 feet northwest of Interstate 85, was adopted as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 9.

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ORDINANCE NO. 244-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE NE SIDE OF MONROE ROAD AND NW CORNER OF MONROE ROAD AND SARDIS ROAD NORTH.

Upon motion of Councilman Smith, seconded by Councilman Dellinger and unanimously carried, Ordinance No. 244-Z, amending Chapter 23, Section 23-8 of the City Code was adopted changing zoning from R-12MF to I-1 of property on the northeast side of Monroe Road, extending from a point approximately 600 feet northwest of Sardis Road North to the perimeter boundary line 1,000 feet southeast of Sardis Road North, and change from R-12 to B-2 a tract 600' x 600' at the northwest corner of Monroe Road and Sardis Road North, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 10.

PETITION NO. 64-1 FOR CHANGE IN ZONING OF LAND AT THE NW CORNER OF MONROE ROAD AND SARDIS ROAD NORTH, WITHDRAWN.

Mayor Brookshire advised a letter has been received from Mr. John Shaw, Attorney for Mr. John R. Renfrow, withdrawing Petition No. 64-1 for change in zoning from R-12 to B-1 of tract of land at the northwest corner of Monroe Road and Sardis Road North.

ORDINANCE NO. 245 AMENDING CHAPTER 23, ARTICLE III, DIV. 1, TABLE OF PERMITTED USES BY INSERTING AS A PERMITTED USE IN O-6 AND O-15 DISTRICTS, MOTELS, MOTOR COURTS AND HOTELS WITH ASSOCIATED COMMERCIAL USES AND AMENDING ARTICLE III, DIV. 2, SPECIAL REQUIREMENTS FOR CERTAIN PERMITTED USES BY ADDING A NEW SECTION NO. SEC. 23-32.2 ADOPTED.

Councilman Bryant moved the adoption of Ordinance No. 245 Amending Chapter 23, Article III, Div. I, Table of Permitted Uses by inserting as a permitted use in O-6 and O-15 Districts "Motels, Motor Courts and Hotels with associated commercial uses, subject to regulations in Section 23-32.2" and further Amending Article III, Div. 2, Special Requirements for Certain Permitted Uses by adding a new section No. Section 23-32.2 containing special requirements for locating motels, Motor Courts and Hotels in O-6 and O-15 Districts and special requirements for establishing commercial uses in conjunction with them, as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 11.

PETITION NO. 63-72 FOR CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY ON PROVIDENCE ROAD, CASWELL ROAD AND RANDOLPH ROAD, DENIED.

Upon motion of Councilman Smith, seconded by Councilman Bryant and unanimously carried, Petition No. 63-72 by F. J. Blythe, Jr. for change in zoning from O-6 to B-1 of 4 acres of property on Providence Road, Caswell Road and Randolph Road for the construction of a motel, was denied as recommended by the Planning Commission as the adoption of Ordinance No. 245 today will allow motels in Office Districts, without introducing a Business classification in the area.

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COUNCILMAN BRYANT LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE MEETING.

Councilman Bryant left the meeting at this time and was absent for the remainder of the meeting.

ORDINANCE NO. 246-Z, AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF AREA BOUNDED BY ROZZELLS FERRY ROAD, WEST TRADE STREET AND THE REAR OF BELVEDERE HOMES PUBLIC HOUSING PROJECTED, ADOPTED.

Councilman Jordan moved that Ordinance No. 246-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning from B-2 and R-6MF to I-1 of an area bounded by Rozzells Ferry Road, West Trade Street and the rear of Belvedere Homes Public Housing project northwest of Judson Avenue, be adopted as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 12.

DECISION ON PETITION TO AMEND CHAPTER 23, ZONING ORDINANCE, ARTICLE I, DEFINITION, TO DEFINE DRIVE-IN RESTAURANT, DEFERRED ONE WEEK.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, decision on Motion of the City Council to Amend Chapter 23, Zoning Ordinance, by inserting new paragraph between paragraphs 19 and 20 defining Restaurant with drive-in service, was deferred for one week.

CHANGE ORDER NO. 6 IN CONTRACT WITH BLYTHE-CROWDER CONSTRUCTION COMPANY FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, Change Order No. 6 in Contract with Blythe-Crowder Construction Company for West Side Grade Crossing Elimination Project to provide a beam type guard rail for 500 feet along the edge of Eldridge Street where it parallels the Southern Railway Company tracks, increasing the contract cost approximately \$1,651.02 was approved.

CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHTS-OF-WAY FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea, seconded by Councilman Whittington and unanimously carried, authorizing contracts for the appraisal of two tracts of land for right-of-way for the Northwest Expressway, as follows:

G. A. Hutchinson	One tract on North Graham Street
G. A. Hutchinson	One tract on 10th and Long Street

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INSTALLATION OF WATER MAINS AT VARIOUS LOCATIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contracts for the installation of water mains were authorized as follows:

- (a) Contract with Mr. H. D. Albright and Dr. G. Aubrey Hawes, for the installation of 1,320 feet of main and 1 fire hydrant in the northwest intersection of South Tryon Street and Clanton Road, inside the city, at an estimated cost of \$4,310.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with M. A. Lyons and W. D. Cornwell, for the installation of 400 ft. of main and 1 fire hydrant in portion of Pelton Street, inside the city, at an estimated cost of \$1,950.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (c) Supplementary Contract to contract dated August 31, 1959 with American Investment Company for the installation of 4,815 feet of main and three fire hydrants, in the Homestead Sub-division, outside the city, at an estimated cost of \$14,330.00. The entire cost to be paid by the applicant who will own same until such time as the area is incorporated into the City. At such time the mains will become the property of the City without further agreement in connection therewith.

CONSTRUCTION OF SANITARY SEWER IN EAST 17TH STREET AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger and unanimously carried, authorizing the construction of 175 feet of sanitary sewer main in East 17th Street, inside the city, at the request of Vaughn Realty Company, at an estimated cost of \$885.00, with all costs to be borne by the applicant whose deposit of the entire amount will be refunded as per terms of the agreement.

CONTRACT AUTHORIZED WITH WESTSIDE CHURCH OF CHRIST TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SYSTEM IN FREEDOM DRIVE.

Councilman Jordan moved that contract be approved with Westside Church of Christ to connect private sanitary sewer lines to City's system in Freedom Drive, outside the city, in accordance with the standard city policy governing connection of outside sewers to the city's system. The motion was seconded by Councilman Albea, and unanimously carried.

RIGHTS-OF-WAY AGREEMENTS WITH NORFOLK-SOUTHERN RAILWAY, SOUTHERN RAILWAY COMPANY AND SEABOARD AIR LINE RAILWAY COMPANY FOR INSTALLATION OF HIGH PRESSURE DISTRIBUTION SYSTEM IN VARIOUS LOCATIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Albea and

unanimously carried, rights-of-way agreements were authorized as follows:

- (a) Agreement with Norfolk-Southern Railway for the installation of a 20" high pressure, water distribution system main beneath their tracks at Highway Place and the Plaza.
- (b) Agreement with Southern Railway Company for the installation of a 20" high pressure water distribution main, beneath the double track main lines of the Atlanta to Washington Division at Eastway Drive.
- (c) Agreement with Seaboard Air Line Railway Company for the installation of a 24" high pressure water distribution system, beneath their tracks in Central Avenue, at a point approximately 122 ft. SE of Milepost 326.
- (d) Agreement with Seaboard Air Line Railway Company for the installation of a 24" high pressure distribution system water main beneath their track in Richland Drive at point 904 ft SE of Milepost 329.

SANITARY SEWER ENCROACHMENT CONTRACT WITH N. C. STATE HIGHWAY COMMISSION AUTHORIZED.

Upon motion of Councilman Thrower a sanitary sewer encroachment contract with the North Carolina Sate Highway Commission in connection with the installation of a sanitary sewer line along the service road on the west side of I-85 was authorized. The motion was seconded by Councilman Jordan and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Smith and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Elsie Thomas Griggs for Lot No. 487, Section 6, Evergreen Cemetery, at \$240.00
- (b) Deed with Edd W. DeArmon and wife, Kay W. DeArmon, for Lot No. 483, Section 6, Evergreen Cemetery, at \$240.00.

REAPPOINTMENT OF MR. GEORGE H. BROADRICK FOR 3 YEARS TERM TO CIVIL SERVICE BOARD.

Councilman Alba moved the appointment of Mr. George H. Broadrick to succeed himself for a 3 year term on the Civil Service Board. The motion was seconded by Councilman Jordan and unanimously carried.

CONTRACT AWARDED CREIGHTON SHIRT COMPANY FOR UNIFORM SHIRTS.

Upon motion of Councilman Smith, seconded by Councilman Whittington and unanimously carried, contract was awarded Creighton Shirt Company the low,

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bidder, for 1,076 Uniform Shirts, at their bid price of \$3,108.54.

The following bids were received:

Creighton Shirt Company	Reidsville, N. C.	\$3,108.54
Merson Uniform Company, Inc.	New York, N. Y.	3,653.51

CONTRACT AWARDED ARMCO STEEL CORPORATION, METAL PRODUCTS DIVISION FOR CORRUGATED METAL PIPE.

Motion was made by Councilman Whittington awarding contract to the low bidder, Armco Steel Corporation, Metal Products Division, for 100 feet of 48" corrugated metal pipe and 220 feet of 36" x 58" low profile corrugated metal pipe, including necessary bands for connection, at their bid price of \$3,701.58. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Armco Steel Corporation, Metal Products Division	Raleigh, N. C.	\$3,701.58
Republic Steel Corporation	Charlotte, N. C.	3,921.21
Carolina Culvert & Metal Co.	Statesville, N. C.	4,078.80

ACQUISITION OF PROPERTY FOR RIGHTS-OF-WAY FOR NORTHWEST EXPRESSWAY AND NORTH-SOUTH RUNWAY CLEAR ZONE AREA AT AIRPORT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the acquisition of the following property for rights-of-way for the Northwest Expressway and North-South Runway Clear Zone Area at airport was authorized:

Northwest Expressway

- (a) 6,000 sq. ft. of property at 518 Jackson Avenue, from Millie Janice Stinson at \$7,450.00.
- (b) 7,425 sq. ft. of property at 600 Jackson Avenue, from Esther Hagler Ensley and Willard J. Ensley at \$6,000.00.
- (c) 6,300 sq. ft. of property at 1013-17 East 4th Street, from Frank B. Shirley and wife, Kate M. Shirley, at \$18,000.00
- (d) 7,493 sq. ft. of property at 1008-10 East Trade Street, from Willie Jenkins Hanks and W. W. Hanks, at \$11,450.00.
- (e) 3,640 sq. ft. of property at 1021-23 Haley Place, from Van R. Clanton and wife, Sallie C. Clanton, at \$3,600.00.
- (f) 9,398 sq. ft. of property at 812-14 North Pine Street, from Mrs. Lois H. Adrey at \$8,650.00.
- (g) 6,840 sq. ft. of vacant property at 1019-21 East 4th Street, from George Franklin Jones and Ruby L. Jones, at \$11,500.00
- (h) 7,425 sq. ft. of property at 507-09 Seigle Avenue, from Mrs. Daisy R. Morris at \$5,400.00.

NORTH-SOUTH RUNWAY CLEAR ZONE

- (a) 7.57 acres of vacant land at corner of Harlee Avenue and Old Dowd Road, from Claude W. Reid, at \$26,000.00.
- (b) 1,246 acres of land on north side of Old Dowd Road, west of Harlee Avenue from Clyde N. Sloan, Lucille B. Sloan and Faye Sloan Dixon, at \$3,500.00.

RESOLUTION AMENDING PAY PLAN RELATIVE TO THE POSITION OF ASSISTANT CITY ATTORNEY, AND APPOINTMENT OF JIMMY WEBB KISER AS ASSISTANT CITY ATTORNEY.

Councilman Whittington moved the adoption of a Resolution Amending the Pay Plan of the City of Charlotte Relative to the Position of Assistant City Attorney, and that Mr. Jimmy Webb Kiser be appointed to the position, effective May 11, 1964, at Pay Range 27, Step C within the Range. The motion was seconded by Councilman Albea, and unanimously carried.

The resolution amending the Pay Plan is recorded in full in Resolutions Book 4 at Page 371.

COUNCILMAN DELLINGER EXPRESSED HIS APPRECIATION TO CITY EMPLOYEES FOR CARDS, FLOWERS AND CALLS HE RECEIVED DURING HIS ABSENCE.

Councilman Dellinger stated he would like to express his appreciation to all the City Employees who called him while he was absent during the last two weeks and to those who sent flowers and card; that they helped a lot.

RESOLUTION EXPRESSING SYMPATHY TO JOHN D. SHAW UPON THE TRAGIC LOSS OF HIS SON, JOHN D. SHAW IV.

Councilman Jordan presented the following Resolution Expressing Sympathy to John D. Shaw upon the tragic loss of his son, John D. Shaw, IV, and moved its adoption:

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the heartfelt sympathies of the Mayor and members of the Council are hereby extended to our beloved former City Attorney, John D. Shaw, upon the tragic loss of his son, John D. Shaw, IV.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mr. Shaw.

The motion was seconded by Councilman Dellinger, and unanimously carried.

APPROVAL OF CONSTRUCTION OF DRIVEWAY ENTRANCE OFF SOUTH TRYON STREET AT CORNER OF FIRST AND SOUTH TRYON.

Councilman Whittington moved that a driveway entrance be approved on South Tryon Street, at the corner of First and S. Tryon Street, as requested by General Tire Store. He stated there is no entrance off Tryon Street, the only entrance being off First Street which means they have to turn left and come back into Tryon Street. That if traffic is going north on S. Tryon and wishes to drive into this dealership, they have to go to Second Street;

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turn left and go to Church, down Church and back to First Street, and there people feel the City is imposing a hardship on them. Councilman Dellinger seconded the motion stating that he went out some time ago and looked at it and feels the people are being discriminated against, as their competitors have the same type of service which they are asking for and it is not out of order as far as the general neighborhood is concerned.

The City Manager stated the configuration of the lot is such that it is a narrow lot with most of its frontage on First Street; there being a much smaller frontage on Tryon Street. He advised further that the Traffic Engineering Department has made more than one review on the situation and their memorandum and sketch clearly points out the advisability of not authorizing the entrance to this property off Tryon Street. That an entrance at this point would inhibit the movement of traffic on Tryon Street itself.

Mr. Coybett of the Traffic Engineering Department stated this lot is right at the stop line and any vehicle which would attempt to turn to the left into the driveway would not be able to because the vehicle is stopped for the traffic signal, and any vehicle which attempted to turn left while traffic is moving south would not be able to, and it would not only block Tryon Street but would also block First Street, creating a great danger and offering a hindrance to traffic on both streets.

After a general discussion the vote was taken on the motion to approve the construction of a driveway entrance and carried on the following recorded vote:

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

**COUNCIL MEMBERS REQUESTED TO LOOK AT OPEN DITCH IN 2100 BLOCK OF MECKLENBURG AVENUE.**

Councilman Whittington requested Council to go out and look at the 2100 block of Mecklenburg Avenue where there is an open ditch. That below that area the City put in pipe at their own expense and carried it down to a little branch; there have been four accidents from this ditch and he thinks it is the same situation as far as water is concerned in this open ditch now which the people below at the intersection of Mecklenburg and Winter Street had. The City put in pipe below this area and came up to these 3 homes and stopped. He stated he wished those of Council who have not seen it would go out and see it because he feels the people in the 2100 block have been treated unfairly as far as the City is concerned. Councilman Smith stated the report he received said the open ditch was obnoxious and would not carry the water and that is the reason the City went to this expense and the ditch in front of the property referred to by Mr. Whittington is adequate. Councilman Whittington stated it is carrying the water but at the same time when there is a big rain, the water is eroding the lawns and in one area has practically washed away one man's concrete driveway. That the City not only took care of the people below but took care of the property across the street and left these three homes isolated with an open ditch.

**CITY MANAGER REQUESTED TO CHECK CORNER OF WENDOVER ROAD AND CANTERBURY FOR STREET LIGHT.**

Councilman Smith requested the City Manager to have corner of Wendover Road and Canterbury check for a street light.

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TRAFFIC ENGINEERING DEPARTMENT REQUESTED TO SURVEY RUSSELL AND BEATTIES FORD ROAD FOR A STOP SIGN.

Councilman Whittington requested the Traffic Engineering Department to make a survey at Russell and Beatties Ford Road for a stop sign.

RESOLUTION AUTHORIZING THE PAYMENT OF \$40,200.00 TO THE CLERK OF SUPERIOR COURT IN THE MATTER OF CITY OF CHARLOTTE VS ELLEN R. SPRATT CONDEMNATION PROCEEDINGS.

Councilman Thrower moved the adoption of Resolution Authorizing the Payment of \$40,200.00 to the Clerk of Superior Court in the Matter of City of Charlotte vs Ellen R. Spratt, Condemnation Proceedings. The motion was seconded by Councilman Smith, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 372.

ADJOURNMENT.

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

*Ruth Armstrong*  
Ruth Armstrong, Deputy City Clerk