

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, March 9, 1964 at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Alba, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Kenneth Crouse, Pastor of Kilgo Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Alba, seconded by Councilman Smith, and unanimously carried, the Minutes of the last meeting on March 2nd were approved as submitted.

RESOLUTION AWARDING THE CITY OF CHARLOTTE MEDAL OF MERIT TO FLOYD FRANKLIN BOYCE, ADOPTED.

The following resolution was introduced and read:

WHEREAS, Floyd Franklin Boyce, age 16, by his prompt and voluntary action on the 13th day of February, 1964, rescued Roy M. Robinson from his burning residence and thereby saved his life; and

WHEREAS, Floyd Franklin Boyce acted with courage and resourcefulness in the face of danger, and such meritorious conduct is deserving of public acclaim and recognition,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 9th day of March, 1964, that the

CITY OF CHARLOTTE  
MEDAL OF MERIT

be, and the same is hereby awarded to Floyd Franklin Boyce in recognition of his meritorious conduct recited herein.

Councilman Whittington moved the adoption of the resolution, which was seconded by Councilman Alba, and unanimously carried,

Mayor Brookshire presented Floyd Boyce with the Medal of Merit, and a copy of the Resolution, and congratulated him on the courage he displayed and his thought for his fellow-man in the face of great danger.

RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON CHESTERFIELD AVENUE, FROM ST. JULIAN STREET TO PECAN AVENUE, ADOPTED.

The public hearing was held on the Petition of 56.4% of the number of owners of property abutting on Chesterfield Avenue, from St. Julian Street to

Pecan Avenue, representing 51.5% of the lineal feet of frontage, for improvements to be made by installing storm drainage facilities and constructing roll type curb and gutter for a distance of 2,328 front feet. The estimated total project cost was determined by the Engineering Department as \$12,720.00, of which the City's share was estimated at \$6,330.00 and the total amount to be assessed against the owners of property abutting on the improvements was estimated at \$6,390.00, at an estimated \$2.66 per front foot.

Mrs Earl Hinson and Mrs J. M. Slaten, residents of Chesterfield Avenue spoke to the Petition, stating the drainage improvements have been made in the two blocks below them, and urging that the requested improvements be approved by Council.

Mr. Max Caldwell, resident of Chesterfield Avenue, stated he is not opposed to putting in curb but thinks it should be straight curb instead of the roll type; that the banks are about three feet high in some places and this will not protect the apron and sidewalk and so many cars will park up on the apron.

The City Manager advised Council the Petition calls for a roll type curb, the straight curb would be more expensive, however the Petition before us must be considered as requested.

Councilman Albea called attention that cars parking on the apron is a matter for the Police.

No objections to the proposed improvements were voiced.

Councilman Thrower moved the adoption of the Resolution Ordering the Making of the Local Improvements on Chesterfield Avenue, from St. Julian Street to Pecan Avenue, which was seconded by Councilman Bryant, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 363.

**RESIDENTS OPPOSING THE PROPOSED ROUTE OF THE BELT ROAD TO BE NOTIFIED WHEN DECISION IS TO BE MADE BY THE CITY COUNCIL.**

Mr. Rex H. Wheatley, representing the large delegation of citizens present who are opposed to the proposed routing of the so-called Belt Road, stated they are present again today because they did not get definite assurance at the last Council Meeting they would be notified ahead of time when the route would be considered by Council. That they merely want to reaffirm their opposition to the route, it is of serious concern to them and they are mindful of the dangers it poses to their schools, churches, homes and most of all to the safety of their children. That their opposition to the route is sincere, they are dedicated and promise to continue their fight in every honorable way they know how. He filed a large number of Petitions, which he advised are a part of the petitions mentioned by Mr. Alex Joseph at last week's meeting but not all of them, there are 1,700 names on these petitions and they were obtained last June when the question of the route first came up. The persons signing the petitions are not from any particular section of the City but were gathered from all over Charlotte. Mr. Wheatley read the petition, which stated "We the undersigned voters of Charlotte, oppose the construction of a Belt Road as recently proposed to connect Woodlawn Road and Eastway Drive. The adverse effect on property values in one of the City's most beautiful residential areas and the inherent danger of heavy

traffic near the Myers Park, Selwyn and Alexander Graham Schools are our major concern. No such road should be constructed closer to this area than the one proposed for Fairview Road."

Mr. Bill Strong stated he was not in the city when the matter of this so-called Belt Road came up, and would like to think he does not have an axe to grind but he thinks all of them do, that the road as proposed would save him about twenty minutes twice a day going to and from work and he does not think it is close enough to his house to adversely affect him one way or another. However, he has some questions he wishes to ask that he has not been able to find the answers.

1. What type of traffic will use this road and how much will use it?
2. Was there an origin and destination survey made to determine how much usage the road would have at its proposed location?
3. Does the cost justify the use? This of course has to be determined as the results of a thorough study of the origin and destination survey.
4. What is the cost of all routes, including the proposed, and alternate routes the State Highway are proposing? That he has not been able to find anywhere that the actual figures have been given of any of these routes. Have these figures been made available to the people? He has not been able to find them, and after all the taxpayer, whether the money comes from the Federal, State or Local Governments, is still paying the cost.
5. Could this same traffic be served by routing the road further out via Fairview Road? Would it not be more justified for a study to be made whether this route further in town is still necessary?

He stated he has been covering the route from his home to his office roughly for 18 months now, and has seen no one making a survey and has not been stopped and asked the questions where did you start, where are you going and would you like a route across this way? That he thinks this matter of the route should be approached in a business-like manner, which he assumes the Council being business men has done, but he thinks the matter of the Belt Road needs further study and assumes a great deal of study and work has been done but there are some Boulevards in Charlotte that a tremendous amount of time was put on and they were not up to engineering standards in terms of doing what they were proposed to do in terms of carrying traffic. That these are basically his objections to this Road, and its time for someone to take a stand on government spending because Federal and State Governments money is available.

Mayor Brookshire remarked that he is sorry Mr. Strong was not present two weeks ago when the State Highway Officials were here and presented the Route and Alternates to Council and the public who were present; that they explained this would be a residential type road, four lanes wide, restricted to residential traffic, State controlled to 35 miles an hour, not designed nor to be used as an Expressway or Truck Route. That he is sure there must have been a number of traffic counts and similar types of studies made during the past two years on this and the Alternates that were presented, the cost of each being outlined to Council and to the Press, that he cannot quote the figures and does not have them with him. The City Manager stated he will be happy to make available the report on this. Mayor Brookshire stated there was a considerable variation in the cost between the Alternates suggested, and the study has been going on for the past couple of years. That the Council will make a decision as soon as they can, arriving at a judgment which in their opinions is for the best interest of our City.

Mr. David Harris, Chairman of the Charlotte-Mecklenburg Board of Education, stated the people are not so much worried about what the road will be when it

first opened but what it can easily become shortly after it is built. That since the last Council Meeting he called and talked with their Consultant in New York to the Charlotte Schools, and he said he would have in their hands this week a letter regarding his feelings and his recommendations relative to the proposed route.

He stated further he would like to make it a matter of record that since the last Council Meeting they have discussed the fact that the State Highway Commission has at no time made any attempt to contact the Board of Education or the School Administration as to how this Route, or any other Route, might effect the local schools and the dangers involved therefrom. That their main point is they think there is considerable danger involved to any school, regardless of where it might be. That several of these schools have been pointed out previously, the people who have been before Council representing their PTAs have done so of their own volition; the fact that no groups of this type from other Schools have not come before Council voluntarily does not decrease the concern of the Board of Education for all the schools, but in this one instance the road as designed by the State Highway Department would cut off school traffic from three schools on two sides; theoretically, this would make it six times as dangerous as far as traffic is concerned as to cut school traffic on one side of one school, and this is what they have tried to point out. But here we have a walk-in school which is an Elementary School, then a Junior High School which is dangerous, and a Senior High School, the children to which come from a wider distance, and the danger is not as great as the others where the children come on bicycles. That they will do anything they can to consult with the Council, State Highway, or anyone to whom they can give further information on the schools.

Mrs Elisha Carter stated she has lived on Wendover Road between Randolph and Providence Roads longer than anyone else on the street. That it has been said they are concerned about their yards and trees and they would like to keep their homes and yards as beautiful as possible, however, this is not their main reason at all, they are interested in the children. You can put fences or walls 20, 50 or 100 feet high but five days a week the children have to go to and from school, that means ten times a week their lives are jeopardized and there are several thousands of these children, multiply that and think how many times they will be in danger. She asked if the Council knows what it means to hold a dying child in his arms, that she does, her own child. That if this four-lane road cost the Council the life of one child it is far too expensive, and it could hit mighty close to home. That if the Council wants to present them with a four-lane death trap it is up to them.

Councilman Dellinger commented that he knows these people are busy and the Council is, and all the consideration possible will be given the proposed route of the Belt Road, and he moved that the Council go on record that they be notified when the decision is to be made on the road. The motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 235 REPEALING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CODE OF THE CITY OF CHARLOTTE RELATIVE TO SUNDAY OBSERVANCE, ADOPTED.

Mr. W. W. Crymes of Faul & Crymes Store, and President of the Charlotte Merchants Association, stated he is here to speak for both. That speaking for Faul & Crymes, they have no direct involvement, the commodities they sell are exempted from the Sunday Sales Law, therefore their competitors and themselves may legally sell them within the city on any and every Sunday; they have never sold on Sunday nor do they expect to but it is perfectly legal for them to do so. That they wish to commend the Council for the law they have passed, for good legislation and he believes if upheld and continued will makes ours a better city.

Speaking for the Charlotte Merchants Association, Mr. Crymes stated they have 1,186 members, 300 of whom are professional men, doctors, lawyers etc and they have 800 retail stores and these stores employ approximately 20,000 people and it is on behalf of those 20,000 people who do not want to be forced to work on Sunday, that he speaks today.

That the history of retailing is almost the history of Charlotte, the growth of our city was in a large measure brought about by the retailers of this city, which goes back over a span of 60 years. And they commend the Council for what they have done and ask for courage for them to stand against the criticism they are receiving. These 20,000 do not want to work on Sunday, and their employers do not want to have to ask them to work on Sunday. The human values are far greater than dollars and cents values which can be applied from sales which took place on Sunday. Opening a store in Charlotte or elsewhere on Sunday never created one new customer. That if the opposition to the present Ordinance prevails and the law is defeated the Council will ask 800 merchants to face the choice of losing business to competitors or exploiting 20,000 people. He stated he thinks the Council has decided wisely in adopting the Ordinance and asks that they stand by their guns. That the press has been very active in this. They have insisted on calling this law a Blue Law but if you will look in your Webster's Dictionary you will find that it is an unfair connotation, because this law makes no effort to control the morals or activities of any individual, it is therefore not a Blue Law. Another point the papers have implied repeatedly is that this is the case of Downtown Merchants versus those in the Shopping Centers, but this will not bear analysis, for of the 800 retail stores in the Charlotte Merchants Association you cannot find 25 who favor the repeal of this law.

He commended the Council for what they have done and remarked he hopes they will not be weary in well doing.

Mr. J. M. Farry, Manager of J. C. Penny Company in the Park Road Shopping Center, presented the following letter:

"Gentlemen:

We the undersigned merchants of Park Road Shopping Center, would like to express our sincere appreciation for the time and efforts spent by our City Council on the Charlotte City Ordinance, Article IV, Sunday Observance.

It is obvious from the newspaper that there is some degree of opposition to the above mentioned ordinance, but as you know, the newspaper never runs out of ink or space when they wish to express their personal views.

Please consider this letter a vote of confidence.

Gratefully yours,

(Signed)

Joe Farry	J. C. Penny Company
C. E. Acuff	F. W. Woolworth Company
Chas H. Hess	Bridges Furniture Company
Kenneth Blackwelder	Advance Stores Co.
Hugh B. Johnson	Biltmore Dairy Bar
Virginia Bell	Ivey's Little Shop
C. W. Brice	Miles Shoes
Phil Hillard	Brittains
B. R. Sells	Thom McAn
J. M. Ledford	Ledford's
Mrs A. Hinsley	Kay Jewelers
D. B. Heaton	Holly Smith
E. C. Claire	Tate-Brown
Claude Furr	Modern Barber Shop
Frank Neal	Park Road Pet Shop
C. F. Smith	Colonial Stores"

He stated they are not a Downtown organization, they are a Shopping Center.

Mr Ed Lee from Cotswold Shopping Center, stated he wishes to say Amen to what has been said so far. He thinks if the other merchants could have been here they would do likewise. That he has letters from the Merchants, employees and some customers from the Cotswold Shopping Center commending the Council for their action and asking that the law not be changed. He stated it seems to him the general feeling is what has been done thus far has been in the interest of the majority of the people and they think this is where it should lie.

Mr Bill King, Manager of Advance Stores in Freedom Village Shopping Center, and Vice-President of the Freedom Village Association, stated he comes to commend the Council for their previous action on the Sunday Sales Law. He advised they are not a Downtown Company or a Downtown Association, they are a Shopping Center. That all of the stores are all in favor of the Sunday Sales Law.

Mr. C. W. Price, advised he is a member of the buying public. That Council has heard a lot of people today from stores and shopping centers and downtown talking about the Sunday Sales Law being no Blue Law. He has talked to a lot of people who do not own stores and has seen a lot of dissatisfied people in the City of Charlotte. It is funny to him that you can go to a Super-Market on Sunday afternoon and buy a six-pack of beer but the same Super-Market can't sell you a postage stamp out of a Postage Machine or some washing powder. He stated the newspapers have made a pretty big fuss over it but he thinks the public appreciates they went too far. He stated he thinks the thing to do is to close everything up on Sunday or open it all up and let the people decide what they want to do at the referendum in May.

Mr Jimmie Howell, Mr. B. W. Faires and Mr. Frank Faires, representing Faires Mobile Homes, Inc., 3217 North Tryon Street, each spoke regarding the Sunday Sales Law.

Mr. Howell stated he is a salesman for the Company, a Mobile Home Sales Lot located in Charlotte, and has been employed by Mr. Faires for nine years and worked on the lot on Sunday during those nine years. That he has never tried to sell anything on Sunday, the lot is open just for display of their units between 2 and 6 o'clock. That he would like to have the privilege of still staying on the lot and talking with interested persons; that on yesterday one of the City Policemen told them they must leave the premises, that they were not allowed to even sit on their own property, whether there for selling purposes or just there. This is strictly a voluntary job as far as Sunday is concerned, no employee of the Company has to be there who does not care to, his Boss does not force him to, that he likes the privilege of coming down and talking with people but he has never taken any money on Sunday on the purchase of a Mobile Home. That he thinks he should have the privilege of showing these homes the same as Real Estate men their houses for sale on Sunday.

Mr. B. W. Faires stated they would like to operate their display of mobile homes the same as the real estate people are permitted to display their homes.

Mr. Frank Faires stated they have been in this business in Charlotte for twenty-seven years and have always opened their lot on Sunday afternoon as an open house the same as a Realtor does, and the only difference in their homes is theirs are mobile and on wheels and fully equipped. He advised that this is the 7th largest industry in the United States, as reported by the National Mobile Home Association. That their customers come from within a radius of 50 miles and their sales are very few to the residents of Charlotte.

but the people from out of town work five and six days a week and Sunday bring their families in to look over their mobile homes, the same as people here in town go out looking for houses, and many are on display, and they ask for the same privilege.

Mr. Robert Williams, Triple-A Homes Corporation on North Tryon Street, stated since they moved into Charlotte they have operated on Sunday. He has been here only two weeks and has made two sales on Sunday and they have been very profitable sales. That he would like to see the Sunday law remain in effect at least until May; that there has been much confusion for the past three weeks the Law has been effect, which is to be expected, and he does not think it has had time to settle down and see what effect it is going to have; there are some amendments they would like to have made; that they think the Mobile Homes and dealers and Real Estate Agents are in competition with each other, and if they are required to remain closed on Sunday they would like for them to remain closed also. He stated they have locations in different parts of the Southeast. That last year they more than doubled their previous year's sales and profits and ran ahead last year over the same time this year.

Mr. Stanley Slesinger stated he is a member of the Charlotte Merchants Association but they do not speak for him, and what he is speaking about today is he does not think the Charlotte Observer and Charlotte News needs anybody to defend them for writing and saying what they think is right, for if it were not for the newspapers we would have more liberties taken away from us and he is all for them and wants them to continue to say what they think is right for the public.

Councilman Smith stated there is a right strong movement in the Council today to repeal the Sunday Restricted Sales Law and it concerns him a great deal for several reasons; one of the main ones is there are inequities in the present law that should be modified or amended. It would seem right that they should have time to protect this law and bring it up to a better law, one with some permanency about it which would seem to him better than repealing it. If they do this, they really defeat the referendum in May because you won't have a law to vote on that is really acceptable. That this is his concern, and he is afraid if this law is repealed today without any amendments to take care of some of these inequities which we all recognize then we will never have a referendum and it will be off the books for good. That the referendum was to feel the pulse of the people to see - and we do not know, we have heard arguments on both sides, but we really do not know - what the majority of the people in Mecklenburg County want, so he is thinking the repeal movement should give us at least a week, or possibly two weeks to try to bring the law into shape that we will be proud to present in May for referendum vote. That you cannot vote in May whether you like a Blue Law or whether you are opposed to a Blue Law without having something specific to vote on, and he would ask those who are in favor of repealing this law to hesitate and think maybe they are creating a void or vacuum there will be no way of taking care of by the referendum.

Councilman Dellinger stated there are a lot of people who could not be here today, evidently they have taken the means of sending petitions to the Council, as he has one such document from the Williams Memorial Presbyterian Church presented him yesterday by the Reverend Marcus B. Prince, Pastor. This petition contains the names of 100 or more people, all not necessarily residents of the City of Charlotte but who live in the County and who are interested in the welfare of our city and they make their living in Charlotte and want to go on record as supporting the present Sunday Sales Law. He asked the City Clerk to enter this petition in the record.

Councilman Jordan stated it seems as though his newspaper article this past week started all this business today, certainly these people here in the

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audience are friends of his, and he hopes they will continue to be no matter what position he may take today, because he has spent ten years with the City Council and this is his home and he has tried to do what he thinks is right and he will continue to do so as long as he is on the City Council. That he spent two solid weeks and three Sundays investigating this so-called Blue Law, one of the most controversial laws he has ever been directly concerned with or ever hopes to be. That last week Council was asked to make a new amendment and there are people in the audience today who he is sure would also like to ask the Council to make new amendments, and there will be other people next Monday and from now on. That he has truly and sincerely been bothered quite a lot with this question, he does not do things hastily, he has talked with the people in the Stores, his business is uptown and you can see him walking around uptown most any day; he has talked with people who have been mentioned today and they are not so much concerned with whether we are opened on Sunday, a good many are not, certainly a lot of them do not want to work on Sunday, but they feel we are taking something away from them, and they are right. If they want to go to Sunday-school or Church today, certainly they can do this, in the afternoon if they want to go shopping or go uptown they want to be able to do so. That he has talked with many hundreds of people on this subject, and 99% of them are not interested so much in whether the stores are open, it is just we are taking some of their liberties away from them, and they would rather have a vote to say wheter we shall have an open Sunday or closed Sunday, not a Blue Law. This is his feelings on this question. He was brought up as most people his age were, that Sunday is the Sabbath and it should be kept Holy, and he still tries to do that and goes to Sunday-school and Church and may go riding in the afternoon or visiting, that is his prerogative whatever he might chose to do. He has given this a great deal of thought, maybe the Merchants Association and his friends in the audience feel he has not given it the proper thought. He does not see where holding it up another week so the Council will be able to straighten out the inequities in the Law would help. Believe him, if the public had received some of the calls that the Council has, both day and all night, about the inequities they would not want to continue going through this every week-end. He was one of the Council who made a survey on the first Sunday, and subjected himself to abuse in some places, other places he would be recognized and they would really discuss the inequities, he wanted to do this to see personally, to learn what was going on, and the first store he walked into was Eckerd's on Providence Road and here was a big placard about the Blue Law and all of the Council's telephone numbers both at the office and at home, and pamphlets being passed out, and someone said, "Hi Sandy" and he turned around and it was Mr. Ed O'Herron, whom he is very fond of and always has been, but he does not feel like these underhanded tactics of handing out pamphlets and giving out the Council's telephone numbers etc and subjecting our families to all types of abuses was also fair. That he is not changing as some of my colleagues might think, nor "turning chicken", he is man enough to admit things and he feels today this law has so many inequities in it, they will keep adding amendments to it Monday after Monday no matter how long it goes on. That he hopes they see his position, he asked for this, he did not consult any of the other Councilmen, it is his own prerogative that he asked that this be brought up today and whenever the time comes, Mr. Mayor, he does not know if it is now or not, he would like to ask that this ordinance be repealed until May 30th to give these people an opportunity to vote their convictions and they way they want to vote. He stated he is sincere about this and hopes no matter how the people in the audience feel about it, either for or against it, they understand his position, and this is his swan-song on this today, he just feels this is something that should be brought to the vote of the people.

Councilman Dellinger stated he would like to clarify one thing that Councilman Jordan said and that is that this be repealed until May 30th. He does not think you can condition this, it is the law and you will have to repeal it

outright and then see if you can get it back on the books. He stated he does not think the County is going to call a referendum and he does not know whether the Council can call it.

Councilman Smith stated that is it, what are you going to ask the people to vote on on May 30th if the law is repealed?

Councilman Jordan introduced and read the following ordinance:

AN ORDINANCE REPEALING CHAPTER 13, ARTICLE  
IV, SECTION 13-56 OF THE CODE OF THE CITY  
OF CHARLOTTE RELATIVE TO SUNDAY OBSERVANCE

BE IT ORDAINED by the City Council of the City of Charlotte,  
North Carolina:

Section 1. That Section 13-56, Article IV, Chapter 13 of  
the Code of the City of Charlotte is hereby repealed.

Section 2. This ordinance shall become effective upon its  
adoption.

Councilman Jordan then moved the adoption of the ordinance. The motion was seconded by Councilman Bryant.

Councilman Albea stated he imagines he has received as many calls as anybody else has, about seven out of ten would not tell him who they are, and seven out of ten would hang up without saying a word when they called about 3 o'clock in the morning. He just wanted to bring that up to show that these telephone calls have not affected him one iota; if they call and say who they are he is glad to listen and consider what they have to say but he does not see how the Council is going to accomplish anything by repealing the ordinance waiting on a 30th of May referendum when the referendum will not be binding, and there is only one way to have this so-called Blue Law, and that is to close the town up with the exception of what the Supreme Court has said are necessities, and he is ready to vote for that today.

Councilman Bryant stated he is referring to two matters Mr. Smith brought up, one about amending the law further, (1) there is no assurance, from what he understands from previous discussions, that any further amendments would be declared constitutional, so it is really problematical as to whether the law could be brought up to what everyone would think is a good law; (2) the law as presented in May does not necessarily have to be the one we have on the books; that as he understands it if the County Commissioners do hold a referendum, and they have said that they would it being legally possible, they will determine what law is voted upon and it does not necessarily have to be the law that the Council has passed, they can make what amendments they might deem necessary or write the law from scratch.

Further he would like to read a statement that he has written because it will describe how he has come to the conclusion that he has, which resulted in his seconding Mr. Jordan's motion for the repeal of the ordinance:

"Laws generally originate because of the needs or desires of society. Even though there may be large numbers of people who would rather not have a particular law, that law is accepted because the society sees a need for it and sees how it can benefit from it.

When the matter of a Sunday sales law was being discussed, I weighed this matter very seriously. It became my opinion that while a restricted sales law would inconvenience some, it would benefit many more.

I felt that there were large numbers of citizens who wanted a day which they could use in any way they desired, a day which generally meant being with one's family.

It happens that Sunday is the traditional day that most segments of our society are free from their labors.

The trend in many other cities has been for an opening of most all retail establishments on Sundays. This, of course, in Charlotte, would mean that thousands would, of necessity, have to work on Sunday.

Realizing these matters helped me to make up my mind to vote for this ordinance in order to protect large numbers of our citizens. Apparently I have misjudged the desires of the peoples of Charlotte.

I believe because of the wide publicity that has been afforded this matter over the last two weeks, persons who feel strongly on either side have had an opportunity to express themselves.

I have completely discounted the large number of calls which have been in bad taste, the large numbers that have tried to harass by calling throughout the 24 hours of the day, and those that were obviously pushed by the merchants affected.

I have not discounted the large number of earnest, thoughtful comments of those persons who have expressed themselves as opposed to this ordinance. I have also taken into account the very few people who have expressed themselves in favor of the law. This small number was a great surprise to me and has caused me to have second thoughts.

In view of this, and of the prospects of a referendum, I have come to the sad conclusion that a repeal of this ordinance is in order. I have not changed my feelings on the matter, I still prefer a restrictive Sunday sales law; however, a law that is unacceptable to a majority of the citizens comes close to being unenforceable and may be worse than no law at all.

I would like to say further that this episode should serve as a lesson to the citizens of Charlotte to take a more active interest in city affairs. There were well publicized public hearings on this ordinance 18 or more months ago, and generally, if my memory serves me correctly, only the attorneys of those firms affected appeared. If those who now voice such opposition had appeared then, this might have had a different ending."

He stated that is the reason he has changed his mind; that he is in favor of a Sunday sales law but because he feels the majority of the people are against it, and as a result it is virtually unenforceable.

Councilman Albea stated he will always believe that any law can be enforced that this Council passes and the Supreme Court does not declare unconstitutional.

Councilman Smith stated we have had this law on the books for a year and a half and have enforced it for about three weeks, and he knows the Council has been under harassment and abuse, that his telephone rang at 3 o'clock this morning and again at 5 o'clock and no one would talk either time, it just awoken him. These are the kind of people who are influencing the Council. That he does not think they are giving the law a fair trial, he does not

think they have put the proper amendments on it and he does not think they are going to have another chance to do anything about it. The people who are really in favor of a Blue Law are your silent, solid citizens, when you go in their homes they tell you they want Sunday taken out of industry, money-making, or the market-place in the temple, but they do not get on a soap-box and scream, they have too much dignity and character, and they are the ones we have not really heard from.

Councilman Bryant remarked that just so there will be no misunderstanding, he tried to make it clear in his statement that he had completely discounted this type of harassment, which is in the worse taste imaginable and absolutely no excuse for it, it is just an abominable situation and he thinks it is one of the worse displays as far as he is concerned of public action that he has ever been a part of. The people who he has listened to are people whom he respects and people who have spoken to him in an earnest and thoughtful sort of way. That he can stand the harassment as long as anyone else and he expects it will not be the last time the Council will get it, but he has tried in his mind to discount that completely or any calls of that nature, and that had nothing to do with his decision.

Councilman Jordan stated he would like also to voice his opinion as to what Mr. Bryant just said regarding the telephone calls - certainly he does not think any of the Council appreciated the kind of calls they have received and the abuse received even by their families when they were not at home; certainly he tried to answer every call and will continue to do so no matter how abusive it might be, he thinks the Council owes that to the people. When it gets to calls at 3 or 4 o'clock in the morning, he thinks they have some right to cut the telephone off. This did not affect his decision one way or the other in bringing this ordinance up today. That he has talked with people of intelligence, such as the people in the audience, whom he considered friends who would advise him correctly, people in his own church and Sunday-school class who would say whether he is right or wrong and he would go by their opinions, so he feels the Council has given this ample time and certainly he would like to see the people have an opportunity to vote their convictions on this law.

Councilman Smith said to Councilmen Jordan and Bryant that he knows they are entirely sincere and he was not saying they had been harassed into this action. That the only thing that disturbs him greatly is he wanted to have the referendum, he wanted to put it up to the people but he is afraid this is going to be the death-knell to the referendum, that is what he is trying to say.

Councilman Dellinger stated several have made statements about the referendum, but how do we know there is going to be one? Does anyone have that assurance?

Councilman Bryant stated he said "with the prospects of a referendum" he did not say that we were going to have one, the only information he has to go on is what Mr. Charlie Lowe, Chairman of the County Commissioners, told Council last Monday, and he believes they will carry through on a referendum and he will be right surprised if they do not; however, he still did not change his mind purely and simply because of the referendum but because of what he terms, to the best of his ability, the feel of the people.

Councilman Dellinger stated he does not think Mr. Lowe has anything to do with the Council, with all due respect to him; what he wants to know is whether the Council is going to recommend the referendum or whether they are going to pass this off to the County; that the Council has some rights and he is wondering if they are just passing this thing off?

Councilman Bryant stated he would like to move an amendment to the previous motion that the Council recommends that the City joins in with the County in calling for a referendum at the Primary time in May. Councilman Jordan, who made the motion, stated the amendment is satisfactory to him.

Councilman Dellinger stated he thinks you are doing two things here, making a motion to repeal the law and adding a request for a referendum to the motion and he does not think you can add a request for a referendum to the motion repealing the law.

Councilman Bryant stated he would then like to withdraw the amendment and call for the question on the original motion, and he will then make the amendment in the form of a motion.

The vote was taken on the original motion for repeal of the existing ordinance by Councilman Jordan, which carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, at Page 2.

#### ALBERT PEARSON EXPRESSES CONGRATULATIONS TO COUNCIL FOR TAKING PUBLIC STAND ON SUNDAY OBSERVANCE QUESTION.

Mr. Albert Pearson stated he wished to express his appreciation to the Council not for the verdict they have rendered on the Sunday Observance question, for or against it, but for the fact that they were big enough to stand up and take sides and come to a conclusion on the question in face of opposition, no matter which way they voted. That he realizes it is not an easy thing to do and he would like to express his appreciation to them for that.

Mayor Brookshire stated he can assure Mr. Pearson and the public that decisions of this kind are not easy for the Council.

#### MOTION RELATIVE TO REFERENDUM ON SUNDAY OBSERVANCE POSTPONED ONE WEEK.

Councilman Bryant moved that the Council lend their support to the plan of the County Commissioners to have a referendum on the Sunday Observance Law at the time of the Primary on May 30th. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated he does not agree with Councilman Bryant, he thinks the Council should go on record as requesting a referendum on its own, and not pass it off on the County Commissioners; that the Council passed the ordinance repealing the law and he thinks they should take the initiative in the matter.

Councilman Bryant stated the reason he has this in mind is because one of the inequities in the present law is it is not County-wide, and to be effective it is going to have to be County-wide. That he will be glad to call for an individual referendum in the City but it certainly would have to be County-wide, in his opinion.

Councilman Dellinger then stated he thinks the Council should take the initiative and if the County wants to join in they can come in with the City. Councilman Whittington remarked that the County has already taken the initiative.

The City Manager stated he does not like to comment from memory in the absence of the City Attorney, who is at home sick, but he has a recollection that Mr. Morrissey commented last Monday along the lines of the lack of authority that Council has to call a referendum on its own initiative; that he wants to make this point and make it in the sense that he recalls Mr. Morrissey commenting along these lines but would not pretend to speak for him.

Councilman Bryant stated in the absence of the City Attorney he would like to withdraw his motion with the full intent of asking for the information necessary to make the motion next Monday. The motion was seconded by Councilman Thrower, and unanimously carried.

**LOCAL WINNERS IN ESSAY CONTEST SPONSORED BY MECKLENBURG COUNTY COMMITTEE TO EMPLOY THE HANDICAPPED PRESENTED AND CONGRATULATIONS EXTENDED THEM BY MAYOR.**

Mayor Brookshire advised that the President's Committee on Employment of the Handicapped in cooperation with the Governor's Committees and Community Committees appointed by the Mayors, yearly sponsor a National "Ability Counts" Essay Contest. That Mr. Charles A. Burgess, Jr. of the N. C. State Employment Security Commission as Chairman and Mrs Dorothy Fitzjohn as Essay Contest Chairman, have selected the local winners. He asked Mrs. Fitzjohn to present these winners.

Mrs. Fitzjohn advised that Miss Alice Harkey of East Mecklenburg High School is the local 1st Place Winner, she has also had the distinct honor of being selected as 1st Place Winner by the Governor's Committee for North Carolina. She will receive an Award in Raleigh tomorrow and in addition will be given an expense paid trip to Washington, to compete for the National Scholarship Award. The 2nd Place local winner is Miss Susan Walker of South Mecklenburg High School, and the 3rd Place local winner is Miss Carolyn Eppley of South Mecklenburg High School, both of these two girls will receive a cash award from the Mecklenburg County Committee to Employ the Handicapped.

Mayor Brookshire expressed his congratulations to the young ladies for the very fine Essays written by them, and for the honor they have brought to their City and County.

**FIELDVIEW ROAD AUTHORIZED TAKEN OVER FOR MAINTENANCE AFTER RESIDENTS HAVE IT PAVED TO A 16 FOOT WIDTH AT THEIR EXPENSE.**

Mr Anthony Snellings, resident of Fieldview Road, stated he is present today with regard to improvements to their street, which has been previously discussed; however, he wants to say that they have had no garbage collection in two weeks and three days, and left it lying out on the road on purpose just to see how long it will take the City to collect it.

The City Manager stated the garbage question is a new issue as Mr. Snellings is here regarding his concern over the petition involving improving Fieldview Road to a 16 foot width. This is something that goes back for sometime, his file goes back to 1960. That this has been discussed off and on, and some of the residents of the street, including Mr. Snellings prepared a form of petition and basically what they would like is approval of an assessment project to pave the street to a 16 foot width, so the City would take it over for maintenance when the work is completed. That the City's position is that a 16 foot width is inadequate for a residential street, even though it is dead-end, and we think our policy of standard requirements to a 24 foot width, which applies universally on new streets and streets taken over for maintenance, should be retained.

Councilman Smith stated there are four houses on the street with two others to be built, and they plan to pay for this 16 ft. street themselves. He asked if we do not take over for maintenance some 16 ft. streets that are not even paved? Mr. Veeder replied we have not done so to his knowledge. Councilman Smith asked if Robin Road was not taken over for maintenance, as it is a very narrow street? Mr. Veeder replied we have not acknowledged taking Robin Road over for maintenance. Councilman Smith asked if all of the streets Mr. Veeder lists for the Council to take over for maintenance are 24 feet wide? Mr. Veeder stated they are. Councilman Smith asked what we do with a gravel street, go in and put gravel on it or just let it go? The City Manager advised that when additional streets came into the City in 1960 that were under maintenance by the State Highway Department, the city accepted the responsibility for them regardless of their condition; if the State had been maintaining it, then we agreed to do so, this would not include Mr. Snellings street because it was not maintained by the State Highway Department, as is the case with a number of others and the Council in recognition of this problem agreed to permit a cheaper type of pavement in order to afford these people the means of getting them under maintenance without the requirement of curb and gutter. This procedure is not acceptable to Mr. Snellings and his neighbors, probably it is to Mr. Snellings individually, but not to the neighbors.

Mr. Snellings asked if the cost of the cheaper pavement is not \$2.50, and the City Manager advised that it is, and we have guaranteed it will not exceed that amount, in effect.

Mayor Brookshire remarked that this would run \$1.20 more than the \$1.30 per foot price which somebody has given Mr. Snellings for doing this work to a 16 foot width. Councilman Smith stated when you have four property owners on a dead end street and require them to put in what amounts to them a super-highway, there should be some way the City can cooperate in getting the work done. The City Manager advised the option is available to the residents to put in most anything they like, at their own expense, but what they are interested in is to have the City assume the responsibility for maintaining it.

Councilman Dellinger stated when these people were annexed they were told they were going to get improvements and they didn't tell them anything about the streets having to be 24 foot wide, and he feels that Mr. Snellings or anyone else is entitled to consideration about their streets.

Mr. Snellings stated when they had the meeting at Sharon School, Mayor Van Every and Mr. Yancey assured them these streets would be taken care of, and they led them to believe if they voted to come into the City in 1960 they would take over these streets. There was a State law passed by the Legislature in 1959, before the vote on annexation, which provided for extending police protection, fire protection, garbage collection, street maintenance services in area to be annexed, et cetera to become effective on the same date of annexation.

Mayor Brookshire advised Mr. Snellings that under the present Council it would be a violation of their policy to approve a 16 ft. street, but as the City Manager has pointed out the residents could pave it to that width and maintain it themselves. Mr. Snelling stated they do not think it is right for them to maintain it when he can take the Council to a street right below them - Chester Lane - where there are only two houses and the pavement was paid for by the City since the 1960 annexation and the City maintains it and it is 16 feet wide and an employee of the City lives on the street. Mr. Snelling stated further he and his neighbors work on the street every few Saturdays, filling up the holes that have washed out in the street, that he has called the Engineering Department more times than he can tell just to come out and fill up the holes, and they not only will not come out but

refuse to do so, that the City's garbage trucks come in the street and make ruts, and add to its bad condition. Councilman Bryant stated that is a pretty bad accusation, and he would like it thoroughly investigated and bring it to life if it was done improperly. Councilman Smith stated it seems to him there is an inequity where a man is paying on the same basis of taxes that he is and cannot get his street fixed up in the same City.

Councilman Smith moved that Council make an exception in this case and if they put in a 16 foot paved street, the City take it over for maintenance. The motion was seconded by Councilman Dellinger.

Councilman Albea asked what this will do to future similar requests? Councilman Dellinger replied that the property owners were told we would give them City services and this was qualified only for those streets whose services could not be given because of elevation.

Councilman Whittington stated he agrees with Mr. Smith and Mr. Dellinger on the motion, and consideration should be given people who live on a dead end street who are willing to make these improvements, and he is not concerned whether the street is 16 feet or 24 feet if they are willing to do it. The reason he would like the decision held up a week is because of what Mr. Snellings has said about the other street where he claims it was done at the City's expense, and secondly we had the same request recently by Mr. Smith off West Boulevard, which happened to be a dead end street, and he would want to give him the same consideration that is given Mr. Snellings.

Councilman Albea stated he would like to fully understand the motion, and Councilman Smith stated the residents are going to pave it 16 ft. wide and the City is just going to take it over for maintenance, it is a dead-end street with just four houses.

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

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

NAYS: Councilmen Bryant and Thrower.

Councilman Dellinger stated he thinks the Council should get a list of these streets that need improvement, that are being used by City equipment, whether they be paved, gravelled or sand-clay or what and give the people some service.

Mr. Veeder commented the only reference point for the \$1.30 is that it is the figure that was arrived at by Mr. Snellings and his neighbor, and he has no way of knowing if this will be the cost or not. He asked if Council action is made on the basis of the City doing the work at their cost figure?

Councilman Smith replied the intent of his motion was that Council will permit them to put in a 16 foot street at a cost agreed upon by them, and all the City does is take it over for maintenance. Councilman Dellinger asked if Mr. Snellings has a legitimate contract at this price, can the City not contract on that price with their contractor? Mr. Veeder replied No, we would advertise for bids and he would not know whether this particular contractor who gave them a price would bid on our work or not. If a person has given Mr. Snellings a price of \$1.30 per foot then he would like to know who he is and we will see that forms for bidding the job are provided to him.

Councilman Bryant remarked that he is certainly in sympathy with these gentlemen and with everybody who wants to take it upon themselves to better their situation, that the only reason he voted against the motion is that obviously if we do this we will have to do the rest of these 19½ miles that Councilman Dellinger keeps talking about. That he knows what kind of budget the Council will be looking at in May, he knows the expense we have and it can still end up costing the City money - this may be a dead end street that cannot go any

further, but there will be another dead end that can go further and the first thing you know we are going to have to enlarge our street funds. We have this policy and it has worked right well so far and he thinks by voting for this we are changing our policy from now on, and we should have a little more time to discuss the policy. If this is strictly an exception to the policy, then he can understand their point of view, but if this is a change in policy, he would like a little more opportunity to discuss it, however, in order to be consistent with his ideas before, he will have to vote against it.

**AGREEMENT WITH J. N. PEASE & COMPANY FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO WATER AND SEWER FACILITIES EXTENDED FOR TWO YEARS.**

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the existing Agreement with J. N. Pease & Company for furnishing professional engineering services in connection with improvements to water and sewer facilities was extended for a period of two years.

**CONTRACT AUTHORIZED WITH GEORGE G. SCOTT & COMPANY TO AUDIT CITY'S ACCOUNTS FOR FISCAL YEAR ENDING JUNE 30, 1964.**

Councilman Thrower moved that contract be authorized with George G. Scott and Company to audit the City's accounts for the fiscal year ending June 30, 1964, at a cost of \$14,000.00. The motion was seconded by Councilman Smith, and unanimously carried.

**RENEWAL OF SPECIAL POLICE PERMIT AUTHORIZED TO JOHN H. MCCALL ON THE PREMISES OF QUEEN CHARLOTTE HOTEL.**

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, authorizing the renewal for one year of Special Police Officer Permit of Mr. John H. McCall, 2037 East 5th Street, for use on the premises of Queen Charlotte Hotel.

**CONTRACTS AUTHORIZED FOR THE APPRAISAL OF PROPERTY FOR (1) EXTENSION OF NORTH-SOUTH RUNWAY PROJECT (2) NORTH-SOUTH EXPRESSWAY AND (3) NORTHWEST EXPRESSWAY.**

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, contracts were authorized with the following persons for the appraisal of property as shown:

- |                                       |  |
|---------------------------------------|--|
| (a) M. D. Stoever                     | 8 tracts on Old Dowd Rd for extension of the North-South Runway.   |
| (b) D. A. Stout and<br>L. H. Griffith | Property at the corner of W. Morehead Street and Eldridge St, owned by the City and Georgia Industrial & Realty Corporation, for the North-South Expressway. |
| (c) G. A. Hutchinson                  | 10 tracts on E. Trade St, Elizabeth Avenue and Long Street, for the Northwest Expressway.  |
| Lionel D. Bass, Sr.                   | 10 tracts on E. Trade St, Elizabeth Avenue and Long St, for the Northwest Expressway.  |
| Leo H. Phelan, Jr.                    | 9 tracts on Long Street, for the Northwest Expressway.   |
| James L. Varnadore                    | 10 tracts on Maple Street, Pharr Street and Kendrick Street, for the Northwest Expressway.   |

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, authorizing the construction of sanitary sewer lines, all inside the city limits, the costs of each to be borne by the Applicants with the refund of his deposit as per terms of the contract:

- (a) Construction of 620 ft. of trunk and 3,318 ft. of main, in Belshire Subdivision, at the request of Belshire Investors, Inc. at an estimated cost of \$11,955.00.
- (b) Construction of 389 ft. of sewer main in Independence Boulevard, at the request of Ervin Construction Company, at an estimated cost of \$3,200.00.
- (c) Construction of 80 ft. of sewer main in Justice Avenue at the request of Mr. C. J. Robertson at an estimated cost of \$285.00.

CONSTRUCTION OF SANITARY SEWER MAIN AND PRESSURE LINE AND LIFT STATION ON OLD STEEL CREEK ROAD, AUTHORIZED.

Councilman Bryant moved approval of the request of Stovall Fixture Company for the construction of 300 feet of 8-inch sanitary sewer main, 600 feet of 4 inch pressure line and Lift Station complete on Old Steel Creek Road, inside the city limits, at an estimated cost of \$9,520.00. All costs to be borne by the Applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Whittington, and unanimously carried.

REAPPOINTMENT OF MRS ROBERT D. HOWERTON TO THE PARK & RECREATION COMMISSION.

Councilman Dellinger moved that Mrs Robert D. Howerton be reappointed to the Park and Recreation Commission for a term of five years from the expiration of her present term on March 21st. The motion was seconded by Councilman Albea, and unanimously carried.

REAPPOINTMENT OF CLARENCE W. WALKER TO THE PARK & RECREATION COMMISSION.

Councilman Bryant moved the reappointment of Mr Clarence W. Walker to the Park and Recreation Commission for a term of five years from the expiration of his present term on March 21st. The motion was seconded by Councilman Whittington, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with Mrs Genevieve G. Sullivan for Lot 367, Section 6, Evergreen Cemetery, at \$240.00. The motion was seconded by Councilman Bryant, and unanimously carried.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 20TH ON AMENDMENT TO THE ZONING ORDINANCE, CHAPTER 23, SECTION 23-2 OF THE CITY CODE, DEFINING A RESTAURANT WITH DRIVE-IN SERVICE.

Mayor Brookshire advised Mr. John D. Shaw, Attorney for Barrier Realty Company, that the Council has received from the Planning Commission their definition

of "drive in restaurant", as recommended by the Planning Staff and City Attorney which reads:

"Restaurant with drive-in service. An establishment designed to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment".

Councilman Albea moved the adoption of a Resolution Providing for a Public Hearing on April 20th on an Amendment to the Zoning Ordinance, Chapter 23, Section 23-2 of the City Code, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 364.

ACQUISITION OF PROPERTY FOR SANITARY SEWER EASEMENTS AND NORTHWEST EXPRESSWAY RIGHTS-OF-WAY.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the acquisition of property was authorized, as follows:

- (a) Acquisition of property 20 ft. wide by 176.42 ft. long, on Hoskins Road, from J. S. Gleason, Jr., as Administrator of Veterans Affairs, at a price of \$88.21, for right of way for the Hoskins Road Sanitary Trunk Line.
- (b) Acquisition of property 25 ft. wide by 96.97 ft. long, on Melbourne Court, from Jack E. Morris and Patsy G. Morris, at a price of \$48.49, for right of way for Melbourne Court Sanitary Trunk Line.
- (c) Acquisition of property 25 ft. wide by 137.80 ft. long, on Melbourne Court, from Herbert W. Coates and wife Kathleen W. Coates, at a price of \$68.90, for right of way for Melbourne Court Sanitary Trunk Line.
- (d) Acquisition of property 25 ft. wide by 181.54 ft. long on Melbourne Court, from David G. Derrick and Rose K. Derrick, at a price of \$95.77, for right of way for Melbourne Court Sanitary Trunk Line.
- (e) Acquisition of property 25 ft. wide by 71.64 ft. long, on Melbourne Court, from James E. Boykin and Nancy C. Boykin, at a price of \$35.82, for right of way for Melbourne Court Sanitary Trunk Line.
- (f) Acquisition of property 25 ft. wide by 93.12 ft. long on Melbourne Court, from Robert J. Grubbs and Margaret M. Grubbs, at a price of \$41.56, for right of way for Melbourne Court Sanitary Trunk Line.
- (g) Acquisition of 8,982 sq. feet of property at 418-20 W. 12th Street, from Mollie Brown, at a price of \$5,800.00, for right of way for the Northwest Expressway.
- (h) Acquisition of 10,350 sq. feet of property, at 501 E. 11th Street, from Columbus Oil Company, at a price of \$13,850.00, for right of way for the Northwest Expressway.
- (i) Acquisition of 8,950 sq. ft. of property at 821 North College Street, from Misses Mamie and Alton Reid, at a price of \$14,250.00, for right of way for the Northwest Expressway.
- (j) Acquisition of 67,162 sq. ft. of property at 1001-17 East 7th Street, from Ann Cross Elliot Estate, at a price of \$27,320.00, for right of way for the Northwest Expressway.
- (k) Acquisition of 3,859 sq. ft. of property at 300 W. 11th Street, from Merie Belle Clark, at a price of \$9,000.00, for right of way for the Northwest Expressway.
- (l) Acquisition of 3,239 sq. ft. of property at northwest corner of Brevard and 11th Streets, from R. E. Hunter and E. W. Armstrong, at a price of \$6,250.00 for right of way for the Northwest Expressway.
- (m) Acquisition of 8,750 sq. ft. of property at 910-12 North Pine Street, from Clarence G. Dees and Annie Lee Dees, at a price of \$6,250.00 for right of way for the Northwest Expressway.

- (n) Acquisition of 5,725 sq. ft. of property at 905 N. Pine Street, from Andrew L. Durham, Jr. and Annie Bell C. Durham, at a price of \$9,500.00 for right of way for the Northwest Expressway.
- (o) Acquisition of 5,031 sq. ft. of property at 909-11 N. Pine Street, from Mary A. Oldham, at a price of \$5,000.00, for right of way for the Northwest Expressway.

AMENDMENT TO RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE REDEVELOPMENT PLAN AND FEASIBILITY OF RELOCATION FOR REDEVELOPMENT SECTION NO. 2, PROJECT NO. N.C. R-24 ADOPTED.

A resolution entitled: "AMENDMENT TO RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE REDEVELOPMENT PLAN AND FEASIBILITY OF RELOCATION FOR REDEVELOPMENT SECTION NO. 2, PROJECT NO. N.C. R-24" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Jordan, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 365.

TRAFFIC COUNT REQUESTED ON SHARON-AMITY ROAD, WENDOVER ROAD, PROVIDENCE ROAD, SHARON ROAD, RUNNEYMED LANE, FAIRVIEW ROAD AND RANDOLPH ROAD IN CONNECTION WITH THE PROPOSED ROUTE OF THE BELT ROAD.

Councilman Dellinger referred to the discussion of the Belt Road earlier in the session and the particular reference of one gentleman regarding the origin-destination survey on Wendover Road. He stated we are all interested in this project but the Council is on the defensive and he thinks each Councilman should be as well versed on the subject as possible, that he has been questioned about different phases of the project and did not have the answers. He would like to request that next week, if possible, on streets in the area, including Sharon-Amity Road, Wendover Road, Providence Road in this area, Sharon Road, Runnymede Lane, Fairview Road and Randolph Road. He asked the City Manager to have the Traffic Engineering Department make a round-the-clock count so there will be no question as to whether it was done at peak hours. He stated he thinks the Council needs all the engineering data and help they can get on the project, and get the Council off the defensive as much as possible. That it is important that the Council have this information so they can explain to the people about the proposed routes. That as far as the origin-destination survey, probably we have one. The City Manager advised that has been done, as it was a part of the Thoroughfare Plan. Councilman Dellinger stated further he thinks if Council has the proper information and goes over it probably with State and Federal Engineers, we would not be in the shape we are today and he thinks that every effort must be made from here out to see that the people's questions are answered.

Councilman Albea stated he will be absent from the Council Meeting next Monday and he does not want the vote taken on the Belt Road route at that time, he wants to be present, and he wants to be assured that the vote will not be taken at that time.

SUGGESTION MADE THAT IN LIEU OF CONSTRUCTING BELT ROAD OVER PROPOSED WENDOVER ROAD ROUTE, THE STATE HIGHWAY COMMISSION CONSTRUCT IT OVER FAIRVIEW, CARMEL, SARDIS, RAMA INTO US 74 WHILE IT IS UNDEVELOPED LAND.

Councilman Smith stated at the presentation by the State Highway Commission of the Belt Road Routes, the Minutes show that the statement was made that within a year or year and a half they would go <sup>on</sup> out about a mile or mile and a half and put another Belt Road. In thinking about it, it would seem to him

that a mile or mile and a half would be at Fairview Road, which goes into Park Road and dead-ends into Sharon Road at the present time. From Sharon Road all the way over to Carmel is open land, and you reach Carmel almost at Providence Road, go down Sardis Road into Rama Road into undeveloped land on each side and into US 74 at Idlewilde. The reason for considering this route now rather than the Wendover route is that it is right on the verge of being fully developed and the way the development of land is moving, within two to three years, there will be schools and subdivisions and everything else of this type in this location, so it would seem to be wise to go ahead with this route - Fairview, Carmel, Sardis, Rama - now before we have the great expense of trying to buy right of way in a developed area. Nothing is going to change on the Wendover route, the schools and houses will still be there and you could come back to this, but rather than to tell us there is no alternative route to Wendover, he submits there is the alternative of using this money on the Fairview route to advantage because the right of way can be purchased much cheaper now than a year and a half from now. Therefore, he does not buy this deal that we have no alternative, take it or leave it, he thinks to do this makes very good sense. He stated he is asking Council to consider this, look at and see after they have studied it if it does not make sense.

Mayor Brookshire asked what alignment could be made with Eastway Drive? Councilman Smith replied that everything has to line up with Eastway - that he has always contended Eastway could be widened from US 29 and 74 and still serve an adequate purpose. That you could go out to Idlewild back of The Methodist Home and come on in on US 29 on this road he is speaking of, which would be a real Belt Road. Economically, this makes sense and it may take care of this traffic problem, so if it is going to be done any way, why not do it now. He stated further he cannot say for sure but he believes that Mr. Harris would cooperate, because he owns the land between Sharon Road and Carmel Road where this Belt Road could run.

Councilman Albea stated we have got to have a road out there somewhere, but his point is that he will say again he will be absent from the Council Meeting next Monday and he does not want the question of any Belt Road voted on at that time while he is absent. Councilman Smith stated they would not do that.

Councilman Jordan called attention that the State Highway Commission people said if Council approved the present proposed Belt Road route, they would begin immediately buying up right of way for another road a mile or mile and a half further out.

W. L. FRICKHOFFER ADDED TO LIST OF REAL ESTATE NEGOTIATORS.

Councilman Smith advised that Mr. W. L. Frickhoffer, who is a qualified local Realtor, has written him that he is available for assisting the City with real estate negotiations and he can recommend him highly if his services are needed.

CITY ATTORNEY REQUESTED TO BRING TO COUNCIL MEETING NEXT MONDAY THE REQUESTED ORDINANCE RELATIVE TO LIGHTING PARKING LOTS DOWNTOWN.

Councilman Whittington asked if the City Attorney has prepared the ordinance providing for lighting of Parking Lots downtown? Mr. Veeder stated he knows this was the top item on his work-list until he became sick. Councilman Whittington asked the City Attorney be requested to bring this ordinance to Council on Monday if he is physically able to do so.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk