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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, October 28, 1968, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on Monday, October 21, 1968, were approved as submitted.

EMPLOYEES' SERVICE AWARD PLAQUE PRESENTED TO RETIRING FIRE CAPTAINS.

Mayor Brookshire recognized retiring Fire Captain Robert L. Cooper and Retiring Fire Captain Capell H. Smith thanking them for their services to the City and presented each with an Employees' Service Award Plaque.

Mayor Brookshire stated that Captain Cooper was employed in the Department on May 16, 1946 and retired October 16, 1968 and Captain Smith was employed August 16, 1932 and retired October 16, 1968.

ORDINANCES AUTHORIZING THE CONSTRUCTION OF STORM DRAIN PIPE ON PRIVATE PROPERTY AND CHARGING THE COSTS THEREOF TO THE PROPERTY OWNER.

The scheduled hearing was held on the request of the Engineering Department to perform the necessary reconstruction of storm drain pipe in the 1300 block of Downs Avenue, under the provisions of the City Charter, Article VI, Section 6.101 with the total estimated cost of \$1,425.00 to be assessed to property improved, as follows:

R. J. Blalock	1314 Downs Avenue	\$536.00
Robert L. Newell	1316 Downs Avenue	460.00
O. E. Johnson	1320 Downs Avenue	429.00

Mr. Josh Birmingham, Assistant City Engineer, advised the present storm drain was constructed across the lot out of barrels in the form of pipes which stop up; that during period of heavy rain, water backs up in the street and overflow the curve into the yards and is doing some damage to the houses. He stated they talked with the three persons involved and all agree that something needs to be done.

Mr. Birmingham stated they propose to construct an 18-inch storm drain and assess these three persons. He stated they are aware of the assessment cost. That at present the drain goes under one house and they will take it out and bring it around him.

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Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the following three ordinances were adopted:

- (a) Ordinance No. 65-X authorizing the construction of storm drain pipe on private property and to charge the costs thereof to the property owner, R. J. Blalock.
- (b) Ordinance No. 66-X authorizing the construction of storm drain pipe on private property and to charge the costs thereof to the property owner, Robert L. Newell.
- (c) Ordinance No. 67-X authorizing the construction of storm drain pipe on private property and to charge the costs thereof to the property owner, O. E. Johnson.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 12.

ORDINANCE NO. 68-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 38.5795 ACRES OF PROPERTY IN SHARON TOWNSHIP TO CITY OF CHARLOTTE.

The public hearing was held on the petition filed by James C. Evans, Evans-Howard Construction Company and First Union National Bank of North Carolina for the annexation of 38.5795 acres of property located in Sharon Township, contiguous to the city limits.

Mr. James Evans, one of the petitioners, stated they feel it is a logical annexation as there is a city sewer trunk line running through it that goes to East High School and there is an 8-inch water line down Rama Road that can be readily brought to them. That the extension of the water line will enhance the section as it will allow a fire hydrant to be in the neighborhood which will be directly across from McClintock Junior High School, and will be the closest fire hydrant to East High School.

The City Manager advised the area has frontage on Rama Road and frontage on the Seaboard Railroad property; that the present city limit line is the railroad.

Councilman Tuttle moved the adoption of an ordinance extending the corporate limits of the City of Charlotte by annexing 38.5795 acres of property located in Sharon Township to the City of Charlotte. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Pages 18 and 19.

ORDINANCE NO. 69-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF THREE CORNER LOTS FACING THE PLAZA, FROM R-6MF TO B-1.

Petition No. 68-65 by Willie B. Edwards, et al, for a change in zoning from R-6MF to B-2 of the entire block on the southeast side of The Plaza, between Sugar Creek and Sweetbriar Street was presented for Council's consideration.

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Councilman Whittington moved that the three corner lots facing The Plaza be changed from R-6MF to B-2 and the remainder of the block along The Plaza down to Sweetbriar Street remain as it is. The motion was seconded by Councilman Short.

Councilman Short stated the system of having business right around the intersection, and only at the major intersections of the belt road seems to have worked well and has made it possible to preserve the other portions for residential use.

Councilman Whittington stated the North Carolina Highway Commission has its storage yards and equipment yards across the street from this intersection.

Councilman Smith stated he assumes the B-2 was asked so a car care center could be built, which requires more space than an ordinary service station, but do they actually need B-2; that B-1 would allow a service station as a neighborhood business; that he thinks B-2 is a little too much and it should be B-1.

Mr. Thomas Mullins, Attorney for the petitioners, stated there is no big reason why this should be zoned B-2; that he represents the individual owners and he would think it entirely satisfactory to rezone it to B-1; it was the property owners intention, because of the commercial nature of the area, to be able to trade it for business purposes; that he is sure it will be entirely satisfactory with the owners to have it zoned B-1.

Councilman Whittington amended his motion to change the zoning to B-1 rather than B-2 and Councilman Short, who seconded the motion, agreed to the amendment.

After further discussion, the vote was taken on the amended motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 20.

ORDINANCE NO. 70-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE ZONING ORDINANCE AMENDING THE ZONING MAP BY CHANGING ZONING OF TRACT OF LAND ON THE SOUTHEAST SIDE OF MALLARD CREEK ROAD, NORTHEAST OF DERITA ROAD.

Motion was made by Councilman Whittington adopting the subject ordinance changing the zoning from R-9MF to B-2 and O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 21.

ORDINANCE NO. 71-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 1555, 1557, AND 1617 CLIFFWOOD PLACE AND 420 AND 429 WEST PARK AVENUE.

Petition No. 68-72 by Mrs. L. H. Painter and Raymond E. Bumgardner for a change in zoning from R-6MF to B-2 of the subject property was presented for Council consideration.

Councilman Tuttle stated he does not agree with the change to B-2 but he has spent much time studying this petition and he believes that B-1 zone is in order at this location, and he moved that the subject petition be approved for B-1 zoning. The motion was seconded by Councilman Whittington.

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Councilman Alexander stated this property is in a first class residential section in that area; the houses are in good condition; the streets are in good condition both on the east side on Mint Street and on the west side of Mint Street; there are very few businesses in this area and what businesses are there have been there for a number of years. That in this case if Council goes against the Planning Commission's recommendation, which is to deny the petition, that it is opening up a first rate residential community to businesses that will ruin the entire complex of the community; that he cannot see any reason to make any changes which will lead towards destroying the present composition of that community.

Councilman Tuttle stated it is a nice neighborhood with the exception of the fact that there is a business establishment directly across the street; one catty-cornered and more a block away; that this is a case of two corner lots and he would guess there would have to be at least four exposures allowing people an opportunity to protest this case; and there is not one protest from the neighborhood.

Councilman Alexander made a substitute motion that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Councilman Short stated he thinks it is necessary for this Council to protect these older and somewhat vulnerable residential areas; that he thinks Council should protect and preserve Wilmore, the older part of Dilworth and Elizabeth. In these more vulnerable neighborhoods, this kind of inroad will make the houses fall like dominoes; there is some business across the street but it has been there for some years; it is a pre-existing use that the people are use to; it is small; it is a non-conforming pre-existing use, and he does not believe it constitutes any threat to the neighborhood. He stated Charlotte badly needs housing of this category; that we are ousting people in order to build throughways; we are ousting people under our condemnation program and we are ousting people through urban renewal,

Councilman Smith stated in the first place we are not ousting these people; they own the property; they are elderly people and cannot get the value for their property because of the business across the street and the business next to them; the church has agreed with these people; they have a garage on one side and across the street is the business. That it works an economic hardship on these elderly, retired people when they are stuck in a neighborhood where real estate is dormant; they cannot dispose of it; whereas with business they can make a little money and enjoy the shady years of their life.

The vote was taken on the substitute motion to deny the petition and lost by the following vote:

YEAS: Councilmen Alexander and Short.

NAYS: Councilmen Whittington, Tuttle, Jordan, Smith and Stegall.

The vote was taken on the main motion to change the zoning to B-1 and carried by the following vote:

YEAS: Councilmen Tuttle, Whittington, Jordan, Smith and Stegall.

NAYS: Councilmen Alexander and Short.

The ordinance is recorded in full in Ordinance Book 16, at Page 22.

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ORDINANCE NO. 72-Z AMENDING CHAPTER 23, SECTION 23-8 AMENDING THE ZONING MAP OF THE CITY OF CHARLOTTE CHANGING ZONING OF PROPERTY ON THE SOUTH SIDE OF ALBEMARLE ROAD, EAST OF LAWYERS ROAD, ADOPTED.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-12MF to B-1 as recommended by the Planning Commission of 7.66 acres of land on the south side of Albemarle Road, beginning about 1,000 feet east of Lawyers Road. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 23.

PETITION NO. 68-75 BY HUGH A. CALDWELL AND PARKS E. MALCOLM FOR A CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF GLENWOOD DRIVE, EAST OF INTERSTATE HIGHWAY 85, DEFERRED FOR ONE WEEK.

The subject petition for a change in zoning from R-6 and O-6 to O-6 and B-1 was presented for Council consideration; and Council was advised that the Planning Commission recommends the portion requested for B-1 zoning be denied and the portion requested for O-6 zoning be approved.

Councilman Smith stated this area has become quite industrialized and it is right off I-85 and they have a great deal of trouble with truck traffic and other traffic there; in addition, this property is zoned office right next to a service station and it is very difficult to handle an office zoning next to a service station; it is the last place people usually want to put an office because of the congestion and noise and the early and late hours. That he thinks it would be good zoning to buffer the service station with business and then have O-6 zoning. That what the Planning Commission wants is to make the entire tract O-6 rather than any business.

Councilman Smith moved approval of the petition for a change in zoning as requested by the petitioners. The motion was seconded by Councilman Stegall.

Councilman Tuttle made a substitute motion to deny the portion requested for B-1 and rezone the portion to O-6 as requested and as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Councilman Whittington stated he looked at this property with both Mr. Watts and Mr. Caldwell and the property is adjacent to the Esso Service Station which is on the corner of I-85 and Glenwood Drive; that he thinks all the Council Members should look at this property before making a decision; across the street from the subject property is the office zoning that Sinclair Oil Company asked for and it was granted by Council; then Tennyson Avenue is immediately behind this property off Plainview Road which is all residential.

Councilman Jordan stated he has not had an opportunity to see the property as he has been ill for the past week.

Councilman Whittington made a privilege motion to defer decision on the subject petition for one week until all members of Council have had an opportunity to see the property. The motion was seconded by Councilman Tuttle, and carried unanimously.

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ORDINANCE NO. 73-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTHWEST SIDE OF THE 1600 BLOCK OF SCOTT AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 24.

ORDINANCE NO. 74-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF TRACT OF LAND ON THE NORTH SIDE OF ALBEMARLE ROAD, NORTHWEST OF THE SHARON AMITY ROAD INTERSECTION.

Motion was made by Councilman Smith adopting the subject ordinance changing the zoning from R-9 to R-9MF of a 28.583 acre tract of land as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 25.

DECISIONS ON PETITION NO. 68-78 BY MARY B. ALEXANDER FOR A CHANGE IN ZONING OF A TRACT OF LAND SOUTHWEST OF FREEDOM DRIVE ADJOINING THE NORTHWEST SIDE OF FREEDOM SHOPPING CENTER, AND PETITION NO. 68-79 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF RANDOLPH ROAD, FROM DURHAM DRIVE TO LAUREL AVENUE, DEFERRED.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, deferring decision on the subject petitions pending further study by the Planning Commission.

DECISION ON REPLACEMENT OF PRESENT ROOFING MATERIAL OF SPECTATOR DECK AT TERMINAL BUILDING DEFERRED FOR ONE WEEK.

Mr. Knight, Airport Manager, stated the observation deck is a very vital component of any airport terminal building; it provides the visitors, the taxpayers and others an opportunity to get close to the airplanes; it gives the hundreds of organized children's group, which come through the terminal building each year, an opportunity to get out close to the airplanes instead of having to press their noses up against the glass windows looking out. It also acts as a relief valve because it attracts visitors and spectators who would otherwise be in the lobby, up out of the crowded lobby to the observation deck.

Mr. Knight stated the estimated cost of \$16,600 to replace the present roofing material on the deck is a turnkey operation; that the one offer which has been received includes \$15,000 for the material; \$1,200 for some extra railing and installation of a turnstile which is left over from four years ago, plus A & E fees. That they are not asking for a bid award; the \$16,600 is simply an indication which was received from the only interested company and that will be used as the basis to go out for bids.

Councilman Whittington asked what happens to the terminal building when the other one is built; will it be torn down and demolished? Mr. Knight replied substantial portions of it will be used for the air cargo facilities; that is nine to ten years away, and this roof will have paid for itself in five and one-half years.

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Councilman Whittington stated he is not opposed to the observation deck; but he thinks it is unfair to say it will pay for itself if the guarantee does not last but three years and if you have to have maintenance every one or two years if you pay \$16,600 for it now. That he thinks this should be looked at beyond what the permanent terminal is going to be, rather than spending this kind of money for something that, at the least, is temporary.

Councilman Tuttle asked how much area are we talking about and how much the roofing per se will cost? How much of the \$16,600 is for the roof itself and how much a foot? Mr. Knight replied \$15,000 was the portion estimated for the roof itself; the size of the roof is 9,360 square feet.

Mr. H. E. White, Consulting Engineer, stated in their search for satisfactory spectator deck material, they investigated four different weather wear systems and two appeared to be reasonably acceptable. That the building industry has not come up with a weather wear type system that is used out in the open for people to walk on and has occupied spaces below without reservations. Mr. White then explained the two systems that seem to be acceptable. Mr. White stated he does not know what the maintenance cost would be; he would guess in terms of \$300 or \$400.

Councilman Tuttle stated the first thing that would occur to him would be how to put something down to walk on such as used back of a counter in a Soda Fountain or a restaurant - the hardwood built-up skids to walk on. He asked why something cannot be built to walk on with cracks so that the water can go through? Mr. White replied this could be done by using treated wood; that it would be unslightly and you would have to provide spaces for the water to go through.

After further discussion, Councilman Smith made a motion to approve the request to replace the present roof of the spectator deck. The motion was seconded by Councilman Stegall.

Councilman Tuttle made a substitute motion to delay action for one week and give Mr. White and Mr. Knight an opportunity to look into the use of the mats and the deck floor further. The motion was seconded by Councilman Whittington.

Councilman Whittington requested that Council be given the cost of a composition roof versus mats or the decks against the weather deck cost.

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

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED IN ERROR.

Councilman Tuttle moved the adoption of the subject resolution authorizing the refund of certain taxes in the amount of \$466.90 which were levied and collected in error and for which the City-County Tax Collector has certified that the proper written demand has been made for the refunds and the taxes in question were paid in error. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 208.

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CONSTRUCTION OF SANITARY SEWER MAIN.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, contract was authorized for the construction of 72 feet of 8-inch sanitary sewer main in Rosehaven Drive, inside the city limits, at the request of Mr. J. Kenneth Powell, at an estimated cost of \$815.00 with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

RIGHT OF WAY AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR WATER MAIN INSTALLATION IN BEATTIES FORD ROAD.

Motion was made by Councilman Alexander approving the execution of a right-of-way agreement with the State Highway Commission for the installation of an eight-inch water main in the west side of Beatties Ford Road, from Fairdale Drive to the new Capps Hill Mine Road to serve the proposed new location of the McCrorey Branch of the Charlotte YMCA. The motion was seconded by Councilman Jordan and carried unanimously.

SUPPLEMENTARY CONTRACT WITH IDLEWILD UTILITIES, INC. FOR WATER MAIN INSTALLATION.

Councilman Whittington moved approval of a supplementary contract, to a contract dated November 4, 1963, with Idlewild Utilities, Inc., for the installation of 15,590 feet of water main and nine fire hydrants to serve Idlewild Subdivision outside the city, at an estimated cost of \$61,300.00, with the applicant to finance all pipe lines and system and will own, operate and maintain same until such time as any part or all of the mains or system are incorporated into the city at which time the system will become the property of the city without cost. The motion was seconded by Councilman Stegall.

Councilman Short stated this includes the nine fire hydrants outside the city, and he asked the City Manager if the City should attempt to arrange some better means of collecting the standby water fees - the fire hydrant fees? Mr. Veeder, City Manager, replied he does not have any specific plan to recommend; that he would not favor cutting off a hydrant.

The vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Stegall, seconded by Councilman Whittington, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 14,700 square feet of property on Berryhill Lane, RFD No. 4, Box 560-J, Berryhill Township, from Rhonnie J. Parris and wife, Patricia Ann Parris, at \$10,800.00 for the Airport Expansion Project.
- (b) Acquisition of 1,567 square feet of property on the southeast corner of The Plaza and Mathieson Avenue, at \$3,500.00, from Texaco, Inc., for the East Thirtieth Street Project.
- (c) Acquisition of right-of-way of 1,832 square feet of property off Farmington Drive, from Howard Nance Development Company, at \$1.00 for sanitary sewer easement to serve Coventry Woods Section III.

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APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the following appraisal contracts were authorized:

- (a) Contract with Sam T. Atkinson, Jr., for appraisal of one parcel of land for the Eastway Drive Project.
- (b) Contract with William L. Frickhoeffler for appraisal of one parcel of land for the Airport Expansion Project.

ORDINANCE NO. 75-X AMENDING ORDINANCE NO. 939-X, 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Stegall moved the adoption of the subject ordinance authorizing the transfer of \$650.00 from the General Fund Contingency Appropriation for the employment of an adult crossing guard to serve the intersection of Elizabeth Avenue and Torrence Street, for Elizabeth Elementary School. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 26.

ORDINANCE NO. 76 AMENDING CHAPTER 20, ARTICLE 1, SECTION 21, OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO RATES CHARGED FOR WRECKER SERVICE.

Motion was made by Councilman Alexander, and seconded by Councilman Stegall to adopt the subject ordinance increasing the present \$10.00 rate to \$15.00 and the present \$5.00 to \$7.00.

The vote was taken on the motion after discussion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 27.

ORDINANCE NO. 77 AMENDING CHAPTER 20, SECTION 20, OF THE CODE OF THE CITY OF CHARLOTTE ALLOWING THE POLICE DEPARTMENT TO TAKE VEHICLES VIOLATING PARKING AND VEHICULAR LAWS TO A LOT OTHER THAN A MUNICIPAL VEHICLE LOT.

Councilman Whittington moved adoption of the subject ordinance, which was seconded by Councilman Jordan.

Mr. Underhill, Acting City Attorney, advised if Council approves the ordinance appropriate contracts will be entered into with the wrecker companies and part of the consideration for the contract will be insurance coverage.

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

The ordinance is recorded in full in Ordinance Book 16, at Page 28.

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ORDINANCE NO. 78 AMENDING CHAPTER 13, SECTION 13-1.2 OF THE CODE OF THE CITY OF CHARLOTTE DELETING THE PRESENT SECTION 13-1.2 AND SUBSTITUTING A NEW ORDINANCE REGARDING ABANDONED MOTOR VEHICLES.

Motion was made by Councilman Whittington to adopt the subject ordinance. The motion was seconded by Councilman Stegall.

Councilman Short stated he does not feel it is wise to leave in this ordinance the provision which makes it unlawful for a person owning or controlling private property to permit the abandonment of a vehicle on his property. That this should be deleted; this amounts to saying to a property owner that you have committed a crime unless you help us with this problem; that he does not believe we should hang onto the ownership or the occupancy of land a duty backed up by a possible prosecution to help with the junk car problem; that he is not sure this is constitutional; that it may be depriving a landowner of property rights. That the city has had its massage parlor ordinance declared unconstitutional over a little snare; the blockbusting ordinance has been declared unconstitutional because we did not see a snare that was in it. That he thinks this is a little snare that could trip the city again.

Councilman Whittington stated he does not agree, and if we are going to eliminate the problem of abandoned vehicles the city needs the cooperation and help of the property owner.

Mr. Bobo, Administrative Assistant, advised this was taken from the State Statutes, and it is now a part of the State Statutes. That abandoned cars are a critical problem and this is one of the key points in the ordinance.

Councilman Smith stated that sub-paragraph (6) under (b) reads: "It is left on private property without the consent of the owner, occupant or lessee thereof for a period of not less than two hours", that there are a lot of situations where a man has parking for his office building and there is always a fight about who can park where.

Councilman Smith moved that the time in sub-paragraph (6) under (b) be changed to read "twenty-four" hours. The motion was seconded by Councilman Stegall and carried unanimously.

After further discussion, the vote was taken on the motion to adopt the subject ordinance with the change in sub-paragraph (6) and carried by the following vote:

YEAS: Councilmen Whittington, Jordan, Smith, Stegall, Tuttle and Alexander.
NAYS: Councilman Short.

Councilman Short stated although he voted against the ordinance that he does appreciate very much what Mr. Bobo and all the others have done on this program; they listed the problems very concisely and gave good answers on them.

The ordinance is recorded in full in Ordinance Book 16, beginning at Page 29.

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CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY, INC. FOR TRAFFIC CONTROL CABLE.

Councilman Whittington moved award of contract to the low bidder, Graybar Electric Company, Inc., in the amount of \$5,863.39, on a unit price basis, for traffic control cable. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Graybar Electric Company, Inc.	\$ 5,863.39
Superior Continental Corp.	5,942.64
Westinghouse Electric Supply	5,995.15
General Electric Supply Co.	6,078.30
Chester Cable Company	6,187.72
Mill Power Supply Co.	6,935.50
Econolite, Division of	
Tamar Electronics	7,696.69

CONTRACT AWARDED PRISMO SAFETY CORPORATION FOR PLASTIC PAVEMENT MARKING MATERIAL.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, Prismo Safety Corporation, in the amount of \$15,657.75, on a unit price basis, for plastic pavement marking material.

The following bids were received:

Prismo Safety Corporation	\$15,657.75
Southeastern Safety Supplies	17,295.00

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR FALL ASPHALT RESURFACING.

Motion was made by Councilman Tuttle awarding contract to the low bidder, Rea Construction Company, in the amount of \$39,862.92, on a unit price basis, for fall asphalt resurfacing. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Rea Construction Company	\$39,862.92
Blythe Bros. Company	41,435.16
Carolina Paving Company	41,886.04
Dickerson, Inc.	46,888.40

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR SPRING ASPHALT RESURFACING.

Councilman Tuttle moved award of contract to the low bidder, Rea Construction Company, in the amount of \$299,740.80, on a unit price basis, for spring asphalt resurfacing. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Rea Construction Company	\$299,740.80
Blythe Bros. Company	307,507.20
Dickerson, Incorporated	327,281.60

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STATEMENT BY SANITATION WORKERS REGARDING RECOGNITION OF UNION.

Mr. F. N. Crump, with the City Sanitation Department stated he has some things he would like to discuss with Council and he asked that Mr. James Pierce be allowed to read the statement.

Mr. Pierce stated the following statement was written for and on behalf of the sanitation workers:

"On August 28, 1968 representatives of the City and the striking garbage workers signed a memorandum of understanding. The striking Sanitation Workers accepted this in good faith and fulfilled their part of the bargain. To date the City of Charlotte has not done so.

After a discussion this morning we decided to itemize the points that are of concern to us and bring them to you with the hope that you will correct our outstanding grievances.

Part of the Agreement was that the City would issue adequate rain gear for the employees. To date this has not been done. After the last two weeks our members have been forced day after day to work in the rain resulting in a great deal of sickness among the employees. This is true even though most of the promised rain gear is in the possession of the City but has not been distributed. We agreed that we would account for all rain gear issued to us, so there is no reason for the City not to distribute this equipment. We can not continue to work in foul weather without adequate equipment.

Part of the Agreement was that the City would provide full crews on the trucks. At that time they asked that we help them recruit additional employees. During this period we have referred a great number of people to the City for employment and in most cases they were notified that there was no need for their services and that the Sanitation Department was full.

Another part of the Agreement was that there would be no harrassment of the employees who took part in this strike and that no threats would be made to them. Yet we are constantly apprised of the fact that the leaders of the Union are scheduled for dismissal.

We were also assured at that time that if we had grievances that the City would hear these grievances and make a fair adjustment on them. Not only has this not been done but our members are constantly reprimanded and harrassed without proper hearing.

Is there any reason then, Gentlemen, why you cannot understand the employees desire for union representation? We feel that it is the only way that we can assure ourselves of fair treatment at the hands of our employees.

Gentlemen, we are asking you to do the following:

- (1) See that we are issued adequate rain gear before we are asked to work in the rain.

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- (2) Do your best to assure full crews on each of the trucks. As you know leaf season is upon us and we will be greatly overworked during this period.
- (3) Instruct supervision of the city to discontinue the threats against our leaders and against the members who are supporting the Union.
- (4) Establish a method of hearing and settling our grievances including the establishment of an arbitration procedure as a final, binding step in the event an agreement is not reached before that stage.

And finally, Gentlemen, we are in fact members of Local 1127 of the American Federation of State, County and Municipal employees. We are prepared to prove our majority status by signed authorization cards. We are not asking that you violate any law and we are not asking that you do anything not already done in the City of Durham, but we are asking that you recognize our rights to be members of the Union, honor our authorization for dues deduction and meet with us and our representative at mutually convenient times. These are rights guaranteed to every American worker who works in industry and we feel that we are not asking for anything that is either illegal or out of keeping with those rights already guaranteed to other workers.

If you will do this for us, Gentlemen, we can assure you harmonious relations and good service from our members.

We respectfully ask that you give us an answer to this request prior to the next meeting of the City Council.

We thank you for your consideration in this matter."

Mayor Brookshire replied there are established standard procedures for handling complaints and grievances, and Council would suggest that the men in the department follow the established regulations. That as to the members of the department having the right to join a union, as far as he knows they have that right; but to honor authorization or to collect dues would be a recognition that is denied the city by State Statutes.

Mayor Brookshire stated the following statement has full Council approval; that they were made aware that members of the Department planned to be present this afternoon and he has conferred with all members of Council, and have their approval of the statement:

"I am making this statement on behalf of all members of City Council, and myself, as Mayor of the City of Charlotte. First, we as elected officials of the City of Charlotte have given considerable time and thought to the question of union representation of employees of the city. We have concluded that in our judgment union representation is not compatible with the public purposes we are charged with carrying out. Secondly, we are of the opinion the laws of the State of North Carolina are completely supportive of this view.

We, therefore, do not intend to recognize in any formal, or informal, fashion any union representation on behalf of any employee."

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Mr. Bill Holder, President of the Charlotte Labor Council, stated when these people struck it was on their own; that he was one of the people who went down and met with them; he was one of the people who asked them to go back to work and to try to work out some form of a grievance procedure with this City Council that they could live with on their working conditions and their salaries. These people did just that. That he does not think anyone knows or recognizes how important a garbage collector is until he withdraws his labor. These people are saying that the City has not lived up to the memorandum of agreement that they signed with them on that date. The Charlotte Labor Council will help these people in any way they can to see that they get the recognition of their grievances including their working conditions and the things they are asking for. That they deserve this; they deserve recognition of what they are asking for.

Mr. Crump stated if the City does not recognize the union they will call a strike next Monday morning. He asked that Council think it over and give them an answer by next Monday.

CONFERENCE SESSIONS RE-INSTATED BEGINNING WITH THE NEXT REGULAR COUNCIL MEETING.

Councilman Stegall moved the re-instatement of Conference Sessions beginning one hour before each regular Council session, open to the press and other interested persons, beginning with the next regular Council Meeting on Monday. The motion was seconded by Councilman Whittington.

Councilman Whittington stated he feels Council can get more work done; that they are down here an hour earlier and can go over items they need to discuss together; items would not be presented to Council cold without some information as to what will be brought up by Members of Council.

Councilman Stegall stated if there are people who feel they would like to attend these conference sessions and sit and listen that this is their privilege. Councilman Tuttle stated then the Council Chambers will be needed for the conference session. Councilman Stegall replied perhaps so; a few people did come and listen; if we find ourselves in that position then he says move into the Council Chambers but it would still be an information session. Councilman Stegall stated this session will be used as an informative session by the City Manager and other department heads where the projects can be seen visually; Council can be kept abreast of what is going on in city government through all the projects.

Councilman Jordan stated he was opposed to dropping the meeting in the first place and he is very happy that it has been brought up again; that he heartily endorses this move to bring the conference meetings back.

Councilman Tuttle stated he is for the conference meetings, but he does not feel that the public feels they are invited; that he would suggest if the conference meetings are going to be held again that they be held openly in this room.

Mr. Veeder, City Manager, stated the space was limited in the room where the conference session was held previously; that there is a great deal more room in the conference room and more people can be accommodated. That he would encourage Council to go back to this practice as he thinks it is very worthwhile.

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

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PROGRESS REPORT ON BEAUTIFICATION GRANT.

Councilman Short stated last April, Council asked that the City Manager seek to obtain in partnership with the federal government a 50-50 program of a beautification grant; that this totaled about \$160 to \$165 thousand. He asked if Mr. Veeder could give a progress report.

Mr. Veeder stated the grant was approved and we now have to find a way to fund our share of it; there is no money appropriated for this purpose for the city's portion at this time; hopefully something can be done to correct this within the time required by the grant.

That he has had some recent discussion on this with the Chairman of the Beautification Committee, Mr. Don Bryant, and hopefully some ways of financing can come into being. That if the North Carolina Supreme Court acts favorably on the sales tax, the Council will have that to consider as a source of financing for this program.

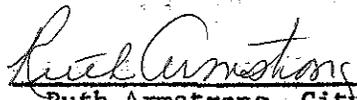
REPORT ON MEETING WITH REPRESENTATIVES OF FIRST BAPTIST CHURCH
RELATIVE TO DAVIDSON STREET.

Mr. Veeder, City Manager, stated he has copies of a letter he prepared which is going out to Mr. William Poe, principal spokesman for the First Baptist Church relative to Davidson Street.

That the letter says that there is now a formal plan before Council and approved by Council that calls for this block of Davidson, between Independence and Second Streets, to be closed. That if no action is taken by Council, it retains and sustains the position that First Baptist Church, the School Board and the Redevelopment Commission thinks is best. That in the last paragraph of the letter he assured Mr. Poe that the Staff would not be making any recommendations to Council to change what is already in effect.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk