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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, November 23, 1964, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend J. Paul Byron, St. Gabriel's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the Cable T. V. Hearing on November 10th and of the regular meeting on November 16th were approved as submitted.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED ON CHESTERFIELD AVENUE, FROM BASCOM STREET TO WESTOVER STREET, ADOPTED.

The public hearing was held on the preliminary assessment roll for improvements completed on Chesterfield Avenue, from Bascom Street to Westover Street, a total distance of 1,100 front feet, at a total project cost of \$8,752.96, of which the City's share is \$5,078.96, and the share to be assessed against the owners of property abutting the improvements is \$3,674.00, at \$3.34 per front foot.

No objections were expressed by the public.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, a Resolution Confirming the Assessment Roll for the Local Improvements on Chesterfield Avenue, from Bascom Street to Westover Street, was adopted at 3:07 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 444.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED ON CHESTERFIELD AVENUE, FROM ST. JULIAN STREET TO WESTOVER STREET, ADOPTED.

The scheduled hearing was held on the preliminary assessment roll for improvements completed on Chesterfield Avenue, from St. Julian Street to Westover Street, a total of 1,100 front feet, at a total project cost of \$4,970.80 of which the City's share is \$2,671.80, and the share to be assessed against the property abutting the improvements is \$2,299.00, at a rate: per front foot of \$2.09.

No objections were expressed by the public.

Councilman Thrower moved the adoption of a Resolution Confirming the Assessment Roll for the Local Improvements on Chesterfield Avenue, from St. Julian Street to Westover Street. The motion was seconded by Councilman Bryant, and was unanimously adopted at 3:10 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 445.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED ON REMBRANDT CIRCLE, FROM RANDOLPH ROAD TO MEADOWOOD LANE, ADOPTED.

The public hearing was held on the preliminary assessment roll for improvements completed on Rembrandt Circle, from Randolph Road to Meadowood Lane, a total of 3,082.27 front feet, at a total project cost of \$22,773.72, of which the City's share is \$13,249.50, and the share to be assessed against the abutting property being \$9,524.22, at a rate of \$3.09 per front foot.

Mr. S. C. Alexander, 1200 Rembrandt Circle, stated the original estimate per front foot was \$2.62 and it finished out at \$3.09 and it looks like that is quite a difference. Mr. Cheek, City Engineer, stated the principle difference was caused by two factors, first of which was the contract prices bid for this job were higher than estimated and higher than previously received on similar work. The main difference for the excess cost was that an extensive amount of concrete reconstruction had to be undertaken for the larger number of concrete driveways leading off the street, which accounted actually for more than the increase difference in the cost of the investment.

Councilman Dellinger asked if this was proportioned out among the City and property owners? Mr. Veeder stated the original estimate of the City's cost was \$10,008.00, and was increased by \$3,000.00.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and un-animously carried, a Resolution Confirming the Assessment Roll for the Local Improvements on Rembrandt Circle, from Randolph Road to Meadowood Lane, was adopted at 3:15 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 446.

REQUEST OF CAROLINA HELICOPTER CORPORATION FOR AMENDMENT TO CITY CODE RELATIVE TO AIRCRAFT DROPPING ADVERTISING MATTER REQUIREMENTS REFERRED TO CITY MANAGER AND CITY ATTORNEY FOR RECOMMENDATION.

Mr. Martin McQuire, representing the Carolina Helicopter Corporation, suggested that Chapter 4, Section 4-3 of the City Code entitled: "Aircraft Dropping Advertising Matter Requirements" be amended by adding the following at the end of said paragraph:

"Provided that advertising matter and other objects above described may be dropped from helicopters in flight so as to fall within the bounds of private property within the city limits with the consent of the owners of said property, and that such objects may be dropped from helicopters in flight to fall on other lands within the city limits with the prior approval of the City Council."

Nothing contained in this amendment shall be construed to authorize the violation of Chapter 13, Paragraph 13-2 of the Code of the City of Charlotte, or FEDERAL AVIATION REGULATION 91.13.

Mr. McQuire stated that the said Section 4-3 of Chapter 4 was adopted in 1946, one year prior to the advent of the first commercial helicopter and they suggest that it be changed so that the full market potential of the helicopter, in the area of retail merchandise promotion, may be realized.

Councilman Whittington asked Mr. McQuire if he has discussed the matter with the City Attorney, and he replied that he has.

Mr. Morrissey, City Attorney, advised that he suggested to Mr. McQuire in answer to his question, could he now engage in that activity, that the Code prohibited it, and he is interested now in the amending process, which he outlined to him

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and that explains his presence here this afternoon. That he also suggested to Mr. McQuire that the Council upon hearing him might wish to refer the matter to the City Manager and City Attorney for further study and report.

Councilman Bryant moved that the request be referred to the City Manager and City Attorney for study and report. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 291-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON THE NW SIDE OF HOSKINS ROAD, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 291-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning of property on the northwest side of Hoskins Road, from Rozzells Ferry Road to near Woodman Avenue, from B-1 to B-2, was adopted as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 76.

ORDINANCE NO. 292-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON THE NORTH SIDE OF WOODLAWN ROAD, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, adopting Ordinance No. 292-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from R-6MF to O-6 of a parcel of land fronting 122 feet on the north side of Woodlawn Road, beginning west of Park Road on petition of the Pure Oil Company, and recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 77.

ORDINANCE NO. 293-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON THE EAST SIDE OF WESTERLY HILLS DRIVE, BEGINNING NORTH OF THE CENTERLINE OF WILKINSON BOULEVARD, ADOPTED.

Councilman Thrower moved the adoption of Ordinance No. 293-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from O-6 to B-1 of a tract of land on the east side of Westerly Hills Drive, beginning 500' north of the centerline of Wilkinson Boulevard, on petition of North Carolina National Bank and Gaston C. Galloway, Trustees, and as recommended by the Planning Commission. The motion was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 78.

CONTRACTS FOR APPRAISAL OF PROPERTY FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the following contracts for the appraisal of property for right of way for the Northwest Expressway were authorized:

- (a) Contract with Sam T. Atkinson for appraisal of one parcel of land at 821 North Davidson Street.
- (b) Contract with Alfred E. Smith for the appraisal of one parcel of land at 512 North McDowell Street.

CHANGE ORDER IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR WORK AT IRWIN CREEK SEWAGE PUMPING STATION SITE, APPROVED.

Councilman Jordan moved approval of Change Order in contract with Lee Construction Company for work to be performed at the Irwin Creek Sewage Pumping Station site, for additional storm drains in an amount not to exceed \$1,500.00. The motion was seconded by Councilman Thrower, and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and un-animously carried, the following streets were taken over for continuous maintenance by the City:

Parkside Drive	From Parkway Avenue	To Fern Avenue
Lincoln Heights Ct.	From Newland Road	To end of cul-de-sac

CONTRACT WITH P & N REALTY COMPANY FOR INSTALLATION OF WATER MAINS IN LAKEWOOD INDUSTRIAL DEVELOPMENT AUTHORIZED.

Councilman Albea moved approval of contract with the P & N Realty Company for the installation of 2,860 feet of water mains and 3 hydrants in Lakewood Industrial Development, inside the city, at a total estimated cost of \$12,048.25 with the applicant to finance all cost and the City to retain such funds until the revenue from the mains equal 5% of the total construction cost for a 12-months continuous period. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACTS FOR APPRAISAL OF PROPERTY FOR NORTHWEST EXPRESSWAY RIGHT OF WAY AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and un-animously carried, approving the following contracts for the appraisal of property for right of way for the Northwest Expressway:

- (a) Contract with Stuart Elliott for appraisal of one parcel of land on Johnston Street.
- (b) Contract with B. Brevard Brookshire for appraisal of two parcels of land on College Street and N. Johnston Street.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and un-animously carried, the construction of the following sanitary sewer mains, inside the city limits, were authorized, as follows:

- (a) Construction of 1,260 ft. of sewer main in Northwood Estates Subdivision, at an estimated cost of \$5,430.00, at the request of Ervin Construction Company. All cost to be borne by the applicant, whose deposit of the said \$5,430.00 to be refunded as per terms of the contract.
- (b) Construction of 219-ft. of sewer main in Centre Street and Darby Street, at an estimated cost of \$600.00, at the request of Oak Grove Baptist Church. All cost to be borne by the applicant, whose deposit of the said \$600.00 will be refunded as per terms of the contract.

- (c) Construction of 310 ft. of sewer trunk in Distribution Street, at an estimated cost of \$1,790.00, at the request of C. D. Spangler Construction Company. All cost to be borne by the applicant, whose deposit of the said \$1,790.00 will be refunded as per terms of the contract.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON ZONING PETITIONS NUMBERED 64-72 THROUGH 64-79, ADOPTED.

Councilman Albea moved approval of a Resolution Providing for a Public Hearing on Zoning Petitions Numbered 64-72 through 64-79 on December 21st. The motion was seconded by Councilman Dellinger, and carried unanimously.

The resolution is recorded in full in Resolutions Book 4, at Page 447.

AGREEMENT WITH THE HERTZ CORPORATION FOR CAR RENTAL BUSINESS AT AIRPORT CANCELLED.

Councilman Jordan moved approval of the cancellation of an Agreement with The Hertz Corporation to conduct a car rental business at the airport, which was entered into on June 12, 1960, for a term of 5 years, which provides for payment of 10% of the gross receipts from car rentals or a minimum guarantee of \$12,000 per year. The motion was seconded by Councilman Whittington, and carried unanimously.

AGREEMENT WITH THE HERTZ CORPORATION FOR OPERATION OF CAR RENTAL SERVICE AT AIRPORT FOR TERM OF 10 YEARS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, an Agreement was authorized entered into with The Hertz Corporation for the operation of a car rental service at the Airport, for a term of 10 years, at an annual minimum guaranteed payment of \$30,000 per annum for the first 5 years, and during the last 5 years an annual minimum guaranteed payment of \$40,000 or an amount equal to 75% of the sum which was paid by the Company in the 5th year of the term, whichever is greater.

LEASE WITH THE HERTZ CORPORATION FOR 1.33 ACRES OF LAND AT AIRPORT AUTHORIZED.

Councilman Dellinger moved approval of a Lease with The Hertz Corporation for its occupancy of approximately 1.33 acres of land in the Airport Terminal area for a term of 10 years at a base rental of \$241.40 per month. The motion was seconded by Councilman Bryant, and carried unanimously.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with Mrs Leonard P. Bell for Lot 127, Section 6, Oaklawn Cemetery, at \$300.00. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACT AWARDED SUGGS WRECKING COMPANY, INC. FOR DEMOLITION OF BUILDINGS IN THE NORTHWEST EXPRESSWAY PROJECT.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Suggs Wrecking Company,

Inc., in the amount of \$28,650.00, for the demolition of 61 buildings for the Northwest Expressway Project.

The following bids were received:

Suggs Wrecking Co., Inc.	\$ 28,650.00
Cleveland Wrecking Company	33,330.00
Norman House Demolishing Co.	47,275.00

BOUNDARIES OF THE PROPOSED 4.5 SQUARE MILES IN THE PINEVILLE ROAD - SHARON ROAD AREA TENTATIVELY APPROVED AS RECOMMENDED BY THE PLANNING COMMISSION.

Councilman Albea moved that the boundaries of the 4.5 square miles in the Pineville Road - Sharon Road area, proposed for annexation, be tentatively approved that are recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

A substitute motion was offered by Councilman Bryant that the boundaries be tentatively approved that were proposed by him at last week's meeting, known as Plan II. The motion did not receive a second.

The City Manager remarked based on the conversation in the Conference session he presumes the motion is to give this informal approval subject to formal approval by ordinance, and also subject to review of the boundary on Sharon Road as determined by further investigation.

Councilman Dellinger stated he is not ready to vote on the question until the information as to the right of way on Sharon Road is secured by the City Attorney from the State Highway Commission.

The Mayor stated he thinks all Council is resolving today is the question of whether all of the proposed property will be annexed or whether a lesser area will be annexed. He explained that the metes and bounds cannot be determined until the area to be annexed is determined. When that is done the ordinance can be prepared for adoption.

Councilman Albea stated the purpose of his motion is to give the people here a guide for drawing up the ordinance, which they asked for two weeks ago.

The City Attorney stated as he understands it the Council asked the Planning Director to come back to them with the information concerning where to put the boundary line on the other side of Sharon Road so as to avoid splitting any residences, and he assumes that will be done and brought back to Council perhaps next week, at which time Council will say that is where the line goes, then the survey will be made to determine the metes and bounds.

Councilman Albea stated he understood two weeks ago and at last week's meeting also that the Planning Staff wanted and needed this action for their guidance.

Councilman Smith and Councilman Whittington stated they see no reason for not voting on the motion today.

Councilman Dellinger stated he wants to make it clear that he is not going to vote on anything until he knows where the line is.

The City Manager remarked that Mr. Dellinger has commented on voting on something perhaps next week and he thinks this brings up the point of the date to approve the annexation. If the Council wishes that the area under consideration be annexed, approximately January 1, 1966, that he would suggest

to Council that the Ordinance should not be formally adopted until Monday, December 28th. If, however, Council wishes another date - say June 30, 1965 - then it would be appropriate to adopt an ordinance any time between now and up to and including December 28th. The thing we would like to have guidance on at this time is how Council wishes the ordinance prepared. Do you wish it prepared with the boundaries as outlined by the Planning Commission, subject to further study of one side of Sharon Road, or do you wish it prepared on the basis of the second plan as proposed by Mr. Bryant.

Councilman Dellinger stated he just does not see the hurry since we want the information as to Sharon Road and Mr. Abernethy's house.

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

ACQUISITION OF RIGHTS-OF-WAY FOR SANITARY SEWER AND WATER LINE.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and un-animously carried, acquisitions of the following sanitary sewer rights of way and water line right of way were authorized:

- (a) Acquisition of 10' x 336.21' right of way in Cascade Circle, from E. William Loeb, at \$168.00 for sanitary sewer to serve Lloyd Heights
- (b) Acquisition of 10' x 40.38' right of way in Billingsley Road, from Mrs Bertha Dinkins, widow, at \$20.19 for sanitary sewer to serve Lloyd Heights.
- (c) Acquisition of 10' x 107.57' right of way in Billingsley Road, from Mrs Elizabeth B. Prince, widow at \$54.00, for sanitary sewer to serve Lloyd Heights.
- (d) Acquisition of 10' x 381.78' right of way near Winchester and Garfield Street, from Piedmont and Northern Railway Company, at \$1.00 for sanitary sewer to serve Union Carbide.
- (e) Acquisition of 30' x 193.15' right of way in Highway Place and The Plaza Road, from North Carolina State Highway Commission, at \$150.00, for water line from Matheson Avenue to North Tryon Street.

DECISION POSTPONED ON PROPOSAL TO EMPLOY CONSULTING ENGINEER TO MAKE COMPARISON IN COSTS OF THE WENDOVER ROAD AND BRIAR CREEK ROAD ROUTES FOR THE BELT ROAD.

Councilman Smith commented that he has personally never been satisfied with the figures on the estimated costs of constructing the middle line of the Belt Road via the Wendover Road Route and the Briar Creek Route, and he would like to discuss with Council the feasibility of getting an impartial engineer to make a survey or study so that Council would really have something to stand on. That he does not want to drag this out or to spend money unnecessarily but he thinks this is most important both to the Council and to the citizens. He stated that today he was contacted by a man he had never met before, Mr. W. G. Crabtree who represents Coates and Burchard Company of Chicago, whose company has made similar studies in similar situations - in Atlanta for example- and with the permission of Council he would like for Mr. Crabtree to tell us the nature of their work and how they proceed with it.

Mr. Crabtree stated he would like to propose that the City engage his company and his Associates, W. D. Davis Company of Kansas City, Missouri as appraisers and consulting engineers in connection with the two routes for the Belt Road. He advised his Company has made similar studies of this type project in Atlanta, Nashville, Chicago, Detroit, Des Moines and other cities. That in Atlanta

there was quite a number of similar situations involved in the downtown area with clover-leaves and things of that nature as Charlotte has. Councilman Smith asked if his Company would make an appraisal at no expense to the City and then give the City an estimate of what it would cost to lay this out in cooperation with the State Highway Commission or City Engineers to come up with an appraisal of approximately how much the fee would be to the City? Mr. Crabtree replied, that is true but he would like to alter the statement a little in that if they came in to make an appraisal there would be no cost - that there would be a brief survey as to about what would be involved as a basis for giving the City Council the cost of making the appraisal or generally referred to as a survey.

Councilman Whittington asked if any of the cities engaged the services of Mr. Crabtree's Company before the road itself was designed, and Mr. Crabtree replied they did before the Roads were built, that he would assume the State Highway Departments, along with other departments involved perhaps designed and laid out the approximate paths before they were called in. Councilman Whittington pointed out that all the City has done so far is select the corridor for the general route the road will take, beginning at Woodlawn and Park Roads to I-85 on the northwest side of the city. That the Road other than that has not been designed and he does not know what Council would employ private engineers to do, based on his discussion with engineers over the weekend.

Councilman Smith remarked this is the main reason he thinks they have had no factual evidence. That to his knowledge not a single stake has been put down on these roads, at the same time they have given a lot of figures on the cost but they do not know whether Wendover Road will be straightened out or whether it will follow its present route, or whether it is going straight across the rear of the Golf Course or whether it will make a dog-leg, or take the Briar Creek Route, they do not know where it is going, they have never had it surveyed.

Mayor Brookshire remarked he did not see how they would make a survey or study until the design has been made. Mr. Crabtree commented that approximate locations would have to be determined, that is approximately which properties would be effected by each Route in order to make an engineering study to tell which would be more costly - that the exact turns and angles would no doubt be the problem of the State Highway or Planning Commission - that is not their type of work.

Councilman Dellinger asked Mr. Crabtree for his position with the Company, and Mr. Crabtree replied he is an area representative for the Carolinas, Georgia and Virginia. Councilman Thrower stated he thought Council had already had sufficient reports and preliminaries. Councilman Smith remarked to Mr. Thrower that he submits Council cannot determine the cost until stakes are put down and he does not say these people are going to engineer it. Once it is staked out it would seem to him the City needs someone to come in and appraise what the property is going to cost. That the Council's responsibility is not in building the highway, it has been the right-of-way all the time, and he asked Mr. Veeder if the City was not supposed to pay for the right-of-way whether it went down Wendover or the Creek Route?

Mr. Veeder, City Manager, advised that it was part of the agreement that the City would buy any right-of-way on the Creek route - Providence Road to connect up with Woodlawn and Park. If any other alternative was selected, the right-of-way cost was still something to be worked out with the State. Councilman Smith remarked that when we were comparing these relative costs, he, as one member of the Council, asked whether the impression was that the city would pay the cost of the right-of-way down Wendover. Mr. Veeder replied there

have been conversations that relates to right-of-way costs and those conversations have in the main been restricted to the area from I-85 to Independence Boulevard and from Woodlawn and Park back over to N. C. 49. Nothing has been firmed up on the right-of-way sharing in the area in between. Councilman Smith asked if Mr. Veeder did not say it would be cheaper for the City because there is an 80 foot right-of-way from Providence over to Sharon on Wendover because it wouldn't have to buy that right of way. Hadn't all the things been talked about how cheap it would be for the city to do this as opposed to this because it wouldn't have to buy the right of way? Weren't we supposed to buy this right-of-way? Mr. Veeder replied there was no agreement with the State as to the right-of-way cost sharing. Certainly it could be assumed and would, in fact, be true that we would participate in it. Councilman Smith stated after 3 years we haven't even resolved who is going to buy the right-of-way? Mr. Veeder replied we had to resolve where the road was going. Councilman Smith asked then how can we make the decision where the road is going if we don't know how much it is going to cost the city? Mr. Veeder stated the facts that have a bearing on that, as best they could be determined from many studies that have been made, were available to us from time to time. Councilman Smith stated the point today is he has no connection and does not know Mr. Crabtree except when he came to his office this morning and he would like to suggest that we at least explore the idea of getting an independent engineering agency that has had nothing to do with this project up to now, to look at it and advise with us, and probably give us an estimate of what their services would cost. That he thinks we owe this much to the taxpayer and this is what he is asking the Council to do today.

Councilman Dellinger asked Mr. Crabtree if they are specialists in Highways and right-of-ways? Mr. Crabtree stated they are specialists in highway and right-of-way combinations and in valuations of property and generally in highway projects, as far as the values of the property is concerned. That they have done some in Charlotte - the Ramsey properties that were condemned. They do not belong to the Charlotte Real Estate Board. That first they are one of the old national companies of appraisals, condemnations and things of this nature - involving engineering jobs. Second, what he had in mind specifically was the center of the controversy as to which route might be the most costly. Thinking of the property and what effect it might have and what will be the total cost. That we are suggesting an appraisal engineering study to determine how much Route A would cost as opposed to Route B. Not the construction and design but the property taken. That in the final analysis when either property is taken an appraisal will be involved of some type to determine how much to pay each individual property owner. So half of this work, in effect, assuming the properties were mere equal value, half of it will have to be done any way by some type of appraisal company. He is trying to come in and in effect to promote his company's interest in getting this engineering appraisal job and suggests that they make a study on both routes and then the Council would know which would cost more so when the final route is selected they would have a format and perhaps 95% of the work done before settling the claims of the parties involved. Councilman Dellinger asked if they are competitors of Wilbur Smith and Associates and people like that? Mr. Crabtree stated he has never heard of Wilbur Smith before.

Mayor Brookshire asked Councilman Smith if he is not suggesting that we get a check against something which was submitted to us in February by the State Highway Commission? That if he will refer to that February report to Council which has been discussed a good many times he will find there are a total of five instruments in there on alternative routes, including the construction and right-of-way figures. The last three of the right-of-way figures exclude the cost or damages that might be done to the Country Club property if the road went through the Club or under it. That we have those estimates from

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the Highway Commission, based on their studies of five alternaties, all of which apply mainly to the two corridors with slight variations.

Councilman Smith stated we have no knowledge of who did these for the State Highway Commission. Mayor Brookshire stated he assumes they were done routenly in the same manner in which they do this kind of work. Councilman Smith stated he is afraid we have assumed too much up to this point and kicked a lot fof figures around and really don't know what we are talking about. Mayor Brookshire stated what he is asking for is some check on their figures. Councilman Smith remarked we represent the taxpayers of Charlotte and the question has been raised whether or not we are charging the taxpayers too much money going down the Creek, and the only way we can resolve this in his own thinking, is to have an independent appraiser, someone who has never heard of Charlotte, N.C., come in and make this appraisal. Then we would have something solid to stand on.

Mr. Crabtree stated to date we have had estimates as to what "A" would cost against "B". That he is suggesting a more detailed study. An exact fair market value of the damages done up either route to the property owners to determine which would cost the city more.

Councilman Thrower asked if he could give an engineering cost - roads, bridges, etc. Would he include this or was he thinking just about the property itself? Mr. Crabtree stated they would not be involved with that, they would assume the City would have the cost from the State Highway Department or the contractor who does this particular work. It would be new work and this would not be an appraisal problem. Councilman Thrower stated then the only thing he would bring back would be property damages and Mr. Crabtree replied that is right; they would come back and say that property damages on Route "A" would be \$5,000,000 and Route "B" would be \$7,000,000, as an example, and they would have these two figures.

Councilman Jordan stated we keep referring to Route A and Route B. Now, Route A is Wendover Road and Route B is the Briar Creek. To his knowledge and for his own information as far as Route B is concerned, it has gone no further than Providence Road. Then where will the survey be made - from Providence Road where will it go, as there has been no route determined? The only route he knows is the Routes he has jjust mentioned. That we have not settled on any route going any further than Providence Road right now. That he does not know where you would put the second route unless you plan on just going down the creek and across the golf course and give an estimate on something like that. That as far as he is concerned that is not a Route as it hasn't been settled on. Councilman Smith stated Mr. Crabtree would have to estimate where he was told to estimate. The idea behind this is whether or not you think this is practical; we are going to have to face up whether we are going to take it down Wendover, and we have already pledged to connect up the two links.

Councilman Bryant stated one point which might be over-looked is we were given a dead line to come up with a determination which we did and met the dead line, and he asked if that dead line has been extended? Mayor Brookshire stated it has not and Council acted at the request of the State Highway Commission within the time allocated by them for a decision. Councilman Bryant stated then we do not have any further time to consider this? Mayor Brookshire stated at this point he would assume that the matter is entirely in the hand of the Highway Commission and the Bureau of Public Roads. We were told at the Hearing that a transcript of the hearing proceedings would be reviewed in both Raleigh and Washington and he is assuming that it is in their hands and if based on the Hearings themselves, the objections and the facts of logic is presented, if they decide to run it somewhere else they probably will. Councilman Albea stated this is exactly what he wanted to say.

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Councilman Whittington stated they could actually run the road wherever they wanted to. Councilman Bryant stated then actually our conversation today is academic. Mayor Brookshire stated unless Council wants to recommend to the Highway Commission and the Bureau of Public Road that the other Route be considered by them or adopted with recommendations of this Council, there is nothing else to do. Councilman Smith stated he knew there would be no decision on this today, all he is asking is that Mr. Veeder, the City Manager, give some thought to this idea and come back with the report on whether or not it is feasible. Councilman Smith stated that Mr. Crabtree just happened to come into his office today, and there are probably a dozen companies we could consider if we got that far but he wanted someone here who had done some of this work to answer a few questions that would come up. Councilman Dellinger stated whoever did the work we would have to first decide on what routes were to be considered, we would have to have something for them to work on, whatever company considered it.

Councilman Whittington stated he has no objections to Mr. Veeder bringing a recommendation back as to whether we go further or not on his suggestion. Councilman Smith asked if Mr. Veeder understood what he wants and Mr. Veeder replied that he did. Councilman Thrower stated he just didn't see where we gain anything. Councilman Albea stated we are just prolonging the thing. Councilman Whittington stated we are not prolonging it we have made our decision. Councilman Albea stated the majority of Council voted on what it would be and he was not on that majority, and he feels we have had all the engineering and all the surveys we need and if we are not going to take the Highway and Public Roads surveying and engineering whose are we going to take? We paid this Wilbur Smith Corporation \$20,000 to make it and then didn't follow him too closely. Councilman Smith asked if he is saying that going to Providence Road is the proper thing to do? Councilman Albea stated he voted his convictions and still has the same convictions and that is all there is to it, he didn't think going to Providence Road was right and he didn't vote for it. Councilman Whittington stated he is not voting to change from the way he voted at the beginning and that is to run the road all the way through. That he has no objection to Mr. Veeder bringing in a recommendation as to whether he wants to recommend an outside engineering firm. He agrees that we have had all the engineering firms, estimates and recommendations and facts and figures that we need, but if Mr. Veeder is going to make a recommendation as to whether we do this or not, that is alright with him, but he is not changing his position at all at this point.

Mayor Brookshire asked Mr. Smith if he in fact is asking for an analysis of the two routes or corridors to include the cost of the so-called gap between Providence Road and Park Road; he asked if he wants this considered in the study? Councilman Smith stated we have been accused of trying to kill this thing by taking it to Providence Road and forgetting about it. That he does not think this is the intent of Council and he does not think this is the intent of what we agreed to do with the State Highway Commission. That he is saying we can't sit here continually and wish this thing away. It is not going away, and he doesn't know how he, as a Councilman, can resolve this thing without professional help. That he believes, and he has the highest regard for the State Highway Commission, as we represent the taxpayers of Charlotte, that we have to put up money which is (X) dollars and as proved here today, we don't know how much we have been committed for, whether we have committed to buy the right of way or not, maybe we ought to get off our duff and start finding out some facts in dollars and cents that can be backed up, rather than just heresay.

Councilman Albea stated he doesn't see how you can make any estimates until you pick the route. After the route is picked then he might consider the suggestion, but just to take a man here and tell him to go out here and get the estimates when you don't know where you are going, he is not going to vote for it.

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Councilman Bryant stated just so there will not be any misunderstanding he does not consider he has sat on his duff prior to making this decision. He thinks he has made one with the information that was presented. That he assumed it was reliable information as reliable as it can be, and the decision he made, he understood, was to go to the Highway Commission. He feels sufficient information was given and he voted from that information and he does not want there to be any misunderstanding; he does not feel like he has been sitting around on his "duff" waiting to make a decision because he had not found enough information. Councilman Smith stated he apologizes to Mr. Bryant and Mr. Jordan and if anybody has been sitting he has been sitting as much as the rest.

Councilman Smith stated he would like to ask Council if they will let Mr. Veeder look into this matter and give a report. Councilman Albea stated he thinks Mr. Veeder has enough to do without sending him out "helter-skelter". He is not going to support that. Councilman Dellinger asked Mr. Veeder if he has anything to say on it. Mr. Veeder stated he doubts that a review of this situation would develop too much in the way that is new and at the same time he is aware of the point-of-view that Mr. Smith is reflecting and would be very pleased to make whatever additional review seems indicated and come back to Council with a report, but he would not be overly optimistic this would develop anything really new. Councilman Thrower stated his point being that a physical survey is one thing, this just gives one side of the picture where your cost comes in at bridges, road construction and engineering work. Unless we have all of these, then he can't see any need for just the land cost. Mr. Crabtree stated he is speaking very generally but he thinks the State has the cost engineering available for the Highway itself which would include bridges too. In effect, he is saying that the cost of taking the property over two different routes should be considered before a definite decision is made on which way to go. He thinks nothing has been done. There have been some estimates and guesses, but he is talking about detailed information, and he thinks some of Council may have considered highway engineering or highway building cost. Councilman Whittington stated to Mr. Crabtree that all the City is concerned with is the right-of-way cost. That he sees no point in discussing this any further. The route has been selected by the majority of Council. The inter-part of this route as he understands the resolution will give the State a route through the middle by 1970 that is acceptable to them, and the City to bear all the cost of the right-of-way. Now on either end of it, the right of way cost has not been negotiated between the City and the State. It has been discussed but there has not been any agreement. He does not see anything else that we can do. He appreciates Mr. Crabtree coming and if Mr. Veeder is going to make a recommendation he is not opposed, but until somebody shows him something different, he is going to stay right where he is.

Councilman Albea asked how are you going to make estimates when you don't know which route you are going. He is talking about the Gap, that is what the man would be interested in, in his opinion.

Councilman Jordan stated Mr. Veeder can give us something to work on and he sees no reason why we can't ask him to do this next week. That he does not feel at this time that we should pursue this matter further. Today he would suggest that we just ask Mr. Veeder if he can do this by next week, certainly we are not taking anything from the way any of us voted. Councilman Albea stated he still wants to know how you are going to make an estimate if you don't know the way you are going.

Councilman Smith stated we have had a full discussion which is good and let's postpone any decision on this, one way or the other, at this time.

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DECISION RELATING TO MEDIAN STRIP ON WEST TRADE STREET BEYOND THE UNDERPASS POSTPONED FOR ONE WEEK SO COUNCIL CAN VIEW THE SITUATION.

Councilman Jordan stated he and other members of Council received a letter from Mr. W. W. Hanks of the Southern Electric Service Company regarding the median beyond the new Underpass on West Trade Street, and it is Council's wish that Mr. Hoose come in and give some information regarding this median since it is hurting all the businesses down in there.

Councilman Albea stated he also received a letter from Mr. Hanks and has had telephone calls from other people who say they are going to go out of business if something isn't done about the median.

Mr. Hoose stated in connection with the section from Graham to Cedar Street, the orange section which you see is the divider that was already put in at the time of construction of the overpass. It is $8\frac{1}{2}$ feet wide at the center span running 165 feet to a $4\frac{1}{2}$ feet at the end. The City of Charlotte agreed sometime ago that when the construction of the widening of this street was finished we would put in the traffic controls which is the parking restriction, lighting and the rest of the median. They are continuing this median toward Cedar Street. That is from a $4\frac{1}{2}$ foot to a 2 foot median with an offset and a setting for left turn slots at Cedar Street where there is a heavy movement. This section of the roadway in 1962 carried 17,000 vehicles a day. The left turn is a little over 1160 and the right turn 1100 in this area with around 7,000 straight through. This section of Graham being U. S. 21 we did the same thing, left the opening at Wilkes Place with a 2 foot median offset at the intersection, put in a left turn slot that carries around 635, with 7,135 straight through and 920 turning right. That they installed the parking meters and the loading zone with the peak hour parking restricted the same - the 8 to 9 and 5 to 6. It has some corner restrictions. Driveways were put back just like they were. The question that he had received the calls on were two Used Car Lots which at some part of the time would be blocked anyway due to the back up of traffic in the signalized intersection at this point. That they have spent a lot of money to unbottle this stream and he can't see where you could have turning stop for this heavy traffic tying up a lane to turn in and out of a side driveway after spending this much money.

Councilman Whittington asked if the property owners like the Church and Bumgardner Fruit Company and Mr. Hank's Company and the Used Car Lots were told by either the City or the State or the Consulting Engineers - Mr. Whitehead - that this median was going to be put in there when the road was completed? Mr. Hoose replied not to his knowledge.

Councilman Dellinger stated then the only agreement Mr. Hoose had with the State was the 165 feet from the railroad. Mr. Hoose replied with the contractor. Councilman Dellinger stated then he did not have any agreement with the State as to the median in the road. Councilman Dellinger then asked what the traffic count is on West Trade Street, from Mecklenburg Hotel back towards the square - about 17,000? Mr. Hoose stated it would probably be greater. Councilman Dellinger stated as soon as the street is open will this not relieve the traffic condition some on Trade Street. Mr. Hoose said when Fifth Street was built and opened up, this street fell off about 2,000, then in about 3 or 4 months it went back up again. We had about 7 to 8 thousand on Fifth Street. Traffic doesn't get smaller in Charlotte, and based on what we are doing we are just spreading it over other areas.

Councilman Albea asked if he understood right that the peak hour parking goes all the way to Cedar Street, and Mr. Hoose replied that is right and it has always been like that from 8 to 9 and 5 to 6.

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Councilman Whittington asked if the median is 165 feet on the west side of the bridge? Mr. Hoose explained from a map and stated it is approximately 165 feet to the west side of the underpass and 125 feet on the east. Councilman Whittington stated based on these distances and the concrete which has already been poured is there nothing that the Traffic Engineer could do to shorten this median so that if people were going east on Trade Street approaching the bridge far enough back so they would have enough side distance if they wanted to turn to the left or right they could. That he agrees it has to be in but he doesn't see why it could not be shorter. Mr. Hoose stated the 165 feet on the west side of the underpass and the 125 feet on the east side was put in as part of the plan. The other part was put up by the Traffic Engineering Department for the control of traffic on the street. That as far as the turning movement is concerned, the City of Charlotte is now putting an underpass at 4th Street and putting an underpass at 5th Street for some circulation in here. So there is only one block to go out of the way which before they didn't have. Now we do have an underpass on each end, so anybody can move in an area where before they were blocked. Councilman Dellinger asked if there could not be a break in the middle? Mr. Hoose stated then it would constitute a "U turn". That he wouldn't know where to make the break. This is nothing new as far as controlling the traffic on a 70 foot street with a volume that high. That he has a letter which he received from Mr. Babcock who reviewed the project when he was in Charlotte last week, which he would like to read to Council: "While in Charlotte on November 19th, I had the opportunity to review this section of West Trade Street along with several members of my staff. Due to the width of the street and the high traffic volume and the intersectional turn movement, we are pleased to give approval to the City of Charlotte for the construction of the continuous median on this section of N. C. 16."

Mayor Brookshire stated in 1962 before the construction, Mr. Hoose gave the traffic volume which was pretty heavy at that time, and there was no median strip at that time and there is no median strip at the present time from the underpass to the square, then how important is the strip to expedite or make safe the traffic flow? Mr. Hoose stated from this section from Graham Street on to, there are not as many driveway openings for turning in on private property as along this section. All streets are opened at the intersection. The street is open at Wilkes Place.

Councilman Dellinger asked if he means there were not as many driveways west; there are more west than east; these people are going to be highly inconvenienced by not being able to cross the street. In the middle of the block would be better than none. Councilman Albea stated he is very much interested in safety, but is also interested in a man getting equal ingress and egress from his buildings, and those people tell him they are practically cut off. Mr. Hoose replied anybody moving in a westerly direction can get into their property. If they come from the other side it is a matter of going around the block on Wilkes Street under the Underpass and right there they are. It is a matter of a short distance, which is a right turn and a whole lot safer than a left turn. You could have a series of people turning into each of the 14 driveways in there. Councilman Dellinger stated these are the people who make the downtown businesses and you want downtown business and you have to have some place for them to come. They have their own driveways and he knows some of the people are contemplating new structures and he doesn't see why they would be encouraged to move out into the suburban area unless we make some concessions there in this particular area. That we have been trying to push the Downtown area and spending a lot of money and now if we do this it certainly won't help any. That as far as the orange line extends he would go along, but he thinks we must give some concession in that area someplace for these business houses. The property is in a state of clutter now and some of them want to build and they are certainly not going to be interested in going in there under the present conditions.

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Councilman Whittington stated he agrees with Mr. Dellinger and he would move that final decision be postponed until next week so Council can have the opportunity to see it. The motion was seconded by Councilman Jordan, and carried unanimously.

H. M. WADE ESTATE COMMENDED FOR REDEVELOPMENT WORK BEING DONE ON THEIR PROPERTY IN VICINITY OF S. GRAHAM, MINT STREET AND RAILROAD.

Councilman Whittington stated recently there was a story in one of the papers about the H. M. Wade Estate going into their own Redevelopment project in the vicinity of S. Graham Street and the railroad and Mint Street. That this is the sort of thing that all of us would like to see done by more people and he would like to take this opportunity on behalf of Council, if they agree, to commend those parties for their efforts and say this is the sort of thing that we can do more of toward Urban Renewal.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and un-animously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk

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ADDENDUM

Minutes of that portion of the Conference Session, held at 2 o'clock p.m., on November 23, 1964, in the office of the Mayor, relating to the following subject, which were requested recorded herein.

REPORT OF SOLICITOR KENNETH R. DOWNS RELATIVE TO THE RECOMMENDATIONS OF THE GRAND JURY PERTAINING TO THE ADMINISTRATION OF THE POLICE DEPARTMENT.

Solicitor Kenneth R. Downs appeared before the City Council and handed them the Report of the Mecklenburg County Grand Jury, which was ordered by the Court to be transmitted to the City Council. He called attention to the last sentence thereof "enclosed in sealed envelope are presentments requesting Mr. Downs to issue indictments". Mr. Downs stated that after receipt of these presentments it became his duty as Solicitor of the 14-A Solicitorial District to investigate these presentments and to send back indictments to the Grand Jury based on pertinent information and statement of witnesses. That these indictments as requested by the Grand Jury in their presentments, after careful consideration, were sent back to the Grand Jury and true bills were returned on all of these indictments for which witnesses were available.

That the former Grand Jury of Mecklenburg County, North Carolina, demanded in June 1964, an investigation of the Detective Division of the Charlotte Police Department. In pursuance of this demand, the State Bureau of Investigation of North Carolina, was called on to make this investigation. After the investigation by the SBI was to a point, it was submitted to the Grand Jury then sitting. These indictments as returned by the Grand Jury of Mecklenburg County, N. C. will be tried when the necessary courts can be obtained and some necessary witnesses secured. Mr. Downs stated he has requested this morning, and has been granted Special terms of Superior Court in January and February 1965 at which time these cases will most likely be tried. In addition to the Regular Superior Court in December 1964, he has only a one-week term of Special Court at which a few of these matters might be tried. That the law imposes upon him a duty as Solicitor of this District and he will attempt to carry out this duty to the best of his ability.

He stated he was handing to Acting Chief Ernest Selvy at this time, the names of two other City of Charlotte Police Officers whom, after presentments by the Grand Jury and investigation by him as Solicitor, he finds at this time cannot be legally indicted due to lack of information that might be later obtained. That if this information is obtained indictments will be sent.

Councilman Bryant asked if he wished to give the City Council the names of the two officers and Mr. Downs replied that the names were in the sealed envelope for the discretion of Chief Selvey.

Councilman Smith asked if Mr. Downs thought these indictments would stand up in Court, and Mr. Downs stated he thought there was sufficient evidence to send back the indictments to the Grand Jury and they sent back all but five.

Councilman Smith then asked if the Grand Jury sought his advise as to whether there was sufficient evidence to stand up in Court, and Mr. Downs replied, No sir, they meet in secret session. That it was his duty to see that witnesses they wish are located. That he is never in the Grand Jury room.

Councilman Smith commented that in other words they take this on themselves and you only follow through? Mr. Downs stated Yes sir, they asked for the investigation and when it was made they looked at it and then asked that I send it back to them in the form of indictments.

Councilman Jordan told Mr. Downs the Council in meeting last Friday expressed a strong desire that he expedite the trials of these Officers and they be held at an early date, he asked if Mr. Downs could do this? Mr. Downs stated that this morning he was on the phone with the Chief Justice and because of the holidays he could not get Special Court terms scheduled before the weeks of January 4, 11, and 25th and February 1, 8 and 15th, and he would also have to secure the witnesses. Councilman Jordan asked if the trials can be held during January and Mr. Downs replied if the witnesses are available.

Councilman Whittington stated he said all the time the Council should have had this information given them and he asked the City Manager to secure it even if he had to go to the Attorney General, because he did not want it tried in the newspapers, and that was just what happened. He asked Mr. Downs if the information in its entirety was turned over to the Grand Jury and they gave him the presentments to draw the indictments? Mr. Downs stated yes on the recommendation of the Grand Jury. They had the SBI report and called in the witnesses.

Councilman Dellinger asked if there is any reason why the Council has not had this information prior to now and if the indictments were the first information received by the City? Mr. Downs stated that Mr. Walter Anderson, Mr. Jessup and he met with Mr. Veeder and Mr. Morrissey in the Grand Jury room, that he does not recall the date, and Mr. Veeder and Mr. Morrissey were notified then that the information they were receiving was given to them and them alone. That Chief Hord was called in and it was considered that he be allowed to have certain information from the SBI reports. That they had talked with Mr. Veeder and Mr. Morrissey prior to the conference with Chief Hord, on a confidential basis.

Councilman Dellinger stated he was wondering if the SBI wanted the City Council given any information only now.

Councilman Smith asked Mr. Downs if at that particular meeting he had anything on Chief Hord? Mr. Downs replied the information that was given concerned the other officers and not the Chief. That the Chief was given the information on the other officers for any disciplinary action he desired to make. That the point they were driving at was whether Chief wanted to take disciplinary measures against the officers. Councilman Dellinger asked if Chief and Bill McCall were not the primary suspects? Mr. Downs replied that he made no determination of either at the time and if he understands the Code, the only person who can suspend Police Officers is the Chief.

Councilman Smith commented that the main point he wanted to bring out, and it is what the public does not understand, is if Mr. Downs advises the Grand Jury? Mr. Downs replied that the presentments come back to him as to whether certain people should be indicted and it is his duty to check the evidence as to fact and return them to the Grand Jury. He stated that the Bill of Indictment sets forth what has occurred - that it is different from an indictment.

Councilman Thrower asked if Mr. Downs will be in charge of the prosecution of these cases and Mr. Downs replied that at the present time he does not know if he will have assistance.

Councilman Smith asked if it is within the power of Mr. Downs to nol pros any of these cases? Mr. Downs stated the Grand Jury has made indictments against different officers in the form of 38 indictments. That in the process of these cases no one can say what may develop. That the Judge can squash the indictments, but he does not anticipate that any will be nol prossed.

Councilman Smith commented that as an individual Councilman, he appreciates Mr. Downs coming over here; that the Council knows only what they read in the newspapers.

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Councilman Dellinger remarked that he does not think anyone had any criticism. That he thought a lawyer could make a motion to dismiss a case and it was then up to the Solicitor. Mr. Downs replied, no sir, it is up to the Grand Jury as to whether the charge was proper.

Mr. Downs handed to each member of the City Council a copy of the Recommendations of the Grand Jury pertaining to the administration of the Police Department.

Mayor Brookshire thanked Mr. Downs for coming over to City Hall, and stated he wanted the Council members to have the Recommendations of the Grand Jury in view of the changes being recommended in the Charter.



Lillian R. Hoffman, City Clerk