

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, December 19, 1966, at 2 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman John H. Thrower.

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

ABSENT: Commissioner Ashcraft.

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INVOCATION.

The invocation was given by Reverend Lyman B. McDonald, Pastor of Sugar Creek Baptist Chapel.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Short and unanimously carried, the minutes of the last meeting on December 12, were approved as submitted.

HEARING ON PETITION NO. 66-92 BY J. A. JONES CONSTRUCTION COMPANY, ET AL, FOR CHANGE IN ZONING FROM B-1 AND B-2 TO B-3 OF THE BLOCK BOUNDED BY ROYAL COURT, EUCLID AVENUE, MOREHEAD STREET AND CALDWELL STREET: THE BLOCK BOUNDED BY LIBERTY STREET, CALDWELL STREET, MOREHEAD STREET AND INDEPENDENCE BOULEVARD: PROPERTY FRONTING ON MOREHEAD STREET EXTENDING FROM INDEPENDENCE BOULEVARD TO COLLEGE STREET HAVING A DEPTH OF FROM 100 FEET TO 200 FEET: THREE LOTS ON THE NORTHWEST CORNER OF COLLEGE STREET AND MOREHEAD STREET FRONTING APPROXIMATELY 100 FEET ON COLLEGE STREET AND 175 FEET ON MOREHEAD STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is a mixture of uses. That the area extends from midway of the block between Caldwell Street and College Street, along Morehead Street down to Euclid Avenue. He stated the general area is a mixture of uses, with the Red Carpet Inn, the present J. A. Jones office structure and the Salvation Army building, an office building at the corner of Caldwell Street, with a residential structure on the other side of Caldwell and another office building and vacant property adjacent to Independence Boulevard. Across Independence Boulevard is a mixture of business uses with a dry cleaning establishment, a small office structure, then the railroad with another office and an oil company on the corner of College and an office building on the far side of College Street. The adjoining property is used in the same general manner with a combination of business and office with a large office at Independence and Morehead, the Y.M.C.A., and the Goodyear Office Building. Generally speaking Morehead Street is a combination of

office and business uses with a scattering of residential structures still in the area. The rear portion of the property along Royal Court has some residential structures on it as does the property across from the subject property.

Mr. Bryant stated the zoning is Business-1 along Morehead Street, from McDowell Street upward to Independence Boulevard; across Independence Boulevard it is Business-2 up to the frontage property on South Tryon which is a Business-3 area. That B-3 is the central business area and extends along South Tryon Street down to Independence Boulevard; extends down College Street as far as the subject property, and then comes down to the Railroad. Across the railroad and adjacent to the property is industrial zoning on both sides of Morehead Street, and B-2 zoning through Royal Court, Vance Street, Hill Street and then the Brooklyn Redevelopment Area is B-2. On the far side of Morehead Street, along Lexington Avenue is Office-6 zoning and then multifamily zoning.

Mr. Robert Bradshaw with Fleming, Robinson and Bradshaw, stated he is present on the behalf of J. A. Jones Construction Company. This is a request for the rezoning of five blocks, the first three of which are on the westerly side of East Morehead Street and now zoned B-2 and the other two are on the easterly side of Independence Boulevard and zoned B-1. That the property now owned by J. A. Jones Construction Company is zoned B-1. All the property from the Red Carpet Inn all the way over to Caldwell Street along Royal Court is owned by J. A. Jones Construction Company.

Mr. Bradshaw stated the petitioner proposes to build a twelve story office building on the site of its existing office which will be occupied in part by its own office staff and in part by a commercial tenant to whom it will rent. He presented an architect's sketch of the ground floor of the proposed building pointing out Morehead Street and the entrance from Morehead Street into the multi-story parking garage. He stated the proposed parking for the building would provide parking space for each 189 feet of gross area which is more parking than would be required under the minimum standards for either B-1 or B-2 which is 300 feet. He presented a sketch showing the Morehead Street elevation and a colored rendering of the building, pointing out Morehead Street and the entrance way at the side of the property. He stated they plan a three-deck garage at the rear of the building on Royal Court.

Mr. Bradshaw stated the construction of the building requires a change from B-1 and B-2 to B-3 because of the side yard requirements. The company proposed to build this building along the edge of the property at the Red Carpet Inn and to continue using their present office until it is completed. In addition, they are now negotiating for the purchase of the property of the Salvation Army. If it is acquired, it is anticipated that an identical structure will be constructed on the other side of the lot having a twin towers structure. That the existing zoning requires a ten foot setback for buildings up to 60 feet and then an additional one foot of sideyard for each two feet of height in excess of 60. The height of the proposed building would be 160 feet so there will be a minimum side yard of 60 feet on each side of the building which would prohibit the construction of the building while the other building that is now on the property remains and would prohibit the construction of either of the twin towers regardless of whether the land was vacant or improved.

Councilman Jordan asked if the petition includes the Salvation Army property? Mr. Bradshaw replied that it does include that property, and the Salvation Army, the owners of the Red Carpet Inn, and substantially all of the large property owners in the entire area has been contacted

and all have indicated their approval and have joined in the petition.

Mr. Bradshaw stated they feel this property is an extension of the B-3 zoning classification which is the central area, and it would be improper to ask for a B-3 classification apart from the existing area. That there are a number of structures in the area already meeting the standards set forth for B-3 districts. That the Greater Charlotte Central Area Plan embraces this part of Morehead Street in its traffic pattern. That he thinks this is a logical extension of the B-3 zoning, and they believe this would be both a reasonable and logical extension.

Councilman Short stated the land is between the two proposed routes for the revamped Independence Boulevard and neither route touches this property, but both are quite close to it, he asked if the Petitioners have made absolutely certain that they would not be faced with some future situation of ramps and access that would cut through this property at which time the tax payers would have to buy it back at a greatly increased price?

Mr. Bradshaw replied he does not know if they have specifically inquired into that, but he is familiar generally with the proposals and does not believe that would jeopardize the project they have in mind.

Mr. Fred Bryant stated he does not believe there would be any complications. That the State has recently held a public hearing on one section of the relocated Independence, and there is no conflict. That he thinks the design and intent of the one they held the public hearing on would be to keep the right of way within the confines of the Urban Renewal Area.

Councilman Whittington asked if the Jones Construction Company has gone over this with Mr. Hoose, Traffic Engineer, as far as traffic is concerned? Mr. Bradshaw replied there has not been any specific discussion about the traffic. That if the two structures are built, the entrance ways and the amount of parking spaces will have to be increased. Councilman Whittington stated he is thinking about the entrance and exits primarily.

Councilman Tuttle stated we are talking about rezoning this property extending the downtown B-3 out to this point and also talking about rezoning it to B-3 for this new building; he asked if Mr. Bradshaw is in a position to say by his own admission that this building is a dream unless the Salvation Army agrees to let their property go? He asked if he can say that with this zoning this building is a probable reality? Mr. Bradshaw replied with the requested zoning change the building is at least a probable reality; beyond that if the Salvation Army property is acquired, then it will be possible to have the twin of the building on the other side of the property.

Councilman Jordan asked if the parking will be underground or above? Mr. Bradshaw replied it will be above ground and will be three tiers.

Mr. Raymond Jones of Jones Construction Company stated they have very definite plans to go ahead with the single building with the zoning change; and if they acquire the Salvation Army property, they will go to the second building.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-93 BY CHESAPEAKE PAPER STOCK COMPANY FOR CHANGE IN ZONING FROM B-2 TO I-3 PROPERTY FRONTING ON WEST TRADE STREET BEGINNING AT THE SOUTHERN RAILROAD AND EXTENDING 200 FEET TOWARD CEDAR STREET AND HAVING A DEPTH OF APPROXIMATELY 250 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this property is on West Trade Street just beyond the new Railroad overpass, with a frontage of 200 feet. At present it is used for combination of parking, the old Southern Electric building and a portion of the Chesapeake existing operation extends on the rear part of the tract. Adjoining the property is an area used for produce sale and one residence; going toward Cedar is a used automobile lot at the corner. Across the street from the subject property is the Southern Railroad Office Building, vacant property and another used car lot, and on the corner the Baptist Church. On the downtown side of the railroad is a parking lot, a restaurant, and the Mecklenburg Hotel; on the other side of the street is the railroad property, a vacant lot and hotel and miscellaneous business along Trade Street.

Mr. Bryant stated the Business-3 district extends out along west Trade to the railroad, and beyond the railroad along both sides of Trade Street is zoned B-2, and the only other type of zoning in the immediate area is along Fifth Street, adjacent to the subject property is I-3 zoning. That the Chesapeak property extends over to Fifth Street and a portion of it is zoned I-3.

Councilman Whittington asked if this rezoning is allowed, would it even up the property from the railroad towards Cedar Street? Mr. Bryant stated it would extend the industrial zone from Fifth Street through to Trade Street.

Mayor Brookshire asked if they are asking for the change in zoning in order to expand the operation, or would they have to have the zoning changes in order to expand? Mr. Bryant replied they would.

Councilman Tuttle stated with the rejuvenation of the Downtown, he would hope that Trade Street could extend with attractive mercantiles and asked what is planned? Are they talking about an open area at the rear with trucks handling scrap papers and bail paper, or about the extension of a solid wall faced building?

Mr. Phillip Hedrick, attorney for the petitioner, stated this is a small area and Chesapeake already owns a part of the property. That the Southern Electric Building was recently acquired by the petitioner. The present operation is under the classification of an industrially used property. About 1962 when all this property came into question because of the overpass, a portion of the Chesapeake Paper Company was affected, and, as a result, the city permitted some addition to the property which has been non-conforming since, and the same is true of the Southern Electric property. He stated the petitioner does not now contemplate any additional building in the area up front, and granting this change would permit an expansion of the existing business. When the Southern Electric property was put up for sale, the Chesapeake company bought it with the thought of using it for an expansion of their operation. When they applied for a building permit, they learned it could not be used for the plans they had. That the zoning line goes right through the lot and the block. They plan to build a one-story building for the purpose of connecting their present operation and the old Southern Electric property. Mr. Hedrick stated this would not

increase the activity on Trade Street; if anything, it would relieve any traffic problems, as they have no plans to do anything with the front of the property. With reference to the Downtown Development, it seems the railroad is a dividing line as the property on the south and west is undeveloped with a lot of rundown property and some old, old residential property in there.

Mr. Hedrick advised the proposed operation is not one of heavy industrial. What they proposed to do with the additional building and with the acquisition of the old Southern Electric property is to be used primarily as storage and for the installation of one additional press. This operation does not create a lot of noise, a lot of dust or fume or smoke. It will be a clean operation and will not increase in any way the hazards in the area. That the street now has a median in the center of it which in itself would eliminate the possibility of much trucking in and out on the East Trade Street side.

Councilman Short asked if it is possible the Chesapeake Company could use I-2 or some lesser industrial zoning? Mr. Hedrick replied to his knowledge it would not be possible as the classification now drawn includes the reprocessing or rebaling of used paper products.

Mr. Fred Bryant stated the I-3 zoning is a little more restrictive than I-2. The primary difference between I-3 and I-2 is that I-3 is related to the Central Area in the way that B-3 is related to the Central Area. That there is a difference in the area requirements under the I-3 versus the I-2 and there are a few uses permitted in the I-2 that are not permitted in I-3.

Councilman Tuttle stated no one questions the integrity of Chesapeake in any way but when a piece of property is zoned it is zoned. He asked Mr. Bryant to enumerate some of the less desirables that might go in an I-3 zone. Mr. Bryant replied there are a number of heavy manufacturing uses that are permitted in the industrial districts but not very likely to be used such as a machine shop, an auto wrecker service or junk yard and a concrete plant.

Mr. Hedrick stated their operation is a much quieter and cleaner operation than what existed there until a few weeks ago, and when you compare the two, there really is no comparison. Theirs is a much cleaner, simpler operation in that the product used is simply brought into this plant, bailed up and loaded by a conveyor and sent on its way.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-94 BY CHARLIE LEE HELMS ET AL FOR CHANGE IN ZONING FROM R-9 TO R-9MF OF TWO LOTS AT THE SOUTHEAST CORNER OF LANTANA AVENUE AND SHARON AMITY ROAD FRONTING 200 FEET ON LANTANA AVENUE AND 160 FEET ON SHARON AMITY ROAD, AND FOUR LOTS AT THE NORTHEAST CORNER OF LANTANA AVENUE AND SHARON AMITY ROAD FRONTING 171 FEET ON LANTANA AVENUE AND 300 FEET ON SHARON AMITY ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is on two corners of Lantana and Sharon Amity Road. It is used for a combination of residential and vacant purposes; there is at least one

day care nursery on one of the lots and a duplex. The adjoining property is primarily residential with single family residential use on the west side of Sharon Amity and single family residential use and some duplex use along Lantana away from the property; and on the north side it is adjoined by multi-family use. The intersection of Monroe and Sharon Amity is a combination of various type business uses.

The property is bounded on the north and west by existing R-9MF zoning and on the south by office zoning as a transitional zone into the business area at Monroe Road. All along Lantana to the East is single family.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 66-95 BY E. B. YOUNG, ANNIE ROBINSON GILREATH AND ANN TODD CROWLEY, TRUSTEE, FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF APPROXIMATELY 42 ACRES FRONTING 2109 FEET ON THE NORTH SIDE OF I-85 BEGINNING 1,300 FEET EAST OF STARITA ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this property is adjacent to some that was considered recently and rezoned I-1. He stated the subject property is vacant and is adjoined on the north side by the Derita Woods Subdivision and on the west side by vacant property and a small area that is used for a sewage disposal operation for the subdivision. Across I-85 are several trucking related uses.

Mr. Bryant stated the zoning of the subject property as well as all the property to the north including the Derita Woods Subdivision is R-9MF. It is adjoined on the east side by I-1 zoning and on into I-2 zoning along Derita Road. Across I-85 it is all I-2; there is some single-family zoning near the property but not adjacent to it across the street to the northwest.

Mr. S. J. Hawes representing Mr. E. B. Young stated there is no immediate use contemplated for approximately 36 acres of the property which lies to the east. If the rezoning is granted it is entirely possible that an industrial subdivision will be started.

Mr. V. J. Cardinal stated he represents the owners of 6.8 acres of the property. He stated they have someone who is interested in their property, and they feel if it is rezoned to I-1, they can get the industrial company to come in and build. That they are reluctant to buy this property with the present zoning not knowing what it will be. That Cummins Diesel is interested in the property. Mr. Cardinal stated he feels it would be to the advantage of the City to get it rezoned to I-1.

Councilman Short asked Mr. Hawes if they have some definite plans for the six acres. Mr. Hawes replied he represents the 36 acres and Mr. Cardinal represents the remaining six acres, and there is nothing definite planned for the 36 acres he represents.

Councilman Short stated Council has had requests more than once to rezone land to Industrial on I-85 without comment as to what would be done with it. That he believes Council suggested to the Planning Commission on one occasion that the possibility of a conditional industrial zone might be considered, in which case it would be necessary to state what the plans are.

He asked if the Planning Commission has this matter for consideration? Mr. Bryant replied this has been discussed within the staff but has not been presented to the Planning Commission itself for any consideration but they will be glad to take it to that point. Councilman Short stated this is a large acreage on a very expensive international highway.

Mr. Bryant stated in relation to this particular area, a change was made in the area recently, and as a part of that change the Planning staff made a study of all the area through here, and he is sure whatever the Commission recommends on the subject petition will be in relation to their overall study of that area.

Councilman Tuttle stated he thinks there is very definitely a need for this type zoning; to go back to the Chesapeake petition, they might convince Council their operation would fit in there, but the zoning itself is not satisfactory - a conditional zoning to the extent that the Council would say so long as this is used for this purpose, fine; otherwise, it reverts back. Mr. Bryant stated this would be similar to the B-1 shopping center district where a specific site plan is approved.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-96 BY MCDANIEL JACKSON FOR CHANGE IN ZONING FROM R-6 TO R-6MF OF APPROXIMATELY 15 ACRES OF LAND FRONTING 680 FEET ON THE NORTH SIDE OF GRIERS GROVE ROAD, BEGINNING 400 FEET WEST OF BEATTIES FORD ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated there have been several zoning matters in this area in the last few months. Developing along Beatties Ford Road is a good bit of residential activities at present; primarily multifamily. As you come away from Hoskins Road along Beatties Ford Road, there is a multi-family development; then some vacant property with a scattering of older residential structures; across Beatties Ford Road on the east side is a combination of vacant land and single family residential and a few business uses. The subject property is vacant and is adjoined on the south side by a new residential subdivision, a part of which will be developed for single-family purposes. To the north and west the property is vacant. Zoning at the present time is a mixture of zoning along Beatties Ford Road. There is a small business area located adjacent to the subject property on both sides of Beatties Ford Road - that area is buffered with some office zoning on the south and north side; then there is an existing R-6MF district; other than that, the area is all R-6. He pointed out Ervin's Northwood Development, Spangler's University Park Area and Nance-Trotters new subdivision.

Councilman Whittington asked if this is adjacent to the Business district, and Mr. Bryant replied it is adjacent to the business district and extends to the west.

Mr. Henry Harkey, Attorney for the petitioner, stated the property is a total of 50 acres, and the petition is for 15 acres to be rezoned. That the 50 acres runs from Beatties Ford Road with some 680 feet frontage which is business; the property goes all the way to the area zoned R-6.

The subject property is immediately to the rear of and adjacent to the business zone which will give a buffer within their own property. That from I-85 it is almost all business on the front except for the multifamily next door to them. It is a continuous type zoning and not spot zoning; they are asking for R-6MF to be across the street from R-6MF and that it be multifamily next to a business zone.

Mr. Harkey stated there is no known opposition to the petition. There is a buffer already existing between their property and Northwood Estates and the buffer is Nance-Trotter's apartment units. That the lay of the ground requires that it be developed in a garden type complex, not single family. The back side of the property is some 790 feet high. That there is no sewer line to the rear of the property, but they can build a garden type unit and let it drain the other way. They will have from \$800,000 to \$1,000,000 development, consisting of from 120 to 140 units. That the money is available, and they are ready to build. They have already put in a street at their own expense. This will be first class units - Williamsburg type two-story, all modern conveniences. That the owner will promise to put in basketball courts, baseball field and will make good use of the property.

Councilman Alexander asked if the plans have been developed? Mr. Harkey replied the plans are drawn, topographical maps are completed; it will be two-story units; that a major portion of the apartments will not be on Griers Grove Road but will sit back on high ground.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 573 AMENDING CHAPTER 23, Article I, Section 23-2(11) and Article V, Division 1, Section 23-62.

The public hearing was held on Petition No. 66-97 by the Charlotte-Mecklenburg Planning Commission to amend the text of the Zoning Ordinance increasing the required amount of off-street parking for multi-family purposes.

Mr. Fred Bryant, Assistant Planning Director, stated a few months ago the Planning Commission presented a proposal for increasing multi-family parking requirements. At that time it was a recommendation to increase it to 2 and $2\frac{1}{2}$ spaces per unit depending on the zoning district it was in. That it met with some opposition from Home Builders and others stating that it was a little more restrictive than desirable or possible to live with. As a result of that hearing, Council referred it back to the Planning Commission with the request that they work with the Home Builders to see if they could come up with a mutual, reasonable, satisfactory solution to the problem.

Mr. Bryant advised they have been working with the Home Builders for several months. That they sent out a rather extensive questionnaire to about 75 cities to find out what they were requiring and how satisfactory they felt their present requirements were; they received about 60 or 65 replies. The consensus was that anytime they were requiring much less than one and a half spaces per unit they considered themselves having a problem. Most of them stated this was such a problem to them, when Charlotte completed its work, they would like to have a copy of what it came up with.

During the same period of time, the Home Builders presented to the Planning Commission a proposal of their own. This related the amount of parking to a sliding scale. A scale that was based on a number of factors - among these were the size of the apartment in square footage, the number of bedrooms and the number of bathrooms. In studying the proposal, the Planning Commission came to the conclusion that they agreed with the principle but preferred a somewhat less complicated system. The general feeling being that perhaps this was just a little bit too complicated to be a workable solution to the matter. As a result the Planning Commission took the Home Builders Proposal, simplified it to a certain extent and changed it in some respect, particularly to the point where they did not quite agree with them on the low end of the scale, and did not quite agree with them at the high end of the scale. As a result the Planning Commission is now recommending the schedule of off-street parking which relates the number of spaces required to just the size of the apartment unit in square feet. This would provide for a scale of parking that would range from 1.25 spaces for an apartment of 549 square feet or less up to the requirement of 2.25 spaces for an apartment with 1,250 square feet or more. They feel this is a suitable compromise solution to the original Planning Commission proposal and that it is a vast improvement over what they now have, and feel that it will improve the parking situation as it now relates to the multi-family development.

Mr. Bryant stated they appreciate the efforts of the Home Builders, both their cooperation and their help because this instance has proved that it is possible for governmental agencies to work with private groups and come up with mutual satisfactory solutions.

Mr. Bryant stated it is proposed that this ordinance will become effective March 1, 1967. That in talking to the Superintendent of the Building Inspection Department, it was his feeling, and they agreed, this would work some hardships if it were made effective immediately as they have a number of plans in the form of being processed in their office and have already been submitted for approval. By making this effective March 1, this will give sufficient time for the Building Inspection Department to advise people as they come to them for advise that the parking requirements are being changed and that by March 1 everything would be in order to provide for the transition.

Mr. Bob Beaumont, President of the Home Builders Association, stated they concur 100% with the recommendations, and they would like to express their deep appreciation for the privilege of working with the Planning Commission and the Planning Director's office to a conclusion of this subject. That it has been most pleasurable and they would like to do it in the future.

Councilman Short moved the adoption of the subject ordinance 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 14, at Page 463.

EMPLOYEE SERVICE AWARD PLAQUES PRESENTED TO RETIRING EMPLOYEES OF THE POLICE DEPARTMENT AND WATER DEPARTMENT.

Mayor Brookshire presented the following persons plaques to indicate appreciation for their services to the City and congratulated each of them on their retirement:

- (1) Mr. Willis M. Yandle, whose services in the Police Department extended from August 26, 1935, to December 16, 1966.

- (2) Mr. Charles R. Gray, whose services in the Police Department extended from July 1, 1935, to December 27, 1966.
- (3) Mr. Samuel P. Dewese, whose services in the Police Department extended from August 23, 1933, to December 27, 1966.
- (4) Mr. Will Stit, whose services in the Water Department extended from February 13, 1956, to January 1, 1967.
- (5) Mr. Homer Gardner, whose services in the Police Department extended from January 11, 1927, to December 27, 1966.

Chief John E. Ingersoll of the Police Department stated his six months to date have been memorable ones and ones for which he is exceedingly grateful - for the support of the City Council, Mayor, City Manager and others. That he dislikes seeing veteran officers such as those retiring today leave. They were among the ones who made his entry into the Police Department in the past six months a great deal easier than they might have been, and for this they have his ever lasting gratitude. That his only regret is that he could not serve with them longer.

RECESSED SPECIAL MEETING RECONVENED FOR THE PURPOSE OF HEARING OFFICIAL CANVASS REPORT OF THE SPECIAL BOND ELECTION BY THE CHAIRMAN OF THE BOARD OF ELECTIONS.

Mayor Brookshire announced that Council met this morning at 11:00 o'clock a.m. in a Special Meeting to witness the canvassing of the Bond Election Referendum Vote on Saturday, December 17. As Mrs. Hair was unable at that time to give a certification of the vote until she was satisfied through further checking as to absolute accuracies, the Meeting was recessed until this time.

Mrs. Sam Hair, Chairman of the Board of Elections, presented the Statement of Results of the Special Bond Election advising there were 87,861 voters registered and qualified to vote. At the said election, 13,698 votes were cast in favor of the issuance of \$5,500,000 Redevelopment Bonds, and 13,383 votes were cast against; 13,420 votes were cast in favor of the issuance of \$2,500,000 Land Acquisition Bonds, and 13,628 votes were cast against; 19,372 votes were cast for the issuance of \$1,000,000 Street Widening, Extension and Improvement Bonds, and 7,690 votes were cast against; 19,358 votes were cast for the issuance of \$1,000,000 Street Bonds, and 7,621 votes were cast against; 19,028 votes were cast for the issuance of \$1,000,000 Police Headquarters Buildings Bonds, and 8,002 against; 19,028 votes were cast for the issuance of \$2,900,000 Airport Bonds, and 8,019 votes were cast against.

After Mrs. Hair completed her report of the canvass, Councilman Whittington read a resolution entitled: Resolution Canvassing the Returns of the Special Bond Election Held December 17, 1966, and Determining and Declaring the Result thereof, and moved its adoption. The motion was seconded by Councilman Jordan, and passed by the following vote:

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

NAYS: None.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 373.

W. J. ELVIN REGISTERS COMPLAINT AGAINST CHIEF OF POLICE AND COLISEUM
MANAGER SPEAKING IN FAVOR OF BOND ELECTION.

Mr. W. J. Elvin stated he thinks the Saturday's election was the most undemocratic election that he has ever seen in any of the four countries which he has visited. That everything was stacked against the "nos"; the money was poured in from all sides. Another thing he thinks it was entirely out of order for the Chief of Police to either speak for or against an election like that, and for the Manager of the Coliseum to write in the newspaper in favor of the passage. That he thinks this is entirely wrong. That he also thinks it has demonstrated very, very clearly that the people of Charlotte no longer dance to the tune of the Chamber of Commerce and the real estate men who have played far too important a part in our fair city in the past, and he hopes at the next election in the spring we will see such a change at City Hall as we saw with the County Commissioners, and he believes we will see it, and he intends to work for it in spite of the fact that he voted for almost everyone of the present Council.

MR. ALBERT PEARSON WISHES EVERY ONE A MERRY CHRISTMAS.

Mr. Albert Pearson stated at this time of the Year he thinks it is very appropriate to have consideration of peace and goodwill, and he would like to take this opportunity to wish each one a very Merry Christmas.

JOHN D. SHAW, FORMER CITY ATTORNEY, WISHES MAYOR AND COUNCIL A MERRY
CHRISTMAS.

Mr. John D. Shaw, former City Attorney, stated it is a rare privilege and with a great deal of pleasure to wish to the "bosses", from the "hired help" a Merry Christmas and a very prosperous New Year.

MR. BOONSONG OF BANGKOK, THAILAND WELCOMED TO COUNCIL MEETING.

Mayor Brookshire introduced Mr. Boonsong who comes by way of Chapel Hill from Bangkok, Thailand, and stated he is connected with the Department of Health and Ministry of Public Health in Bangkok and at present is doing a year's work under a fellowship at the University of North Carolina.

Mr. Boongsong stated he is glad to be present to enjoy this meeting, and wishes everyone a Merry Christmas.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JANUARY 16, 1967 ON PETITIONS
NOS 67-1 THROUGH 67-5 FOR ZONING CHANGES.

Councilman Whittington moved that the subject resolution be adopted, which was seconded by Councilman Albea, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 389.

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ORDINANCE NO. 574-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1905 LUTHER STREET, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington to adopt the subject ordinance. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 464.

ORDINANCE NO. 575-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 415 NORTH PINE STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 14, at Page 465.

ORDINANCE NO. 576-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 406 NORTH PINE STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington adopting the subject ordinance, which was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 466.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

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

STREET	FROM	TO
Charing Place	Wheeler Drive	155' E. of Redcoat Drive
Wheeler Drive	130' E. of Redcoat Dr.	95' E. of Charing Place
McAllister Drive	150' W. of Merrill Pl.	100' W. of Cricketeer Drive
Cricketeer Drive	McAllister Drive	165' N. of Northbrook Drive
Abbey Place	Park Road	Halstead Drive
Halstead Drive	Abbey Place	210' N. of Abbey Place
Vancouver Drive	Tom Hunter Road	White Plains Road
White Plans Road	Tom Hunter Road	600' S. of Vancouver Drive
Squirrel Hill Road	Vancouver Drive	210' S. of Bannister Place
Bannister Place	Squirrel Hill Road	690' Southeast

CLAIM OF F. J. HARRIS DENIED.

Councilman Whittington moved that claim filed by Mr. F. J. Harris, 1041 Regency Drive, in the amount of \$40.51 for damage to water heater caused when water was cut off in the area, be denied as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and carried unanimously.

APPRAISAL CONTRACTS FOR EDWIN TOWERS PROJECT, AND WEST FOURTH STREET EXTENSION PROJECT, APPROVED.

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

- (a) Contract with Alfred E. Smith for appraisal of one parcel of land for the Edwin Towers Project.
- (b) Contract with L. H. Griffith for appraisal of eighteen (18) parcels of land for the West Fourth Street Extension Project.
- (c) Contract with Harry G. Brown for appraisal of fifteen (15) parcels of land for the West Fourth Street Extension Project.

CHANGE ORDER NO. 3 IN CONTRACT WITH R. MARRET WHEELER COMPANY FOR MINT MUSEUM ADDITION APPROVED.

Councilman Whittington moved approval of Change Order No. 3 in contract with R. Marret Wheeler Company, general contractor, for the Mint Museum Addition, increasing the contract price by \$159.00. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT WITH J. M. CRAIG FOR THE CONSTRUCTION OF SANITARY SEWER IN HUNTLEY PLACE, APPROVED.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, approving a contract with J. M. Craig for the construction of 80 feet of sanitary sewer main in Huntley Place, inside the City, at an estimated cost of \$700, with all cost of construction to be borne by the applicant, whose deposit in the full amount will be refunded as per terms of the Agreement.

CONTRACT AWARDED BOYD & GOFORTH, INC. FOR SANITARY SEWER EXTENSION IN SHANNON PARK NO. 8.

Councilman Jordan moved award of contract to the low bidder, Boyd & Goforth, Inc., in the amount of \$20,626.75 for construction of sanitary sewer in Shannon Park No. 8. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Boyd & Goforth, Inc.	\$20,626.75
Sanders Brothers	22,199.00
O. L. Nixon	23,912.25
Howie Crane Service	24,219.50
A. V. Blankenship	24,514.00
C. M. Allen	25,827.90
A. P. White & Associates	29,654.00
Crowder Construction Co.	31,887.50

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CHANGE ORDER NO. 3 IN CONTRACT WITH F. N. THOMPSON, INC. FOR CONSTRUCTION OF WEST CONCOURSE AT DOUGLAS AIRPORT APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, Change Order No. 3 in contract with F. N. Thompson, Inc. for the construction of the West Concourse at Douglas Airport Terminal Building, increasing the contract price by a total of \$1,046.00, was approved.

CONTRACT AWARDED BOYD & GOFORTH, INC. FOR WATER MAIN INSTALLATION BETWEEN FREEDOM DRIVE AND MULBERRY ROAD.

Motion was made by Councilman Short, seconded by Councilman Albea and unanimously carried, awarding contract to the low bidder, Boyd & Goforth, Inc., in the amount of \$16,510, on a unit price basis for the installation of a water main between Freedom Drive and Mulberry Road.

The following bids were received:

Boyd & Goforth, Inc.	\$16,510.00
Blythe Brothers Co.	18,850.00
C. M. Allen Co., Inc.	30,210.00
Sanders Brothers Co.	36,780.00
O. L. Nixon Grading Co.	64,325.00

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Sarah A. Caldwell for Lot No. 380, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mrs. Doris W. Thomas, Graves Nos. 3 and 4, Lot No. 182, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Duplicate deed with Robah McKinney for Grave No. 8, Lot No. 156, Section 2, Evergreen Cemetery, at \$60.00.

CONTRACT AWARDED L. A. ARMSTRONG FOR PIT GRAVEL.

Motion was made by Councilman Whittington to award contract to the only bidder, L. A. Armstrong, in the amount of \$6,180 on a unit price basis for 3,000 cubic yards of Pit Gravel. The motion was seconded by Councilman Alexander and carried unanimously.

HEARING ON PROPOSED AMENDMENT TO PRIVILEGE LICENSES CODE RELATING TO THE ISSUANCE OF LICENSES TO SELL BEER AND WINE SET FOR JANUARY 9, 1967.

Councilman Jordan moved that action on the proposed amendment to the privilege licenses code relating to the issuance of licenses to sell beer and wine be deferred until Councilman Thrower is present. The motion was seconded by Councilman Tuttle and carried unanimously.

Councilman Whittington requested that a representative of the City Manager's office, the City Attorney's office and Chief Ingersoll have a meeting with the Restaruant Association Officers and talk to them about this particular amendment to the ordinance. That he has had several calls from them, and they are in opposition to it. That he thinks this should be done before Council acts on it and get their thinking.

Mr. Veeder stated he thinks some other contacts should be asked to attend also such as the retail food merchants.

Councilman Short asked if there is any reason why this could not be done by an advertised public hearing? That he would prefer that it be done that way.

Councilman Tuttle moved that a public hearing be held on January 9, 1967, on the proposed amendment to the privilege license code relating to the issuance of licenses to sell beer and wine. The motion was seconded by Councilman Alexander and carried unanimously.

PROPERTY TRANSACTIONS APPROVED.

Motion was made by Councilman Jordan and seconded by Councilman Tuttle to approve the following property transactions:

- (1) Acquisition of right of way 10' x 294.08' between Crenshaw Court and Cricketeer Drive, from Nance-Trotter Realty, Inc., at \$1.00 for sanitary sewer easement to serve Garden Park.
- (2) Acquisition of right of way 25' x 575.84' off Independence Boulevard along Edwards Branch, from J. M. Wallace, et al, at no charge, for sanitary sewer easement to serve Edwards Branch.
- (3) Condemnation of right of way 5' x 150' at 615 Westbury Road, property of Mrs. Sarah R. Houser, Widow, to permit the city to correct a drainage problem at Westbury Road along a common property line with George B. Coon and wife.

Councilman Short asked for an explanation concerning condemnation of Mrs. Houser's property.

Mr. Veeder, City Manager, stated when the assessment project of improving Westbury Road was completed, a part of the project required some improvements to the storm drainage facilities, especially as the storm drainage facilities drained down off Crosby Road, which right angle intersects Westbury. There is a need to improve a water course ditch that is on a common boundary which Mrs. Houser enjoys with one of her neighbors. The Neighbor is willing to go ahead with the improvements to the ditch in order to accommodate the runoff from the improved street. Mrs. Houser is not willing to participate in this and the only option open to us to complete the project as planned is through this route.

Councilman Short asked if Mrs. Houser knows that this is going into condemnation? Mr. Veeder replied he presumes so; he has discussed this with Mr. Poley, the City's real estate representative, who has discussed this with Mrs. Houser. That he did not discuss this particular point with him, but he would assume she would have to know.

Councilman Short asked if she knows that it is coming up today? Mr. Kiser replied he does not think she knows it is coming up today. That he thinks she knows the only way the City can proceed after her refusal to grant the right of way is by condemnation; that he thinks this has been made clear to her.

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Councilman Short asked if the condemnation statutes allow condemnation for other than a permanent easement or fee simple, if this is available through condemnation? The City Attorney advised that it is.

Councilman Short stated he is reluctant over the question that Mrs. Houser does not definitely know this is being handled today; he is sure the City has a plausible case here, but he is inclined that the personality involved should absolutely know it is being handled today and should have a chance to come here.

Councilman Short made a substitute motion that the property transactions be approved with the exception of the property of Mrs. Houser and that it be handled at next meeting, and he will see that Mrs. Houser understands. The motion was seconded by Councilman Tuttle and carried unanimously.

COUNCIL MEETING SET FOR JANUARY 3, 1967, at 3 P.M.

Councilman Whittington moved that the next Council Meeting be set for Tuesday, January 3, 1967, at 3 o'clock p.m. The motion was seconded by Councilman Albea and carried unanimously.

FIRE CHIEF COMMENDED ON LETTER TO INSURANCE COMPANIES CONCERNING THE FIRE INVESTIGATIONS DIVISION OF THE FIRE DEPARTMENT.

Councilman Jordan stated he is sure that all of Council received a letter from Chief Walter Black of the Fire Department concerning the Fire Investigations Division. This letter went out to fifty interested insurance companies. He stated he thinks this is real nice and is a good piece of work on the Chief's part to notify these companies that the investigation division is in operation and asking for their help and support. That he thinks he should be commended for looking forward into this Division.

RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF DR. CLAUDE B. SQUIRES.

Councilman Albea read a Resolution entitled "Resolution Expressing Sympathy on the Death of Dr. Claude B. Squires", and moved its approval. The motion was seconded by Councilman Jordan and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 390.

ORDINANCE NO. 577-X TO AMEND ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF NON-TAX FUNDS IN THE UNENCUMBERED BALANCE OF THE GENERAL FUND.

The City Manager advised that several weeks ago Council authorized the acquisition by negotiation of the Winston property at the airport and agree that payment would be made on the property before the end of the calendar year. This can be done by the approval of an ordinance authorizing the transfer of a portion of non-tax property from the unencumbered balance of the general fund to the Airport fund. That this is in fact a part of the money approved by the voters in the Airport Bonds on Saturday.

Councilman Whittington moved the adoption of the subject ordinance transferring \$40,300 of non-tax funds to be used for airport capital improvements and related professional expenses. The motion was seconded by Councilman Albea and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 67.

CONTRACTS FOR APPRAISAL OF RIGHT OF WAY FOR EAST THIRD STREET CONNECTOR PROJECT APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the following contracts for the appraisal of property in connection with the East Third Street Connector Project were approved:

- (a) Contract with Lionel D. Bass for the appraisal of two parcels of land.
- (b) Contract with Leo H. Phelan for the appraisal of two parcels of land.

REPORT BY CITY MANAGER ON PICK UP OF LEAVES IN THE CITY.

Mr. Veeder, City Manager, reported during the last week, ending on Sunday, the Motor Transport Department picked up 635 loads of leaves; and this means to date over 3,000 loads have been picked up. A memorandum from Mr. Davis this morning indicates there are approximately 154 more loads on the street and most of these will be collected during the current week; that the situation is well in hand and by the end of this week, the collection of leaves for all practical purposes will be completed.

ADJOURNMENT.

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



Ruth Armstrong City Clerk