

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, May 3, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger.

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INVOCATION.

The invocation was given by the Reverend Eugene P. Poe, Pastor of Westminster Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on April 27, 1965, were approved as submitted.

RESOLUTION CLOSING NORLINA STREET, SIXTH STREET COURT (SUMMERVILLE ROW) AND PORTION OF NORTH ALEXANDER STREET, ADOPTED.

The public hearing was held on the Petition of the Charlotte Housing Authority that Norlina Street, Sixth Street Court (Summerville Row) and a portion of North Alexander Street be closed as required in connection with the construction of the new Housing Project.

The City Manager advised that a review of the request by the Planning Director, Traffic Engineer, City Engineer and Superintendent of the Water Department indicates that Norlina Street and Sixth Street Court are more alleyways than streets and with the removal of the existing houses and the construction of the housing project there would be no further need for the streets nor the utility lines in them. That Alexander Street is not proposed for a through street for future use and portions of it will be closed in the Brooklyn Redevelopment area and in the new Housing Project.

Mr. Russell Robinson, Attorney representing the Housing Authority, presented a map of the streets proposed to be closed showing the use they will be put to after the closing. He pointed out that Norlina Street is a private alley that runs between Alexander and Myers Streets and in the block between 9th and 10th Streets it will be used as a parking lot, with access from both North Alexander and North Myers Streets. North Alexander Street, between East 6th and East 8th Streets will be used in part as a playground. Sixth Street Court is a small alley going halfway up the block off Sixth Street between North Davidson and North Alexander Streets, and it will be used as a parking lot and an entrance.

Councilman Albea stated he has always opposed closing streets and tried to get those we have opened up and widened. He asked if Mr. Robinson thinks it will ever be necessary to open these streets. Mr. Robinson replied that they do not think so, because the property has been acquired by the Housing Authority for the construction of the new housing project, which will be a garden type project.

No objections were expressed to proposed streets closing.

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Councilman Albea moved the adoption of a Resolution Closing Norlina Street, Sixth Street Court (Summerville Row) and a portion of North Alexander Street, as requested. The motion was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, beginning at Page 307.

REQUEST OF S & R AUTO & TRUCK SERVICE, INC. FOR LICENSE TO OPERATE A TOW-IN SERVICE FOR THE CITY DENIED.

Mr. Edward Stokes of S & R Auto & Truck Service, Inc., asked that a decision be made on his request for a license to operate a tow-in service for the city, which he has been fighting for the past several years. That he is renting land, with option to lease it if his request is granted, and it is costing him money every day. Stating he was quoting figures from the Chamber of Commerce, he said that in 1960 there were 201,564 people in Charlotte and six wreckers were operating for the city, and after the annexation in 1960 there were 235,000 people and five wreckers, one having been eliminated, and in 1965 with one of these companies gone out of business, with the annexation of Starmount there will be 244,384 people. That the number of people keeps going up and the number of wreckers going down.

Councilman Smith moved that Council leave the Wrecker Service as it is for the reason that Police Chief Hord has indicated that this system is working very well in the four quadrants; they have a contract with the City for towing away cars from meters and restricted parking, and although we would like to help this young man, if we open it up there are two or three other Wrecker Companies who would like to get in on it and it would be an almost insurmountable problem. The motion was seconded by Councilman Jordan, and unanimously carried.

ACTION ON PETITION NO. 65-34 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE WEST SIDE OF SHARON ROAD, DEFERRED UNTIL MONDAY, MAY 10TH.

Mr. James L. Cole, Attorney for the opponents to the petition of Mrs Bonnie Lucy Little for change in zoning from R-12 to R-12MF of property on the west side of Sharon Road, stated he understands there may be a motion by Council to reconsider its decision at the Council meeting last Monday, and he desires to be heard on the subject, nothing to do with the pros and cons of the issue but on certain points he wishes to present.

Mayor Brookshire stated the public hearing has been held on the petition. They know that interested parties on both sides of the question are here and Council has agreed to hear persons who wish to speak both for and against the petition; he suggested that the discussion be limited to two representatives of each side of the question.

Councilman Smith stated that Council voted last week 3 to 2 on the question, which was not sufficient, and in order to put it back before Council he moved that the petition be reconsidered. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor Brookshire remarked that we are now back at the starting point, and Mr. Cole stated in that case he thinks it appropriate for the Petitioner to speak first.

Mr. David McConnell, Attorney for the Petitioner, Mrs Little, stated in order to clear a point that was asked by members of Council as to the possible use of the 20 acre tract, he is presenting a site plan of the

Presbyterian Home for the Aged, drawn by J. Norman Pease & Company showing that approximately 18 acres of the tract will be in landscaping and trees and approximately 2 acres will be occupied by the building; he called attention that the area where many of the residents reside is well protected from the Home itself by trees providing sufficient privacy. Councilman Jordan stated that the map shows a depth of about 450 feet from the building back to the property line, and asked if that is correct? Mr. McConnell stated that is correct, there are very large and dense trees and large shrubs along this area of the tract.

Councilman Smith asked Mr. McConnell if the Council rezoned the property, would the Presbyterian Home Trustees agree that if the property were not used for the construction of the Home, they would request it rezoned back to its present zoning? Mr. C. W. Allison, President of the Presbyterian Home, stated that would be agreeable to him and he would so recommend it to the powers that be because if it were not used for the Home they would have no earthly use for it. Councilman Jordan remarked that he thinks one of the questions the residents are interested in is what would happen if the land was not used for the Home? Mr. McConnell stated there has been no formal meeting on it but he has no doubt they are of the same opinion as Mr. Allison for they are not in the land trading business.

Mr. Morrissey, City Attorney, remarked that this question regarding the intentions of the Board of Trustees to act in good faith and to ask for rezoning if they did not use the land for the Home is a matter of interest, he is sure, but this is to advise the Council that it is not an appropriate predicate upon which to base legal action for changing the zoning ordinance. Councilman Smith commented that he realizes that, but since the question was raised at the Hearing he wanted it stated in open Council Meeting so that the residents out there would know that the property would not be used for an apartment house or something of that nature if the plans for the Home fell through.

Mr. Morrissey stated to the same end, Council also has a continuing right to rezone it as they deem appropriate.

Mr. McConnell remarked that as far as the conduct and management of the Home is concerned it will be under the Trustees, many of whom are here, under the Synod of North Carolina and Mecklenburg Presbytery. Sharon Church is in the vicinity and we all know that the grounds there are beautiful and very adequate, and practically the whole Session is here today in support of this petition. He stated further he feels that the need for the Home is very great and the landscaping and structure is intended to be one of the best endowed and best managed possible; and the cost of a person residing here is \$10,000.00, and it is an ideal answer for the care of the aged under the Church where their spiritual needs would be manifest in the sunset of life, and he thinks it is an ideal location across from the Church and he cannot image an institution that would be more pleasing on this property, and he feels that it would be equal to the residential property in the area and the spacing would be several times greater than other residential property surrounding it. That he does not think that the men who are supporting this would support anything that was not worthy and dignified. That he thinks the community, with the exception of a few, welcomes the idea, and the Church welcomes it.

Mr. C. W. Allison asked Dr. Cunningham to speak on the subject.

Dr. Cunningham stated he would repeat several things he called attention to in his statement to the Council at the former meeting; that this is not a selfish undertaking on the part of any person nor group of persons, it is

a humane effort to prepare for caring for people who are aged and needs this type of facility. He would say that churches all over the country are undertaking similar efforts and he has seen at least one-half dozen of the plants erected for this purpose by his own church, by the Methodist Church here in Charlotte and other groups; they have all been done in good taste architecturally, and most of them are in residential areas. That he wishes to emphasize that this is not a Nursing Home, as it has been called, there will be an infirmary in it for the care of minor ills and more serious cases will be taken to the hospital. He stated the plans call for an investment of a million dollars at the start which indicates the type of structure that will be erected. That to him it is very significant that the Elders of Sharon Church, across the road, by unanimous action expressed for a congregation of 500 members, their hope that this property could be used for this purpose. He called attention that Sharon Church owns 18 to 20 acres just across the road, and this would make a park section for this community of something like 40 acres, with only a Church on one side and a Home on the other.

Councilman Whittington asked Dr. Cunningham if he did not say the admission for the residents to the Home would be \$10,000 the first year or was that an endowment? Mr. Allison said he did not recall who said that but it is a standard procedure in the development of homes of this kind that people who wish to have guaranteed admission at the time of their choice, become either a donor or make an entrance fee, or become the owner of an apartment. As far as admission is concerned, except for persons who want to make the guaranteed admittance, it would only be the amount of their upkeep, which is exactly the same plan that the Methodist Home has.

Councilman Whittington asked for the largest number of people that would be residents of the Home? Mr. Allison said the thinking of the authority is that when it grows to a residence of approximately 200 person it would be better to build another Home in another location rather than extend it beyond that number.

Councilman Jordan asked about the parking and if the residents would be able to have cars? Mr. Allison stated that it is a matter of record at other Homes that very few of these people have cars; at the Presbyterian Home in High Point the parking area is extremely small, they do have a larger parking area for members of the staff but it would not create a traffic problem in any sense.

Councilman Whittington asked Colonel Pease if it was not their intentions to build permanent sidewalks on Sharon Road, and Colonel Pease stated that that is correct and they also intend to build permanent walks in the area and beautify the entire area, and screen the area facing Eastburn Road. Councilman Whittington then asked if the building and the two parking lots are approximately in the center of the 20 acres of property, and Mr. Pease stated that is correct, not far from where the house of Mrs Little is now located.

Mr. James Cole, Attorney for the opposition, stated he is not here to discuss the pros and cons of the matter, as that was gone into quite extensively at the public hearing two weeks ago. He stated with all due appreciation for the efforts that have been made by the distinguished gentlemen here, at the same time to preserve the opposition in the records which has been created thus far, they are not here to compromise and their position is unequivocal and they are not going to yield on this one inch and their opposition is total. He stated he is totally unimpressed by what the Trustees may do in the reverter clause, because the City Attorney will tell you, and your own Minutes show, that the petitioner in this matter does not

happen to be the Trustees of the Presbyterian Home, the petitioner is Mrs Little, and he has never practiced law on the assumption that somebody was going to do something - that he does not challenge their motives or integrity but unless they can put it in front of him where it is legally sufficient it does not convince him. He stated there are many questions that have already arisen from this petition and he will not call them to Council's attention because there is a particular requirement of law that you exhaust your so-called administrative remedies before you go further, if you must go further. You have no place in Court until you have exhausted your remedies, and when a decision has been made by this Council then the subsequent events will follow. He stated he recalls the Blue Law, he did not come down then to harass Council but to reason with them, and he recalls Councilman Dellinger saying that he "smelled an injunction coming", and as usual, he was right. He did not come down this time to joule, but to lay the facts out, and they have not tried to pressure anyone in this matter, and what he is going to say will be understood by everyone, and if not then he is sure that Mr. Morrissey will enlighten them.

Mr. Cole said he would like to stop here and say that this city is extremely fortunate to have one of the most competent attorneys and one of the most intense specialist in the law of municipal corporations that he knows anything about, and he thinks the Council owes him a vote of continuing confidence every time they meet with him.

That the Council is aware when you come to spot zoning, it is a hard thing to define. You cannot define it, the Courts have done an amazing job in calling something spot zoning, or not calling it spot zoning, but he does now know what the answer is - now, is this spot zoning? Reaching out of an R-12 single family development, a section of 20 acres, now is that spot zoning? Is a spot less or more restrictive than the surrounding area? If it is more restrictive who are the people adjacent thereto to complain; they are going to benefit by it, but that is not the case here. In R-12 your maximum height is 40 feet, in R-12MF it is 40 feet but they can go as high as they want to provided for every 2 feet they go up they have an extra foot of yard; it is less restrictive and the Court defines a situation like that as spot zoning. The protestants here have no recourse to whatever you might do on zoning. They are in the so-called perimeter zone, we have no recourse other than by due process of law, but we are entitled to democratic recourse and we do not have it because of our location. But after December, when this particular section of the perimeter area becomes a part of the city, we will have that recourse but it is of no assistance to us now.

Mr. Cole referred to Section 23-97 of the Code stating that it has to do with the so-called 20% rule. In their case a petition was filed, and it appears that the residents were not organized in the beginning in a manner which was absolutely accurate; the ladies got together and got the signatures on the petition and presented it to the Planning Commission and they had to have a map to go along with it which they paid \$1.00 for, and some lady in the Planning Commission told the lady who brought in the petition that she would call her if anything was wrong with the petition, but she never received the phone call; the petition was signed by practically all women, husbands were at their office, or out of town. That he takes the position that they have filed a petition with Council, which invokes the 20% rule, and in that case we will get to the meeting last week. The Code defines an owner as being and including a "tenant by the entirety", so there is no question in his mind from a purely legal standpoint that they have complied with the requirements of the Statutes of North Carolina, and with the Code to invoke the 20% rule which requires 3/4 of the vote of Council, and he does not concede that Council has the right today to rescind

that which was done last week, but if that needs to be determined, then he must take the petition today that we are operating under the 20% rule, and he sees five Council members here and in order to change the classification it will require five votes today. Section 27 of the Charter requires four affirmative votes for the passage of a motion, resolution or ordinance. Now let him refer Council to the Minutes of last week's meeting on April 27th - quote: "The following votes were cast on the motion: Yeas: Councilmen Bryant, Smith and Albea, Nays: Councilmen Jordan and Whittington. Mayor Brookshire stated to the City Attorney that the motion did not receive the required four affirmative votes and the motion is lost and he will raise the question as to where that leaves the petition? Mr. Morrissey replied, it means the change cannot be made. Mayor Brookshire remarked that the matter is closed until or unless there is another petition."

Mr. Cole stated he knows nothing about another petition, and if it has been filed it is not time for another public hearing on it to bring the Zoning Commission back over here. That he has no objections to that. That if their petition was valid and a woman as a tenant by the entirety has signed her name on a petition as a wife of her husband who owns the property in undivided portion - in common law, there is no difference in tenant in common and tenant by entirety except two of the people happen to be married. That in common law they are one. That he has a case and Mr. Morrissey has read it and still disagrees with him, and he has cases from other jurisdictions which say their petition is good. That he is earnest and sincere in his statement "that a court must decide". That he ask the Council to decide that their petition is valid, and he can give the legal authority, altho he is convinced they will rely on Mr. Morrissey's advice because if they can't rely on his upon whose can they rely? Last week, on the record, a 3-2 vote, which was not 3/4th and he finds no provision in the Charter or the Code that allows Council to carry this over and bring it up continuously. If that is the proposition, you can spend endless time spinning your wheels until you get four votes. The Code and the Charter say four votes to pass; it does not say how many to defeat, and last week at the meeting, on the record, you did not get four votes; there were two votes in opposition and that is in the record and it can't be purged. That he finds no authority that an unequivocal decision has been made by Council, that would allow Council to bring it back up because the Charter says that you must have another petition no earlier than 2 years, and he has quoted Council's minutes, the words of the Mayor and the words of the City Attorney, so you cannot bring up the matter again for 2 years unless sufficient reason is shown and which has not been done, and that is what they are here for today. Mr. Cole stated he has no objections to a new hearing on a new petition, but the new petition cannot be filed for 2 years and they will cross that bridge when they come to it. That he says the 3 to 2 vote of last week is binding, that the 20% rule binds Council on last week's vote, and this brings up an interesting proposition. That he has no way of knowing what will happen today, but the Statutes require the Planning Commission to come over and sit with Council at a public hearing. That next week there are going to be three new members sitting here, and these three new members did not sit with the Planning Commission, they did not hear the public discussion and they have not heard what has been said today. Another interesting legal question - can the new Council vote on this proposition if it is not resolved today? That if legislate they must, this is their last recourse today, and he will leave it with Council's judgement and wisdom, and he has found they have been right the overwhelming portions of the time in their judgement. They have differed and it is alright with him, but he does not want this to go to Court, but it will go if Council changes this 20 acre zone from R-12 to R-12MF. That he has come here with no misgivings. He has raised a few legal points which he thought would be of interest to Council.

That in the meantime he must demand for the record, that Council cease and desist from voting on a matter over which they have no further jurisdiction. That he says Council has no jurisdiction at all, and he may be wrong but once again he must ask that Council not vote on it, but that they be bound by the vote that was taken at last week's meeting - the 3-2 vote - which did favor the change but was not sufficient either for a majority vote or certainly not for the 3/4th vote.

Mayor Brookshire stated that his statement that the matter on this petition was closed has no weight on facts; and if he were wrong it would not be the first time.

Councilman Smith stated he thinks Council should hear from its own attorney as to his ruling on the legality of the 3-2 vote. Mr. Morrissey, City Attorney, replied he thinks Council has the right to reconsider any action taken by it at the next regular meeting of the Council following that meeting at which the action was taken. Councilman Smith asked if he then is saying Council is on solid ground in reconsidering the vote last Monday? Mr. Morrissey stated that is correct.

Councilman Smith then stated that since the question has been raised about the 20% rule, he would prefer to have a special call meeting next Monday, and try to get the full Council to vote on this matter, and he moved that the decision be postponed until Monday morning, the 10th of May, at 8:30 o'clock. The motion was seconded by Councilman Thrower, and carried unanimously.

Mr. Cole asked if Council is going to require anything from any of the parties in this matter. That he wants to furnish them with whatever they want, but he doesn't know if they want a legal memorandum or further argument, and he intends to be present at the meeting; and Mayor Brookshire asked the City Attorney if they would need anything further from Mr. Cole, and Mr. Morrissey replied not in his opinion.

Mr. McConnell stated so far as his client is concerned he would like to join in the opposition to Mr. Cole.

Councilman Smith stated Council is not getting into a legal scrap, all they are doing is making a decision one way or the other.

Mr. McConnell replied that he did not want the petitioner to be without a statement of opposition.

Councilman Alba stated it is his understanding, and the reason he is voting to postpone the decision is to get more Council members here. That he agrees with Mr. Smith to be fair with everybody they should have a full Council present if possible.

COUNCILMAN BRYANT LEFT MEETING FOR REMAINDER OF SESSION.

During the discussion on the prior item, relative to the petition for the rezoning of property on Sharon Road, Councilman Bryant left the meeting and was absent for the remainder of the session.

CAPTAIN JAMES W. DEWESE, FIRE DEPARTMENT, GIVEN CITY OF CHARLOTTE EMPLOYEES AWARD IN RECOGNITION OF HIS SERVICES TO THE CITY.

Mayor Brookshire stated on behalf of the City Council it is his pleasure to present to Captain James W. Dewese, Fire Department, the City of Charlotte Employee Award in recognition of his services from April 17, 1935 to April 17, 1965. That it is presented to him with their best wishes and hopes that he will enjoy his retirement.

S. W. GARDNER REQUEST FOR PERMISSION TO USE OLD WATER WORKS BUILDING DENIED AND COUNCIL AUTHORIZED DEMOLITION OF THE BUILDING.

Mr. S. W. Gardner asked for Council's decision on the disposition of the old water works building, which he discussed with Council last week. That in the meantime he had an architectural firm to come out and make a survey of the building for his own interest as he thought probably there would be two sides to the argument.

Mr. Gardner then read a portion of the letter from the firm:

"As you requested we have made an impartial inspection of the old water works building. It is our opinion as structural engineers that the foundation, big retaining walls, concrete load bearing walls and concrete floor slabs are salvagable and if plans for partial demolition, plus alterations are carefully prepared by competent structural engineers based upon the following recommendations, the building can be converted into a useful and safe warehouse structure. Remove the parapet walls, roof steel trusses and the load bearing walls down to an elevation where the unsupported weight of the walls shall not be 15 feet above the existing concrete floor."

Councilman Smith moved that the building be demolished as recommended. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSIDERATION OF PETITION NO. 65-30 FOR CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF PENCE ROAD, DEFERRED UNTIL THE CALL MEETING OF THE COUNCIL.

Councilman Thrower stated that since the protest has been filed which is sufficient to invoke the 20% rule requiring the approval of six Councilmen to approve the rezoning of property, that a decision on Petition No. 65-30 by Charlotte-Mecklenburg Planning Commission for change in zoning from R-12 and R-15 to I-1 of property on both sides of Pence Road, be postponed until the call meeting of the Council on May 10th. The motion was seconded by Councilman Jordan, and carried unanimously.

DECISION ON PETITION NO. 65-36 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF ALBEMARLE ROAD, DEFERRED UNTIL CALL MEETING OF THE COUNCIL.

Councilman Jordan moved that decision on Petition No. 65-36 by Ervin Construction Company for change in zoning from R-12MF to B-2 and R-6MF of a tract of land on the north side of Albemarle Road, beginning at Campbell's Creek and extending eastward be deferred until the call meeting on May 10th. The motion was seconded by Councilman Thrower, and carried unanimously.

DECISION ON PETITION NO. 65-37 FOR CHANGE IN ZONING OF TRACT OF LAND ON WEST SIDE OF NATIONS FORD ROAD DEFERRED UNTIL CALL MEETING OF COUNCIL.

Councilman Jordan moved that decision on Petition No. 65-37 by Ervin Construction Company for change in zoning from R-9 to B-2 of land on the west side of Nations Ford Road be deferred until the call meeting on May 10th. The motion was seconded by Councilman Whittington, and carried unanimously.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewers were authorized as follows:

- (a) Construction of 515 feet of sanitary sewer trunk and 1,900 feet of main in Hidden Valley Subdivision, inside the city limits, at the request of Hidden Valley Builders, at an estimated cost of \$8,395.00. All cost to be borne by the Applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (b) Construction of 160 feet of sanitary sewers in Watson Drive, inside the city limits, at the request of Hefner Plumbing Company, at an estimated cost of \$1,190.00. All cost to be borne by the Applicant whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (c) Construction of 150 feet of sanitary sewer main in Graham Street, inside the city limits, at the request of Humble Oil & Refining Company, at an estimated cost of \$869.00. All cost to be borne by the Applicant whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (d) Construction of 100 feet of sanitary sewer main in Fortune Street, inside the city limits, at the request of Ed Griffin Construction Company, at an estimated cost of \$650.00. All cost to be borne by the Applicant whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (e) Construction of 752 feet of sanitary sewer main in Rama Woods, inside the city limits, at the request of Kavanagh-Smith-Weaver, at an estimated cost of \$3,620.00. All cost to be borne by the Applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.

CONTRACTS AUTHORIZED FOR INSTALLATION OF WATER MAINS.

Motion was made by Councilman Smith, seconded by Councilman Thrower, and unanimously carried, authorizing the installation of water mains, as follows:

- (a) Contract with Tillotson Construction Company for the installation of 1,050 feet of water mains and 1 hydrant in Sherwood Forest Subdivision No. 6, inside the city limits, at an estimated cost of \$3,000.00. The City to finance all costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

- (b) Supplemental Contract with the Seaboard Air Line Railroad Company for the installation of 3,690 feet of water mains and 3 hydrants in Seaboard Industrial Development, outside the city limits, at an estimated cost of \$13,100.00. All costs to be borne by the Applicant who will dedicate same to the City without cost upon the acceptance of the work by the City.

CRAIG T. BROWN, REAPPOINTED TO THE CIVIL SERVICE BOARD FOR THREE YEAR TERM.

Councilman Albea moved the reappointment of Mr. Craig T. Brown to the Civil Service Board, for a three year term to succeed himself. The motion was seconded by Councilman Smith, and carried unanimously.

NOMINATION OF GRADY COLE FOR APPOINTMENT TO THE CIVIL SERVICE BOARD.

Councilman Smith nominated Mr. Grady Cole to serve on the Civil Service Board which will complete the 3-member commission, and that it be held open until Monday.

APPOINTMENT OF G. EVERETT SUDDRETH TO THE AUDITORIUM-COLISEUM AUTHORITY FOR A TERM OF 5 YEARS.

Councilman Jordan nominated Mr. G. Everett Suddreth for appointment to the Auditorium-Coliseum Authority for a 5 year term. The nomination was seconded by Councilman Smith.

Mayor Brookshire called attention that Mr. J. P. McMillan also was nominated to succeed himself at the meeting on last Monday.

Councilman Smith stated he was under the impression that Mr. McMillan was seeking retirement and he must have heard this erroneously, and he talked to Mr. Suddreth at length about it, and told him he had been under this impression, and he seconded the nomination for this reason. The only reason he sees to keep Mr. McMillan is the reason stated that he has been on this Board every since its inception and he is a good man and should remain on there. That he thinks for this government to move forward, you have to bring in young blood and vitality and he does not think you should keep renominating people to a Board, and this boy has convinced him that he is anxious to get on this Board and do something; therefore, he seconded the nomination and moves his appointment to the Board today. The motion was seconded by Councilman Jordan.

Councilman Jordan stated that Mr. Suddreth was President of the N. C. Grocers Association, and is now serving as Executive Secretary of the Association. That he is a very fine person and has served on the Planning Board for sometime.

The vote was taken on the motion and carried unanimously.

Councilman Smith stated that Mr. Suddreth is presently on the Planning Commission, and he asked the City Attorney his status now. That as far as the Council is concerned, he would have to resign from the Planning Commission, but he asked if the legal procedure would be to hand in his resignation.

Mr. Morrissey stated that would be appropriate. If you are a member of the Planning Commission, certainly it is in keeping with Council's policy not to have a person serving on two boards, and it would be appropriate for him to resign from the Planning Commission.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, 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 Floyd J. Clontz for Lot 276, Section 3, Evergreen Cemetery, at \$283.50.
- (b) Deed with Milton M. Hulsey, Sr. or Betty F. Hulsey, for Graves 7 and 8, in Lot 140, Section 2, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED NORMAN HOUSE DEMOLISHING COMPANY FOR DEMOLITION OF HOUSES AND SERVICE STATION.

Councilman Thrower moved the award of contract to the low bidder, Norman House Demolishing Company, for the demolition of 59 Houses and one Service Station, in the amount of \$23,995.00, on a unit price basis. The motion was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

Norman House Demolishing Company	\$23,995.00
Cleveland Wrecking Company	28,330.00
Suggs Wrecking & Removal Company	34,760.00
Rike Wrecking Co., Inc.	38,200.00

AWARD OF CONTRACT FOR READY-MIX CONCRETE DEFERRED FOR ONE WEEK.

Motion was made by Councilman Thrower, seconded by Councilman Albea, to award contract to the only bidder, Concrete Supply Company for 2,000 cubic yards of Ready-Mix Concrete, as specified in the amount of \$30,487.80.

Councilman Smith asked the Purchasing Agent why none of the other concrete companies bid on this sizable job.

Mr. Beatty, Purchasing Agent, stated neither of the other concerns has the facilities to give competition on the yearly requirement. Councilman Smith asked if he means this is a 12-months requirement, and they do not have the equipment or facilities to deliver it over a 12-months period, and there is only one company that could bid on it? Mr. Beatty replied that is correct.

Mr. Veeder asked if Mr. Beatty is saying this is the only company that can supply the material? Mr. Beatty stated that is true. That he has talked to both the other companies and they have ready-mix equipment but they do not have it in the form and size that is required by the City of Charlotte. That last year and the year before the same statement was made; and this year they made the statement that they were not in a position with the necessary equipment to supply the ready-mix concrete.

Mayor Brookshire asked if they were given the opportunity and were asked to bid, and refused? Mr. Beatty replied that is true. That he always calls each one of them as the City only had two companies up to this year, and now we have three, and neither one of the other two wanted to enter into this.

Councilman Smith asked how this compares with last year's bid? Mr. Beatty replied just about 60 cents a cubic yard. That it is about a 5% increase.

Mr. Veeder requested that Council defer action on this until he can become better informed on it.

Councilman Albea offered a substitute motion that the decision on this be deferred until next Monday. The motion was seconded by Councilman Thrower, and carried unanimously.

CONTRACT AWARDED COURTESY MOTORS, INC. FOR ONE PICK-UP TRUCK.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Courtesy Motors, Inc., for One Pick-up Truck as specified, in the amount of \$1,887.00.

The following bids were received:

Courtesy Motors, Inc.	\$ 1,887.00
International Harvester Co.	1,961.27
Young Motor Company	1,965.78
LaPointe Chevrolet Company	1,987.41
Hutton-Scott Company	1,991.34

CONTRACT AWARDED CHARLOTTE MOTOR SALES, INC. FOR TOWING VEHICLES.

Councilman Smith moved the award of contract to the low bidder meeting the specifications, Charlotte Motor Sales, Inc., for Three 4-wheel Drive Towing Vehicles, as specified, in the amount of \$6,996.22. The motion was seconded by Councilman Whittington.

Councilman Whittington asked Mr. Davis, Supt. of Motor Transport, if the towing vehicle is the vehicle he is using to pull the five or six different carts around town; and if he will tell Council how this is working; if he is saving any manpower and if he is covering the territory quicker and how many he is using now?

Mr. Davis stated they have three units and they are now duplicating that order which will make six; that they use three carts behind each jeep; that the jeep system is working out fine; the operators like them which is a good indication of their successful use; they have had no complaints from the residents of the City; the savings result in about \$4,300.00 annually in labor per unit, per jeep - \$4,300 per train. They also have some savings in maintenance and operation cost. Mr. Davis stated they are happy with the jeeps; they had a question as to whether or not they could haul the trash but they have had no difficulty.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Charlotte Motor Sales, Inc.	\$ 6,996.22
International Harvester Company (Not on specifications)	5,621.71

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR FOUR TRUCK CHASSIS & CABS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Hutton-Scott Company, for

Four Truck Chassis & Cabs, as specified, in the amount of \$10,479.88.

The following bids were received:

Hutton-Scott-Company	\$10,479.88
LaPointe Chevrolet Co.	11,014.33
International Harvester Co.	11,237.27
Courtesy Motors, Inc.	11,315.51
Young Motor Company	11,465.28

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR TWO TRUCK CHASSIS & CABS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Hutton-Scott Company, for Two Chassis & Cabs, as specified, in the amount of \$8,170.75.

The following bids were received:

Hutton-Scott Company	\$ 8,170.75
International Harvester Co.	8,283.56
Young Motor Company	8,886.10
Courtesy Motors, Inc.	8,896.25

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE TRUCK CHASSIS & CAB.

Councilman Albea moved the award of contract to the low bidder, International Harvester Company for One Truck Chassis & Cab, as specified in the amount of \$6,796.86. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

International Harvester Company	\$ 6,796.86
Young Motor Company	7,336.22

CONTRACT AWARDED BAKER EQUIPMENT ENGINEERING COMPANY FOR THREE SPECIAL STEEL DUMP BODIES.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Baker Equipment Engineering Company, in the amount of \$4,034.64 for three special steel dump bodies for 18,500 GVW size truck, as specified.

The following bids were received:

Baker Equipment Engineering Co.	\$ 4,034.64
A. E. Finley & Associates, Inc.	4,247.78

CONTRACT AWARDED BAKER EQUIPMENT ENGINEERING COMPANY FOR TWO PACKER TYPE REFUSE COLLECTION BODIES.

Motion was made by Councilman Jordan awarding contract to Baker Equipment Engineering Company, the low bidder, for two packer type refuse collection bodies for 25,000 GVW trucks as specified, in the amount of \$8,343.30. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Baker Equipment Engineering Co.	\$ 8,343.30
Quality Equipment & Supply Co.	8,592.75
A. E. Finley & Associates, Inc.	8,966.51

CONTRACT AWARDED E-Z PACK COMPANY FOR ONE PACKER TYPE REFUSE COLLECTION BODY AND NINE REFUSE COLLECTION CONTAINER TRAILERS.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and un-animously carried, awarding contract to the low bidder, E-Z Pack Company in the amount of \$13,336.68 for one packer type refuse collection body and nine refuse collection container trailers, as specified.

The following bids were received:

E.- Z Pack Company	\$13,336.68
Sanco Corporation	13,409.17
(Not on specifications)	

CONTRACT AWARDED EUREKA FIRE HOSE DIVISION, U.S. RUBBER COMPANY FOR FIRE HOSE.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, contract was awarded Eureka Fire Hose Division, U. S. Rubber Company the low bidder, for 5700 feet of 2½" and 3500 feet of 1½" Polyester Fiber and Cotton, Double-Jacket, Rubber-line fire hose in 50 and 100 foot lengths as specified, in the amount of \$7,287.15.

The following bids were received:

Eureka Fire Hose Div. U.S. Rubber Company	\$ 7,287.15
Goodall Rubber Company	7,396.74
Fabric Fire Hose Company	7,495.21
Rubber Products, Inc.	7,632.07
The Fyr-Fyter Company	7,651.76
Boston Woven Hose & Rubber Div.	7,671.44
Dixie Fire & Safety Eqpt. Co.	7,753.84
Southern Rubber Co., Inc.	7,951.73
American LaFrance	8,050.71
Matthews Morse Supply Co.	8,111.61
Tidewater Supply Co., Inc.	8,286.79
The Henry Walke Company	8,383.00
Dillon Supply Company	8,546.62

CONTRACT AWARDED CREWS WRECKING COMPANY FOR DEMOLITION OF OLD WATER WORKS BUILDING.

Councilman Smith moved award of contract to the low bidder, Crews Wrecking Company, in the amount of \$2,410.00 for demolition of Old Water Works Building, as specified. The motion was seconded by Councilman Thrower, and carried unanimously. The said \$2,410.00 to be transferred from the Water and Sewer Contingency Fund.

The following bids were received:

Crews Wrecking Company	\$ 2,410.00
Cochran & Ross Constr. Co.	5,950.00
J. E. Kipka Constr. Co.	9,489.00
Suggs Wrecking Co.	9,600.00

ACQUISITION OF PROPERTY IN CONNECTION WITH THE NORTHWEST EXPRESSWAY RIGHT-OF-WAY, SHARON AMITY ROAD WIDENING PROJECT AND SANITARY SEWER EASEMENT FOR CHURCHILL DOWNS SUBDIVISION.

Upon motion of Councilman Albaea, seconded by Councilman Thrower, and unanimously carried, property transactions were authorized, as follows:

- (a) Acquisition of 9,900 sq. ft. of property at 601-05 Central Avenue, from Southern Applicances, Inc. in the amount of \$21,000 for the Northwest Expressway.
- (b) Acquisition of 66.55 sq. ft. of property at 1009 Sharon-Amity Road, North, from Barnard B. Brewer and wife Gladys A. Brewer in the amount of \$75.00 for Sharon-Amity Road Widening Project.
- (c) Acquisition of 6,006 sq. ft. of property on Sharon-Amity Road, from Glenn V. Mason, in the amount of \$1,501.00 for Sharon-Amity Road Widening Project.
- (d) Acquisition of 1,550 sq. ft. of property from Marsh-Broadway Construction Company in the amount of \$1.00 for right of way for sanitary sewer to serve Churchill Downs.

COUNCILMAN SMITH REQUESTS THAT WATER SITUATION BE CONSIDERED AT BUDGET TIME.

Councilman Smith remarked that some six months ago he went to see Mr. Franklin, Supt. of The Water Department, regarding the water situation, as last summer there were a lot of complaints, and of course it does cost a lot to water your grass and shrubbery, and he would like to put that officially before Council and primarily so that it could be taken into consideration along with the Budget. That the City is talking about going out and spending some \$50,000 in the planting strips for bushes and shrubs and the real problem during the hot summer is people just don't want to turn the water loose in their grass and shrubbery because it cost so much. That this will not be easy to work out and he wants to get it before Council officially and if Council will get the figures Mr. Franklin has and study them, he would appreciate it.

CITY MANAGER REQUESTED TO OBTAIN COST OF IMPROVEMENTS AT 1304 N. BREVARD STREET.

Councilman Smith stated that Mr. A. A. Short at 1304 N. Brevard Street has a graveled parking lot and he has put gravel on the shoulder of the road, and he wants to pave this at his own expense, and the Engineering Department told him unless he put in curb and gutter, he could not pave the shoulder of the road. So in order to give this man some help, he is requesting the City Manager to have someone go out and figure it and then see what can be done, and let Mr. Short pave the right of way at his own expense. That he does not think the man got the proper directions from the Engineering Dept and he said he has been frustrated down here for a year on it.

CITY MANAGER ADVISES WILL EXPLORE FURTHER THE ONE POSSIBILITY OF EXTENDING MYRTLEWOOD AVENUE INTO CENTRAL AVENUE.

The City Manager advised in connection with Mrs Bowen's request last week for the opening of Myrtlewood Avenue or the deadend street into Central Avenue, there are four possibilities to consider for access from this

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neighborhood. That three of the possibilities must be discarded because there are structures in the way of extending the street through, but there is still the basic possibility of the right-of-way as it is dedicated but unopened, and he would like to explore this one further.

POSITION OF LEAGUE OF MUNICIPALITIES SUPPORTED IN REGARD TO S.B. BILL 317 EXEMPTING PROPERTIES STORED IN PUBLIC WAREHOUSES FROM LOCAL AD VALOREM TAXATION.

Mayor Brookshire asked Council for action on Senate Bill 317 introduced to the General Assembly by Senator McLean last Wednesday which would exempt property stored in public warehouses.

Councilman Albea moved that the position of the League of Municipalities be supported on this Bill. The motion was seconded by Councilman Thrower.

Councilman Smith remarked that Council has not had time to study the effect of this Bill on the City's tax structure; but they do know that warehouse taxes are probably taking a lot of our commercial buildings over into South Carolina; that probably by taking the tax off in this instance, public warehouses would get enough real estate revenue from plants that would come in here that would far offset the tax the City is getting out of it. That he thinks Charlotte is peculiarly located in regard to the rest of the State and is just a stones throw from South Carolina where they can get all the advantages of Metropolitan Charlotte and yet they can avoid this tax; so rather than take any hasty action, he will have to vote against it.

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

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

SPECIAL OFFICER PERMITS AUTHORIZED TO MR WILLIAM B. HORNE AND MR. JOHN W. KAY.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the following special officer permits were authorized issued:

- (a) Permit to William B. Horne, 1641 Hawthorne Lane, for use on the premises of Charlotte Park and Recreation Properties.
- (b) Renewal of permit to Mr. John W. Kay, 519 West 8th Street, for use on the premises of Domestic Laundry, 811 South McDowell Street.

EAST FIFTH STREET BETWEEN CHURCH AND COLLEGE STREETS AUTHORIZED CLOSED ON JUNE 3, 4, and 5 IF MERCHANTS OF FACILITIES ABUTTING THE TWO BLOCKS PETITION FOR THE CLOSING.

Mr. Veeder, City Manager, advised that the Downtwon Charlotte Association has made a request that the City Government approve the closing of one block of 5th Street, on each side of Tryon Street - from Church to College - for a three day period, June 3, 4 and 5, so that the area could be used for a Summer Festival. Activities that would go on during this period would be a display demonstration type such as boats, golf driving machines, sporting goods, camping equipment, etc. That Mr. Grant Whitney has advised that each of the merchants who have facilities abutting on these two blocks have been contacted and each and everyone of them approve it.

Councilman Whittington remarked that he thinks Council should check with these merchants and with Chief Black.

Mr. Veeder remarked that anything that is done would have to be done within the framework of providing access for the Fire Department. That if this is to be done this is the best time because of the construction due to be started on the underground wiring.

Councilman Smith moved that this be approved if the merchants sign a petition requesting it. The motion was seconded by Councilman Jordan, and carried unanimously.

LEGISLATIVE REPRESENTATIVES AUTHORIZED INSTRUCTED THAT CITY COUNCIL PREFERS THAT RESIDING INSIDE THE CITY LIMITS BE LIMITED TO DEPARTMENT HEADS, EFFECTIVE JULY 1ST.

Councilman Smith moved that the Legislative Representatives in Raleigh be instructed that this Council by majority vote would prefer that living inside the city limits be limited to Department Heads, as they are the inner-core or executives of the City Government, and that it not be retro-active and be effective July 1. The motion was seconded by Councilman Whittington.

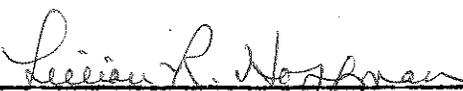
Councilman Smith stated for the record the reason for not going through all employees is there is a tremendous labor problem getting people to work in the sanitation department, and the Police Department is so limited now, that this would almost cut it off. This is the reason for limiting it to the department heads.

Councilman Whittington stated we have facilities beyond the City Limits where people are required to establish a permanent residence, such as the Disposal Plant near Pineville.

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

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the meeting was adjourned until 8:30 Monday morning, May 10th.



Lillian R. Hoffman, City Clerk