

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, May 4, 1964, at 3:00 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 Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the Minutes of the last meeting on April 27th were approved as submitted.

RESOLUTION RELATIVE TO THE LOCATION OF A PORTION OF THE INNER CIRCUMFERENTIAL LOOP, ADOPTED.

Mayor Brookshire welcomed the people in the audience and stated in response to their anticipated presence he had prepared a statement in the interest of clarity and brevity which he hoped would put matters in a little better perspective; which he read:

"Few matters before Council have ever generated as much public interest and emotionalism as the proposed belt line now under consideration. Few matters have ever been given more thorough and careful consideration by your Council. Few Council decisions have ever been more difficult to make than this one. Whatever judgment Council may make in this matter will leave some people unhappy and perhaps even bitter. Council is fully aware of this and it is this fact that makes the decision extremely difficult. Adding to the difficulty however, is the debatable and awesome question of what is the best thing that can be done in the public interest for which Council has both a responsibility and a dedication. This we know. Charlotte has doubled its population in the last 20 years and will likely double its population again within the next 20 years. Lack of planning in the past is evident, but this handicap serves to emphasize the importance of planning now for future orderly growth and development. We call this a Circumferential or Belt Line. Perhaps more accurately to be called a life line. Unfortunately many misunderstandings as well as personal interest have crept into the picture. For this reason, let me briefly review the matter for you as I see it. Recognizing Charlotte's tremendous growth and anticipating that we may have near 1/2 million people by 1980, a former Council and the State Highway Commission selected and employed Wilbur Smith and Associates, one of the outstanding traffic consulting firms in the Country, to prepare a 20 Year Master Thoroughfare Plan for Charlotte. Such a plan is a prerequisite for obtaining federal and state funds for the construction of major arteries. This Master Plan was finished in 1960 and was given general approval by City Council and the State Highway Commission after a public hearing was held. It is this Master Plan which we are now following. After applying for and receiving Federal and State grants for the Northwest and North-south expressways, which with Independence Boulevard constitute the first inner loop around the business section of the City, a request was made by the City for funds to cover this second loop. Following approval and commitment of funds

more than two years ago, the City requested the State Highway Department to assist in planning and engineering this belt line. I mention this because some people think that the State Highway Commission is trying to force this belt line upon the people of Charlotte. This is far from the truth. It is an integral and important part of our Master plan. We first asked for the money and then for their help in pursuing this master plan. We are told by both our own consultants and the State Highway engineers that this belt line is second in importance only to the expressways in the implementation of our Master thoroughfare plan. A glance at the city map shows that we have ample radial streets running to the center of the city, but at the present we have no circumferential or belt lines. The need is obvious to any one who tried to drive from one quadrant of the city to another. The erroneous impression continues to exist that this will be an expressway. It is planned to be only a four lane street, with curb and gutter, with speeds limited to 35 MPH and through trucks prohibited. After many months of study and restudy, the State Highway Department gave us a summary report showing two alternate primary routes, one down Briar Creek corridor and one down Wendover, either of which would connect the outer links. Your Mayor has been accused of trying to promote one route over the other. Please let me set the record straight. Because of the importance of this belt line to the overall master thoroughfare plan and to prevent strangulation as more people and more automobiles appear upon the Charlotte scene, in continuation of our phenomenal growth, I have said that this second loop must be provided somewhere. To get Federal and State assistance amounting to some six million dollars for this project, the route has to be acceptable to both the Federal Bureau of Roads and the State Highway Commission. It is Council's responsibility to support a route within the limits prescribed by the sources of these funds. As long as Council renders its decision based upon its best collective judgment, I shall support the Council in its efforts to provide Charlotte's present and future needs. In my opinion no other position would be consistent with my desire to serve the best interests of our City. I believe that all possibilities have been thoroughly, if not exhaustively, studied. Many comments have been made. Many suggestions have been offered. I can assure you that all comments, statements, and suggestions have been carefully noted and studied. Council cannot continue to postpone this matter without placing the committed funds on this project in jeopardy. Other communities would like to have this money. And I doubt if delaying the decision will make it any easier. When this matter finally has been concluded I would hope that the public might have some sympathy for the dilemma in which Council has found itself, and for the conscientious efforts Council has made to evolve a plan that would cause a minimum of damage and yet serve its purpose. Too, I think as a progressive and growing community, we owe a vote of thanks to our State Highway Commission for its cooperation, for its understanding of our problems, and for its patience."

Councilman Whittington addressing the Mayor and City Council stated he would like to assure them that he and other members of the Council have given many hours in serious consideration to the Circumferential Route or Belt Road in question. That he knows of the Mayor's untiring efforts in attempting to arrive at a solution. And in Council's consideration it has always been their desire to locate this road along the best possible route considering first continuity, second, cost; and thirdly, traffic safety and service. He stated further with respect to the center part of this belt road, there has been a great deal of conversation and conflicting opinions that some may have forgotten a basic consistent position, and that is, that the creek route is and has always been, the preferred route by Consultants, our State Highway Department and the City Council. That in December, 1962, all of Council voted to run the road along Briar Creek, and the facts have not changed. This is still the best route. The only reason the route has not already been accepted is because of the relatively greater estimates of

the rights-of-way costs. That based on information shared by each member of Council, they believe that ultimate rights-of-way costs for the creek route would be comparable to rights-of-way costs of other alternate locations, and with this as a background, he submitted the following resolution:

A RESOLUTION RELATIVE TO THE LOCATION OF A  
PORTION OF THE INNER CIRCUMFERENTIAL LOOP

WHEREAS, on February 25, 1964, the State Highway Director presented to the City Council a "SUMMARY REPORT - Proposed Circumferential Thoroughfare, Eastway Drive-Woodlawn Road, Charlotte, North Carolina", describing the alternative locations for that portion of the circumferential route between the Eastway Drive-Independence Boulevard intersection on the north and the Woodlawn Road-Park Road intersection on the south, and

WHEREAS, the City Council on December 3, 1962, indicated its preference for the alternative location that would make use of property abutting Briar Creek, and

WHEREAS, the City Council is still of the opinion that the Briar Creek alignment will best serve the needs of this community, and

WHEREAS, the Council has reason to believe that the rights of way costs of the Briar Creek location would be comparable with rights-of-way costs of other alternative locations.

NOW, THEREFORE, BE IT RESOLVED That

The City Council agrees that it does now support Alternative 2A along Briar Creek as described in the "SUMMARY REPORT".

Councilman Whittington then moved that the Resolution be adopted and spread upon the Minutes. The motion was seconded by Councilman Smith.

Mr. James McMillian, member of the Legal Committee of Myers Park Club, stated from the standpoint of the citizens of Charlotte, both those who have property in this neighborhood and those who live all over town and all over the county, there are some things which Council should consider. In the first place, this is a duty which Council has - to make a decision as to where this road should go, and is a duty which he is not asking them to shirk or postpone. That its a need of the City, that there be ways by which people can travel from one part of town to another. In the second place, the membership of Myers Park Country Club has not been represented as such at any of the hearings; and for several reasons: (1) all of the publicized expert opinion and information which has been in the newspapers was in opposition to the resolution which has just been read; another, in view of the belief of the club members that the Council would act upon the best available advice, it was not felt advisable to come and intrude themselves into the discussions that have been made. Mr. McMillian stated further in referring to the highway department report it is indicated that the route as proposed would cost from 1/2 million to 2 million dollars greater than the alternate routes which have been suggested. That the issue is not whose house the road passes, nor whether a majority of the neighbors of this road can bring in a Council room full of people to oppose it, nor whether the members of the Club are rich or poor. The real issue is what is the practical route for the City to follow in adding this link to a channel of highway development which has been on the board for 4 or 5 years and which has been recommended by the people who make such studies. That according to these expert highway people, if this route is followed and if the route is sunk enough below the golf course that it doesn't destroy the property for its present use, it will cost a lot more money than any other possible route.

That if the route is put across this golf course or the Country Club golf course or through the middle of an old church yard or through any other institution which has become a desirable landmark of Charlotte, it is displaying something of a lack of consideration for the things that make the difference between a Metropolis and a civilized community. If war is to be declared on institutions, on other private property, then the resolution is completely in line with that theory; but if the City is to be developed having regard both to the schools and to the residential neighborhoods - many are affected - and to the cultural humanities which a club brings to a community, then there should be some hesitations before such a resolution is adopted. That a road through the golf course at ground level will destroy a first class golf course; it will be the destruction of a facility not merely to the use of its members but a utility to the community. That it has a beauty of its own - just as the schools and churches have. It is a meeting place not merely for its members but for business and civic and other organizations and activities; if it is destroyed it should be done with full conscientiousness that there is being destroyed a community asset which is in the same category as the oldest house in town removed to make way for 3rd Street and the Rose Garden which is being destroyed to make room for the Northwest Expressway, and other such developments for good or bad should be destroyed. Mr. McMillian stated this to him is a critical question and he hopes that Council will make a decision if not today then immediately, because it will not grow smaller if it is postponed. That it should be made bearing in mind there are considerations which go beyond counting votes, counting numbers, counting the size of delegations or counting all other consideration which Council has been most keenly reminded of in recent weeks. That perhaps a golf course is easier game than someone's front or back yard and certainly the plight of the school children on Runnymede and Colony Road has been dramatized, and apparently the school children at Garinger and Eastway are not bothered by roads which run close to them, but the point is there are other cultural, aesthetic and community considerations which should be considered. That as to the rumor there are various people wanting to buy the land or a piece of the land, so that the overall cost will be reduced, the question of the sale of 175 acres of land is something that should be discussed on its own merits and not in the light of fairly emotional controversy over the routing of the road. That there are lots of people who would like to have a golf course in the middle of the suburban acreage or would like to buy the acreage to develop, and the fact that someone is willing to do it now while the road controversy is going on neither adds to nor detracts from the value of the land, and is something that should be taken up, after Council has decided where the road is to go. Mr. McMillian stated it is his opinion, and he believes he speaks for the majority of the club, that the membership of the club are in support of the view which he is advancing. That he believes the chief purpose in running the road down the swamp and across the golf course instead of open land which is mainly owned by the city, will be destructive and not creative and will not be a desirable thing for the city.

Mr. Robert Sanders, Chairman of the Legal Committee of the Myers Park Country Club, stated that never has he seen a governmental body subjected to more pressure by different people for more different purposes. All the membership of the Myers Park Country Club asked is that Council do that which the Oath of Office requires them to do; that a decision should be made and should be made promptly; there is no question about that.

Mr. Sanders stated that reference was made in the resolution presented to a document dated February 1964, entitled "Summary Report-Proposed Circumferential Thoroughfare Eastway Drive-Woodlawn Road, Charlotte, North Carolina". That he was present when the document was presented by Mr. Babcock and he finds it interesting if he understood the Resolution properly that it states on the

basis of an analysis of cost of rights-of-way and cost of construction that the preferential route is the creek route, and uses as a basis the very document from which he wishes to quote - Under Section 2 of Comparison Alternate Routes "It is stated and would appear that the total cost of the route of Alternate 2A, 2B, or 2C would be in the neighborhood of \$4 million dollars more or less, and that is the route which transgresses upon the property of the Myers Park Country Club. Therefore the Alternate 1A and 1 proposals will have approximately 1/2 the total cost of the Alternate 2 proposal". He quoted from Item 4 of the same section stating this is the language quoted by the experts - "That based upon the level of service provided and the total cost of the project, it does not appear that Alternate 2A, 2B and 2C through the Myers Park Country Club, can be justified"; he quoted further from Section 6 of Summary and Conclusion "Alternate 2A, 2B and 2C appear to cost approximately twice as much as Alternate 1 and 1A without providing additional traffic service. It does not appear therefore, that Alternate 2A, 2B or 2C can be justified". He stated that Council has to do its duty but in this performance he trusts they will not put it off on the basis of something that says absolutely contrary to what the Resolution is predicated to. That they are not asking that the road be put on anyone else, just keep it off of them. That it has taken 43 years to develop the Club to the station that it now enjoys; it has an appraised value of in excess of \$3 million dollars. He stated that Council owes an obligation to the people of the community, and to its treasury, and they will have to justify to somebody why under the expert opinion upon which the resolution is predicated that they are about to spend twice as much of the taxpayers money for a road that apparently no one wants.

Mr. Rex Wheatley stated he is a member of the Myers Park Club and is also a leader in the Civic Improvement Committee which sent out petitions and had them signed. That the petition was predicated on whoever should sign it would be opposed to this road running through established residential area and would put it on undeveloped property, and by undeveloped property it wasn't meant to mean the Myers Park Club. That was included as developed property and they were not trying to put the road on the Club nor on anyone else; they were trying to put the road out in undeveloped territory and away from established residential areas - churches and schools. That personally, he does not approve of the resolution and he thinks the citizens who signed the petitions do not approve of it.

Mr. Jim McDuffie, resident of Eastway Drive, stated he attended the meeting of the Wendover Road residents and told the route he took and stated he knew from that why he was interested in the road and he knew the rest of the city was interested. That he thought of the people who lived on Independence Boulevard - a six lane street; that he thought of the people on Scott Avenue, Kenilworth Connector for Independence and Park Road. That apparently Eastway Drive and Woodlawn are undeveloped sections because they are a part of this road that they do not oppose. He stated the Chairman of the meeting at Myers Park High informed the people there are 9 belt road, and the group went on record to oppose all belt roads, and modified it to say except undeveloped areas. That it was pointed out at the meeting there was a 9,000 traffic count on Woodlawn Road and 9,000 on Eastway Drive and wondered how Eastway Drive and the intersection of Independence Boulevard could handle any more traffic. Mr. McDuffie stated he wonders too, but if the complete plan were built, Eastway Drive would only get its share of the traffic as the other belts further out will get their share. Mr. McDuffie asked why anyone would get off I-21, which is a 65 MPH highway and connects to 85 and 77, to to to Wendover Road with 20 to 40 stop lights, to get back on it over here. That if the other roads are built further out, and someone wants to go to Matthews, they will use the road further out and not come on this road. That if Council can justify not connecting Eastway Drive and the Wendover Road,

then he invokes all their arguments in his behalf with his schools and his children, and asked that his road not be built any wider. He called attention to the Item 4 of the Civic Improvement Committee in the Newspaper Advertisement which is concerned with the large number of cars, school safety and noises, and he called attention to Chantilly School, just off Independence Boulevard, Midwood Elementary, which is a few feet off Central Avenue, Plaza Elementary, very close to the Plaza, the Wilmore Elementary, which is on West Boulevard - all on major streets, and asked if there has been any increase in accidents to children with proper crosswalk guards and stop lights. That these 4 lane roads serve the whole city. He stated there is only one area that can't be convinced that 20 years from now Charlotte will be as big as Atlanta and still have these problems unless this Council marches forward, and not backward with one group who oppose the road. Mr. McDuffie stated he is interested in seeing Charlotte grow with the proper roads and if we stop with this one where will it go. He stated that many people will look back to this Council and thank them for what they have done - the people on Rama Road, Beam Road, Sharon-Amity Road, Archdale Drive, Eastway Drive and Woodlawn Road, and even Wendover Road will thank them.

Mr. Jim Elvin suggested that the Mayor appoint a committee of a number of outstanding citizens to study this road - such as G. W. Gilchrist, Jones Pharr, Dr. Self, Dr. Hawk, Jim Nelson, Al Bechtold, Rev. Woodson, Bill McIntyre and John Morrissey.

Mr. Erwin Walker, resident of 1419 Wendover Road, stated he came today to represent the position which they took last week in announcing the petition; last week there were 3,500 signatures, this week there are close to 9,000 and if the petitions circulated by the school people are considered there must be between 12 and 14 thousand names. That he hoped none was misled by the petitions as they simply stated to go through undeveloped land and miss residential areas when possible. He filed the petitions with the Clerk to be held for them so they can get them sometime in the future.

Mr. J. E. Burnside stated he has always been interested in Charlotte or anything that would help improve the situation in Charlotte. He asked Council to remember that the Hershey Conference of 1962, which was sponsored by the U. S. Bureau of Public Roads, and the AIA, stated that Freeways or these highway connections are not circumstantial; they need to be kept in proper perspective. That the construction of highways can have an impact for good or bad upon the structure of a City; that it can irrevocably damage the basic city pattern, can be needlessly unattractive and offensive to other land uses. That in its recommendation, the report states that basic city planning is a greater requisite to the development of a sound system of highways. That any route that is high in price that the difference between them is negligible if the extra cost makes the difference between the right and wrong choice. That a decision no matter which way it goes - will make someone unhappy about it; that before a mistake is made in routing this road and connecting these highways, we must remember that the ill conceived massive of concrete running through cities and countrysides designed with no thought except a straight line is the shortest distance between two points, doesn't make sense. That not only are engineers, architects and landscape architects needed, but need also Sociologist, Historians, Psychologist, who may be used. That in deciding where the highway is to go he asked that all these things be borne in mind.

Mr. Ray Rankin, representing Mr. Paul Ervin, filed petitions stating they are from residents of Sharon Lane and the immediate vicinity who have voiced opposition against their street.

Mr. James Walker, Attorney, stated he is also on the Legal Committee of the Myers Park Country Club, and that according to the map Alternate 2A will come closer to Myers Park School than the Wendover Route came to either of the schools involved. That they have not brought a delegation to Council to force the route on someone else when all the studies had been on some other route. That the report shows that the Myers Park Route will be approximately twice as expensive as the other; that they feel Council should think about people on the west side of Charlotte and those on the East side and the South side of Charlotte who don't care which way the road goes. That the decision should be made based on the best route given by the experts who know what they are doing; that they have seen nothing in the studies to indicate that the routes would be comparable in price and the only thing which has been published shows it to be approximately twice the cost and for Council to vote today without any explanation from who made the figures who said it is comparable in price, who are the experts who have given this information that comes exclusively to the Council, why not give the Club an opportunity to give comparable information to Council from other experts. That this has come as a total surprise. That they say please don't put the road through the Myers Park Club because you not only ruin the golf course but you ruin the entire club. The club is built around the golf course - ruin the golf course and you ruin the club. You ruin what they consider to be not only a fine private institution but more or less a semi-public institution.

Mrs. Williams stated that Mr. Burnside has stated that many types of counsel should be drawn into this decision. She called attention to the Allen Report which recommended that the City should save for the future of the City all the open area within the city that can be. That in Myers Park Club there is a large and beautiful open area which if it can be saved sometime in the distant future may be available for other use. Should it be used for a road, the chance for the future will be obliterated. She called attention to the area around Churchill Road, Wendover Lane, etc. which has a flood basin which is a type of basin recommended in the Allen Report; land which has been preserved by people who live in that region, in its natural beautiful state. If a road is put through some of this beautiful section of Charlotte, we obliterate for the future all opportunity to use this section for regional parks.

Mr. Rowe Evans, resident of Sharon Road, stated he believes the intention of everyone is to do what is best for the city so it becomes a consignment of which is best; he stated it has been said a balanced community is needed - you need schools, churches, residential area. He referred to the Wilbur Smith description of Belt Routes, of which there are 9 if the partial belt routes are included, which is to serve the purpose of getting a person from one quadrant of the city to another. He asked if it is absolutely necessary that the belt route be continuous, connecting the two highways? Would it not suffice by making some street improvements without making the route continuous? He stated further that Sharon Road was widened last year and it serves a purpose, but they realize there is a creeping condition which follows the widening programs - the speed limits of the outer most limits of Sharon Road are not 35 MPH, and if Council would like to insure and guarantee the Citizens of the future that this will remain a residential street, to serve the need of people within a quadrant of the city moving to another quadrant, the best policy to adopt would be not to make it continuous.

Mr. F. E. Crockett stated the Resolution before Council is in favor of a road where the proposed cost is twice the alternate routes, and he asked how Council can justify spending twice as much money.

Mr. Guy Carswell, Attorney, stated they feel that any cost is not too much for the safety of children; they are not advocating that the road bother anyone else but when it comes to children they are to be protected.

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Councilman Smith stated he would like to comment on several points. One referring to the State Highway Report which states this route would cost twice as much as the Wendover-Runnymede Route and he thinks the resolution points out very clearly that Council has no intention of paying twice as much for the route. The real purpose of the resolution is to explore the costs and see if the State was accurate in their estimates, and he thinks the resolution should be passed so Council could have a chance to pinpoint these expenses and see what the costs will be.

Councilman Jordan stated he feels Council is exploring to see what the cost will be and if the cost is prohibitive then he would be willing to go further out with the route.

Mr. Robert Sanders asked if the resolution is cast in the face of the last sentence in Paragraph 2 of the Summary Report entitled "Comparison of Alternate Locations" which states, "It would appear that the total cost of either Alternate 2A, 2B or 2C would be in the neighborhood of \$4 million dollars more or less. Therefore the Alternate 1 and 1A proposal will have approximately 1/2 the total cost of the Alternate 2 proposal." Councilman Whittington replied the resolution and the statement which he made prior to the resolution is an assumption comparing the two routes, that after a route is established if the road can be constructed for a comparable figure. That all of this is an assumption and Council will not know what the cost of either route will be exactly until such time as the Council makes a decision, and surveys and engineering service are made; that at that time Council would have information to decide if either one will be prohibitive. Councilman Smith stated Council questions the State Highway figures after getting into the details and cannot be clear in their minds until appraisers are appointed and the engineers survey the creek, to find out what this route will cost. Mr. Sanders then asked if Council has received figures from the State Highway which are different from the ones which have been made public and Councilman Smith replied not from the State Highway Commission, but Council has talked with people in Charlotte who are residents of Charlotte, who are in the real estate business and to engineers in Charlotte, who leave a doubt in their minds as to what the final cost will be. Therefore, Council would like to explore this and the only way it can be done is by adoption of the resolution; that these figures have not been made public but will be when they are gotten in the proper form. That Council has said all along they will look at the cost before making a definite decision as to where the highway will be.

Mr. Crockett asked if the estimates prepared by the Highway Department and given to the public in which they say the cost will be twice as much, missed the cost that much? Councilman Smith replied there are 3 or 4 ways to go across the golf course - one was to tunnel under, one to cover over and one to half way tunnel under, which was just the golf course itself; and the elevations have never been determined on the creek; how much gravel or fill or what the road would cost in there. It has been strictly an estimate, and Council has decided they cannot make this important decision just on an estimate; that they should have a factual survey and then they can determine if the cost is exorbitant and if it is, it will not be done.

Mr. Crockett stated as he understands the resolution, Council is voting to put the road down Briar Creek across the golf course; and Councilman Smith replied if their reason to believe that the rights-of-way cost of the Briar Creek location would be comparable with other alternates proves erroneous, then Council will review the resolution. That the resolution states Council's preference from the beginning was to put the road down the creek if possible. That over the period of months with a lot of discussion and with the benefit of all the advice they have received, they question if the route is as costly as the State Highway estimates. The only way they can determine the cost is to adopt the resolution and allot surveyors and appraisers to follow through on the resolution; that Council can withdraw from the resolution at anytime.

And if Council finds by an actual survey and appraisals that the route is much less than the State has estimated, then it is different.

Mayor Brookshire stated appraisals cannot be made until after the detailed engineering has been made and no contracts will be awarded until after the detailed engineering has been completed and another public hearing held on it.

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

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

NAYS: Councilman Bryant.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire announced a recess at 4:20 P. M. and reconvened the meeting at 4:30.

ORDINANCE NO. 247 AMENDING CHAPTER 23, ARTICLE I, SECTION 23-2, DEFINITION BY INSERTING NEW PARAGRAPH (19a) DEFINING RESTAURANT WITH DRIVE-IN SERVICE.

Mr. John D. Shaw, Attorney representing the Burger King, read the following definition of a drive-in restaurant as presented for Council action:

"(19a) Restaurant with drive-in service. An establishment designed in whole or in part to cater to or accomodate the consumption of food and/or beverage in automobiles on the premises of such establishment."

He stated the above definition would not help his client as Mr. Ritch, Zoning Inspector, has construed that this would not help the Burger King. He called to Council attention the reference to an establishment. He asked if a restaurant with parking spaces where food is prepared is designed in whole or in part for the consumption of food on the premises? That if Council adopts the definition it will be their language. That it is a matter of degrees when they are forced to go to the Zoning Inspector who turns them down and then to the Board of Adjustment. That he believes it would be very simple to say "outside service" rather than "designed to cater to or accomodate the----".

Councilman Smith stated the intent of the ordinance is to keep the drive-in type accommodation out of B-1 neighborhood because of the litter and such. That he and other members of the Council have been out to the Burger King, hoping to see the business as just being on the inside but there were a number of people eating in cars, with the napkins and paper plates.

Mr. Shaw stated if the business is conducted in such a way that it is a nuisance you have another law through which you can control it. He asked if a man has a restaurant, or an establishment, and in connection with the establishment he has outside parking spaces provided, is he designed in whole or in part to cater to or accomodate the consumption of food and/or beverages? Councilman Thrower asked if the packaging of the Burger King food is designed to sit down inside or if it is designed to go? Mr. Shaw replied it is designed for consumption by the purchaser. It is put in a sack for him to carry. He stated with the adoption of the recommended

definition, Council will be condemning filling stations. If a filling station has a concession bar where he sells sandwiches and peanut butter crackers and drinks, isn't it designed for the consumption of beverages on the premises, and Councilman Thrower replied no as this is there for the convenience of the customer.

Councilman Bryant asked if the Burger King put the sandwiches on a plate and then on a tray, would Mr. Ritch not go along with them as being a regular restaurant in a B-1 Area? He asked if the Burger King would consent to do this? And Mr. Shaw stated he did not know. He stated that busses from the Methodist Homes go to the Barclay Restaurant and someone goes in and gets the trays and then they sit in the bus and eat. He asked Council to watch the wording before them. That a drive-in is dependent upon the automobile and outside service; those two things alone. That it will get the filling stations and Cotswold. Mr. Shaw stated further if it is a nuisance because of the conduct of their patrons blowing horns and raising sand, there are laws to take care of that. That he does not think the ordinance as presented is kosher.

Councilman Bryant moved the adoption of Ordinance No. 247 Amending Chapter 23, Article I, Section 23-2, Definition, by Inserting a new paragraph Defining Restaurant with drive-in service. The motion was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 13.

PETITION NO. 64-19 FOR CHANGE IN ZONING OF TRACT OF LAND ON SOUTH SIDE OF GLORY STREET, BEGINNING WEST OF SUGAW CREEK ROAD, DENIED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower and un-animously carried, Petition No. 64-19 by Abernethy Lumber Company for change in zoning from I-1 to R-9MF of a 6.0 acre tract of land on the south side of Glory Street, beginning approximately 1,000 feet west of Sugaw Creek Road was denied.

PIERMONT COURT STREET NAME CHANGED TO CHANNING COURT.

Upon motion of Councilman Smith, seconded by Councilman Albea and unanimously carried, the name of Piermont Court was changed to Channing Court as petitioned for by 100% of the property owners and recommended by the Planning Commission.

CONSTRUCTION OF SANITARY SEWER TRUNK TO SERVE MILTON ROAD ELEMENTARY AND COCHRANE JUNIOR HIGH SCHOOLS, AUTHORIZED.

Councilman Whittington moved approval of the construction of 2,935 feet of 10-inch trunk and 507 feet of 8-inch trunk to serve Milton Road Elementary and Cochrane Junior High Schools, inside the city, at the request of Charlotte-Mecklenburg Board of Education, at an estimated cost of \$15,560.00, with all costs to be born by the applicant whose deposit of the entire amount will be refunded as per terms of the Agreement. The motion was seconded by Councilman Bryant, and unanimously carried.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$850,000 WATER BONDS, SERIES B, \$3,300,000 SANITARY SEWER BONDS, SERIES B, \$450,000 AIRPORT BONDS, SERIES B AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$4,600,000 BONDS TO BE ISSUED UNDER DATE OF MAY 1, 1964, PROVIDING FOR THE REGISTRATION THEREOF AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON THE \$4,600,000 BONDS.

Councilman Bryant introduced a resolution entitled: Resolution Providing for the Issuance of \$850,000 Water Bonds, Series B, which was read. Upon motion of Councilman Bryant and seconded by Councilman Jordan and unanimously carried, the foregoing resolution was passed by the following vote:

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

NEAS: None

Thereupon, Councilman Bryant introduced a resolution entitled: Resolution Providing for the Issuance of \$3,300,000 Sanitary Sewer Bonds, Series B, which was read. Upon motion of Councilman Bryant, seconded by Councilman Jordan and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None

Thereupon, Councilman Bryant introduced a resolution entitled: Resolution Providing for the Issuance of \$450,000 Airport Bonds, Series B, which was read. Upon motion of Councilman Bryant, seconded by Councilman Jordan and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None

Thereupon, Councilman Bryant introduced a resolution entitled: Resolution Fixing the Form and Manner of Execution of \$4,600,000 Bonds to be Issued under Date of May 1, 1964, Providing for the Registration thereof and Ratifying Application to Local Government Commission for the Advertisement and Sale of said Bonds, which was read. Upon motion of Councilman Bryant, seconded by Councilman Jordan and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None

Thereupon, Councilman Bryant introduced a resolution entitled: Resolution Authorizing the Printing of Legal Opinions on \$4,600,000 Bonds to be Issued under date of May 1, 1964, which was read. Thereupon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None

The resolutions are recorded in full in Resolutions Book 4, beginning at Page 373 .

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

Motion was made by Councilman Bryant, seconded by Councilman Albea and un-animously carried, authorizing contracts for the appraisal of 6 tracts of land for right-of-way for the Northwest Expressway, as follows:

Leo H. Phelan, Jr.	2 tracts on Sunnyside Avenue and West 10th St.
John M. Gallagher	4 tracts on College Street, Central Avenue and 8th Street.

## SPECIAL OFFICER PERMIT AUTHORIZED TO JOHN W. KAY

Councilman Albea moved approval of the renewal of a Special Officer Permit to Mr. John W. Kay, 519 W. 8th Street, for use on the premises of Domestic Laundry, 811 S. McDowell Street. The motion was seconded by Councilman Thrower, and unanimously carried.

## TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Bryant and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Maxine Stewart Smith for Lot 59, Section T. Elmwood Cemetery, transferred from Mrs. Addie McAllister Stewart, at \$3.00 for a new deed.

## CONTRACT AWARDED DEMPSTER BROTHERS, INC. FOR REPAIRS TO DEMPSTER DUMPMASTER BODY

Councilman Thrower moved award of contract to Dempster Brothers, Inc, for repairs of damage caused by fire on Unit 75 at the Charlottetown Mall at a price of \$2,823.50, which was completely covered by insurance. The motion was seconded by Councilman Bryant, and unanimously carried.

## CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR REPAIRS TO INTERNATIONAL TRUCK MOUNT FOR DEMPSTER DUMPMASTER.

Upon motion of Councilman Bryant, seconded by Councilman Whittington and unanimously carried, contract was awarded International Harvester Company, at a price of \$4,188.17 for repairs of damage caused by Fire in Charlot-town Mall and which was covered by insurance to International Truck Mount for Dempster Dumpmaster Unit 75.

## CONTRACT AWARDED CROWDER CONSTRUCTION FOR CONCRETE ROOF REPAIRS VEST STATION.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Crowder Construction Company, for concrete roof repairs at Vest Station, in the amount of \$11,587.50, on a unit price basis.

The following bids were received:

Crowder Construction Co.	Charlotte, N. C.	\$11,587.50
Blythe Bros. Company	Charlotte, N. C.	12,375.00
Boyd and Goforth, Inc.	Charlotte, N. C.	12,600.00
Western Waterproofing Co	Charlotte, N. C.	14,715.00
C. W. Gallant	Charlotte, N. C.	16,650.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SEWAGE LIFT STATION ON OLD STEEL CREEK ROAD.

Councilman Alba moved award of contract to Crowder Construction Company, the low bidder, for Sewage Lift Station on Old Steel Creek Road, as specified in the amount of \$12,858.00. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Crowder Construction Company	Charlotte, N. C.	\$12,858.00
Boyd & Goforth, Inc.	Charlotte, N. C.	14,000.00
C. W. Gallant, Inc.	Charlotte, N. C.	14,421.00
A. P. White & Associates	Charlotte, N. C.	14,980.00
Lee Construction Company	Charlotte, N. C.	15,600.00

CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR PARKING METERS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington and unanimously carried, awarding contract to Rockwell Manufacturing Company, the low bidder, for 120 Rebuilt Parking Meters, as specified, to be used on the municipally owned parking lot on East 4th Street, in the amount of \$4,233.60.

The following bids were received:

Rockwell Manufacturing Company	Pittsburg, Pa.	\$4,233.60
Runcan Parking Meter Div. of Nautec Corp.	Chicago, Ill.	4,686.36

CONTRACT AWARDED SOUTHEASTERN SIGHT & SOUND CORPORATION FOR PUBLIC ADDRESS SYSTEM FOR USE IN THE AIRPORT BUILDING.

Upon motion of Councilman Bryant, seconded by Councilman Jordan and unanimously carried, contract was awarded the only bidder meeting specifications, Southeastern Sight & Sound Corporation, for public address system which includes 2 Compressor Amplifiers, 2 Power Amplifiers, 1 System Control Panel and 1 Magnetic Tape Player, to replace public address equipment in the Airport Building, at their bid of \$1,750.68.

Bid received not on specifications:

Dixie Radio Supply Co., Inc. (DuKane equipment)	Charlotte, N. C.	\$1,670.00
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RESOLUTION CONFIRMING THE SALE OF 15.37 ACRES OF LAND IN EVERGREEN CEMETERY TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, Resolution confirming the Sale of 15.37 acres of land located in Evergreen Cemetery to the Charlotte-Mecklenburg Board of Education was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 385.

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

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, the acquisition of the following property for rights-of-way for the Northwest Expressway and Sanitary Sewer line to serve Alma Street, was authorized:

NORTHWEST EXPRESSWAY

- (a) 4,813 sq. ft. of property at 220 North Long Street, from Martha M. Matthews, widow, at \$9,000.00.
- (b) 4,813 sq. ft. of property at 224 North Long Street, from Estella Mae Miller, widow, at \$8,700.00.
- (c) 8,941 sq. ft. of property at 809 N. Graham Street, from Arthur M. Jenkins, Trustee, at \$23,500.00.
- (d) 3,187 sq. ft. of property at 1016-18 E. 5th Street, from James K. McGill and wife, Mary S., at \$4,800.00.
- (e) 4,813 sq. ft. of property at 216 N. Long Street, from Maggie Crosby, single, at \$9,500.00.
- (f) 4,797 sq. ft. of property at 913-15 North Pine Street, from M. Sydney and Mabel T. Alverson, at \$10,000.00.
- (g) 8,800 sq. ft. of property at 807 N. Church Street, from E. C. Phifer, Administrator, at \$9,500.00.

SANITARY SEWER TO SERVE ALMA STREET

- (a) Easement 10' wide and 200' long on Julia Avenue, from Nance-Trotter Housing, Inc., at \$200.00.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR ACQUISITION OF PROPERTY FOR NORTHWEST EXPRESSWAY.

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at an appraised value of \$26,500.  
Councilman Bryant moved that condemnation proceedings be authorized for the acquisition of property of Mr and Mrs. Steve W. Dellinger on North side of West 11th Street, between North Church Street and North Poplar Street. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED NORTHERN BANK NOTE COMPANY FOR PRINTING OF BONDS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was awarded for printing of \$4,600,000 Bonds to the low bidder, Northern Bank Note Company, at their bid of \$1,040.00 for \$5,000 denomination and \$1,940.00 for \$1,000 denomination.

The following bids were received:

Northern Bank Note Company	\$1,000 Denomination	\$1,940.00
	\$5,000 "	1,040.00
Security Columbian Bank Note Co.	\$1,000 "	2,345.00
	\$5,000 "	1,656.00

ADJOURNMENT.

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

*Ruth Armstrong*  
Ruth Armstrong, Deputy City Clerk