

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 25, 1965, 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 the Reverend H. L. Ferguson, Pastor of Thomasboro Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last Council Meeting on January 18th were approved as submitted.

PETITION NO. 65-1 FOR CHANGE IN ZONING OF THREE LOTS AT NORTHWEST CORNER OF LANIER AND LYNNVILLE AVENUES, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, Petition No. 65-1 by R. H. Allen and wife for change in zoning from R-9 to R-9MF of three lots at the northwest corner of Lanier Avenue and Lynnville Avenue was denied as recommended by the Planning Commission.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON FEBRUARY 15TH ON PETITION OF SPANGLER LAND COMPANY FOR CHANGE IN ZONING OF 11.733 ACRE TRACT OF LAND NORTH OF KELLER AVENUE, ADOPTED.

The City Council was advised that Spangler Land Company has requested that their petition for a change in zoning of 11.733 acre tract of land north of Keller Avenue from R-6 to R-6MFH which was heard by the Council and Planning Commission on January 18th, be changed to rezone the property to R-6MF instead of to R-6MFH as they do not plan to erect high-rise apartments and the Planning Commission concurs in their request as the R-6MF zoning will be sufficient for their needs.

Councilman Smith moved the adoption of a Resolution Providing for a Public Hearing on February 15th on Petition of Spangler Land Company for change in zoning from R-6 to R-6MF of property on Keller Avenue. The motion was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 479.

PETITION NO. 65-3 FOR CHANGE IN ZONING OF TRACT OF LAND AT NORTHEAST CORNER OF EASTWAY AND KILBORNE DRIVE, DENIED.

Councilman Albea moved that Petition No. 65-3 for change in zoning from O-6 to B-1 of a tract of land at the northeast corner of Eastway Drive and

Kilborne Drive, requested by Esten M. Bohannon, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Councilman Dellinger remarked that all of the property around the subject property is owned by the Petitioner and is vacant, and there is no opposition to the change in zoning.

Councilman Bryant offered a substitute motion that the petition be granted. The motion was seconded by Councilman Dellinger.

Councilman Albea commented the reason he is going along with the Planning Commission is that they said there is a service station there now, and that is what the petitioner wanted to put on his property, and if there is one there already why put up a second one.

Councilman Smith remarked to Mr. Albea that he thinks the Planning Commission is getting into the economic results of their zoning and they should be thinking about the protection of the neighborhood. That his decision would be to support Mr. Bryant's motion as the neighbors did not complain, and too, there is a Minute Market and Service Station on the opposite corner.

The vote was taken on the substitute motion to grant the petition, and lost by the following recorded vote:

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

The vote was then taken on the main motion to deny the petition, and carried by the following recorded vote:

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

PETITION NO. 65-4 FOR CHANGE IN ZONING OF TRACT OF LAND FRONTING ON SOUTHWEST SIDE OF PROVIDENCE ROAD AND ON NORTHWEST SIDE OF BRIARCREEK, DENIED.

Councilman Bryant moved that Petition No. 65-4 by Sidney Astor and H.B., Gilbert, and Pearl Heath and Genola H. Hall, for change in zoning of a tract of land fronting on the southwest side of Providence Road and on the northwest side of Briar Creek and extending to the rear of lots on Briarwood Road and Hanson Drive, from R-12 to R-12MF, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

Councilman Smith commented that Council members have received a letter from the petitioner in which he pointed out that people on record as protesting the change in zoning or who spoke at the hearing are remote from the area. That it raises a question as to what a man is going to do with property when he can't build houses on it and then he is willing to spend money filling it in to get it where it is acceptable to the Engineering Department so he can build apartments. That he thinks there is a real point here that the petitioner made that the property is being confiscated for all purposes as he actually has no use for it in its present state. That he does think the petitioner made a mistake in that they should have asked for a less complex setup - without the golf course etc. That he believes the front portion of this property should be considered for a certain type of apartments, maybe a high-rise apartment, which they did but they went on into the use of all the acreage. He asked the City Attorney if the petition is denied by Council will it deny them the right to come back in two years and request a zoning change? Mr. Morrissey, City Attorney, replied the way the ordinance reads is

in the absence of a change in fact of the circumstances and conditions surrounding the property, which is determined by the City Council at the time the new petition is filed. Councilman Smith then asked the City Attorney if this means, in his opinion, if they were to reduce the area or the type of facility would this change the conditions enough for them to bring it back? Mr. Morrissey replied he would think so.

Councilman Bryant commented that the Council does have to consider the protection of the neighbors, and also consider it economically, but he thinks this is a case where the neighborhood must be protected, which in essence is essentially single-family.

Mr. R. C. Saunders, who stated he is the nearest neighbor to the property and he thinks the construction would improve the flooding condition which is very bad, was denied the floor since the public hearing on the petition was held on last Monday and persons for or against the petition cannot now be heard.

Councilman Dellinger stated he has been familiar with this property for a long time and thinks it is a confiscation of the property not to allow the owners to use the property in some respect. That were he living on Hanson Drive he would much rather have apartments or most anything on it than what is there now.

Councilman Whittington stated he has discussed this with people for and against it and he thinks what Mr. Smith has said would be interesting as information to those both for and against it and he has said to members of the Planning Commission that he was somewhat surprised that they totally and unanimously turned the petition down because of the area being vacant and flood plain property for these many years. That he can appreciate their wanting to protect the people with single family homes, which are good and expensive homes; that he thinks if the petitioners had thought this thing through they would have come in with a better plan for developing the property that would have been less objectionable. That he seconded Mr. Bryant's motion for the purpose of discussion.

Councilman Smith offered a substitute motion that the Petition be deferred for one week so that the Petitioner now that he has the thinking of some of the Council, can determine just what he wants to do. The motion was seconded by Councilman Dellinger.

Councilman Bryant stated he thinks this will be in direct opposition to what the conversations of the Council were a week ago insofar as encouraging people to come in and test the Council and then come back with something else and test them again. That he thinks if they want to come back with a different petition, that is fine and Council can rule on it from there, but he thinks we are getting away from the rules and regulations by which we go if we invite them to come back since they know the general sentiments of the Council. Councilman Smith stated he realizes Mr. Bryant is saying we are leaving the door open and they will know exactly what we are planning to do away with, but until we vote on this ruling we do not know whether it will pass.

Councilman Whittington asked if Mr. Bryant would object to postponing the decision on his motion? Councilman Bryant replied that he would object if it is done with the idea of going to the petitioner and saying, "now you know what we have in mind and you may want to change it before we vote on it". But if he wants to postpone it in order that members of Council might see it, or might converse more with those for and against it, he would be willing to do that.

Councilman Whittington stated he thinks that anything that would be changed would necessitate those people who are against it being given an opportunity to be heard again, and he would certainly want them to. Councilman Bryant stated he thinks it is just a poor proposition when we are not protecting the people, whether it be here or in some other area; that if it were initially in the ordinance that they could not come back within two years, then we are due them some rights or peace of mind; that the only way he has ever been willing to postpone one of these petitions is if there are some facts Council needs to make up their mind after the recommendation has been made by the Planning Commission.

Councilman Jordan asked if the petitioners would be permitted to come back next week with a change, and the City Attorney replied it would depend on the nature of it; that Council might recall the zoning matter where the petitioner was allowed to withdraw from his petition a portion of the area on the basis it had already been advertised and heard; the withdrawing of a portion of it in no way could effect the rights of any of the property owners. Under these circumstances, Yes they could. Councilman Jordan then asked if this petition were denied today could they not come back within a period of time with a different zoning if they so desired, or would they have to wait two years? Mr. Morrisey stated they can always come back with it but whether or not it would be effective would depend upon Council's determination as to whether or not there were changed conditions and circumstances.

Councilman Thrower remarked that the Council heard the petition and its merits and he cannot see that there is any alternative but to go ahead and vote, and Councilman Whittington agreed with him.

Councilman Smith asked the City Attorney if it would be in order to ask the Petitioner's attorney, Mr. Grier, who is in the audience, to state whether he wants the Council to vote on the question or whether he wants Council to postpone it? Mr. Morrisey replied that whether it is in order or not is determined by the pleasure of the Council by majority vote. Certain members of the Council indicated that it would not be agreeable to them.

Councilman Smith remarked then in the absence of an expression by Mr. Grier he withdrew his motion for postponement.

The vote was then taken on the original motion that the petition be denied, and carried by the following recorded vote:

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

ORDINANCE NO. 303-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF BRUNS AVENUE, FROM R-6MF TO I-1, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 303-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of a tract of land on the south side of Bruns Avenue from R-6MF to I-1, upon petition of 2215 Thrift Road, Inc., and recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 126.

ORDINANCE NO. 304-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-9MF TO I-1 OF TRACT OF LAND ON HICKORY GROVE-NEWELL ROAD AND NORFOLK-SOUTHERN RAILROAD, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and un-animously carried, Ordinance No. 304-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9MF to I-1 of tract of land fronting on the easterly side of Hickory Grove-Newell Road and on the south side of the Norfolk-Southern Railroad, was adopted as requested by Control Services Company and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 127.

ORDINANCE NO. 305-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-9 TO O-6 OF LOT AT 5505 MONROE ROAD, ADOPTED.

Councilman Thrower moved the adoption of Ordinance No. 305-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to O-6 of a lot at 5505 Monroe Road, as requested by Waymon L. West, and recommended by the Planning Commission. The motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 128.

WITHDRAWAL OF PETITION NO. 65-9 BY F. M. STOKES FOR CHANGE IN ZONING OF LOT AT 404 WESTWOOD AVENUE.

Councilman Dellinger moved that the request of Mr. F. M. Stokes to withdraw his petition for a change in zoning from R-6MF to B-2 of a lot at 404 Westwood Avenue be granted. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

ORDINANCE NO. 306-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-9 TO R-6MF OF LAND FRONTING ON MCALWAY ROAD AND ASHWORTH ROAD, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 306-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to R-6MF of a tract of land fronting on McAlway Road and on Ashworth Road, as requested by W. E. King, Jr., and recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 129.

PETITION NO. 64-78 TO AMEND CHAPTER 23, ARTICLE III, DIVISION I, SECTION 23-31, TABLE OF PERMITTED USES, CATAGORY (c) TO PERMIT FREIGHT TERMINALS AND TRUCK TERMINALS IN I-1 DISTRICTS, PROVIDED NO PORTION OF THE PROPERTY USED FOR THIS STORAGE, LOADING OR MOVEMENT OF TRACTORS OR TRACTOR-TRAILER UNITS IS LOCATED WITHIN 300 FEET OF ANY PROPERTY IN A RESIDENTIAL DISTRICT, DENIED.

Councilman Albea moved the adoption of an Ordinance Amending Chapter 23, Article III, Division I, Section 23-31, Table of Permitted Uses, Catagory (c) to permit Freight Terminals and Truck Terminals in I-1 Districts, provided no portion of the property used for this storage, loading or movement of tractors or tractor-trailer units is located within 300 feet of any property in a Residential District. The motion was seconded by Councilman Jordan for the purpose of discussion.

Councilman Bryant offered a substitute motion that the Petition be denied. The motion was seconded by Councilman Thrower.

Councilman Dellinger asked what good that will do if it is to be sent back to the Planning Commission as this will be the third time they have had it and they will come back and reaffirm what we have today and we will be right back where we started.

Councilman Bryant stated he presumes that it is still the prerogative of the Council to make the ordinances and as a result if this motion to deny passes he will then make a motion that Trucking Terminals and Freight Terminals be allowed to participate in I-1 zoning areas without any buffer, and that a hearing to that effect be held.

During the discussion, Councilman Albea expressed objections to a discussion of a motion that has not been made, especially when there is a bona fide motion before the house. Mayor Brookshire said to Councilman Albea that the Chair is giving a considerable amount of leniency in the matter in order that some consensus may be reached in the matter before them.

Councilman Whittington asked as a point of clarity, we have a buffer now in I-2 on I-85 at the rear of the I-2 property between that and single family property - if a motion is made to deny what the Planning Commission has recommended and then turn around and make another motion to allow trucking terminals in I-1 without any buffer, he is asking Mr. Fred Bryant of the Planning Commission Staff what happens to the buffer already in there? Mr. Fred Bryant replied that it would not have anything to do with it, because the area that is now zoned multi-family is not up for consideration at this time and will remain as is. Councilman Whittington asked him if the buffer will remain whether it is zoned I-1 or I-2? Mr. Bryant replied that we will have an area that will remain multi-family zoned whether we have a buffer on I-1 or not. Councilman Bryant stated that is if it is considered a buffer; that, personally, he does not consider a residential area a buffer and Mr. Fred Bryant stated they do not either. Councilman Whittington stated he would rather have an apartment house between a trucking terminal than a single-family. He remarked further that he would rather leave it as it is.

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

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

HEARING SET FOR FEBRUARY 15TH ON AN AMENDMENT TO THE ZONING ORDINANCE TO PERMIT FREIGHT TERMINALS AND TRUCK TERMINALS IN I-1 DISTRICTS, AND TO BE SO ADVERTISED.

Councilman Bryant moved that a public hearing be held on February 15th, and be so advertised, on an Amendment to the Zoning Ordinance to permit Freight Terminals and Truck Terminals in I-1 districts. The motion was seconded by Councilman Dellinger.

Councilman Albea asked Councilman Bryant to clarify his motion, and he explained that his motion provides that the recommendation of the Planning Commission under Petition No. 64-78 be accepted with the deletion of the 300 foot buffer of any activity by freight terminals and truck terminals. In other words, he is saying he thinks Council should allow these terminals to be in I-1 districts; the only thing the Commission recommended was that they should be in I-1 districts but we would need a 300 foot buffer between that and any adjoining property. Councilman Dellinger stated under the amendment proposed by Councilman Bryant the terminals will be permitted in I-1 districts all over the city.

Councilman Bryant remarked further that what prompts his motion is the Airport Zoning, which he is interested in passing if we can have it with this exception. That it may be that other members of Council do not want the Airport Zoning to go into effect and this is the way he can arrive at it by eliminating the 300 feet buffer and still leave on I-85 an opportunity for truck and freight terminals to exist; that he wants to support the Planning Commission in their efforts to zone around the Airport because he thinks it is advisable from many points of view.

Following the discussion, the vote was taken on the motion and carried unanimously.

PETITION NO. 64-49 POSTPONED AND REFERRED BACK TO PLANNING COMMISSION TO RE-SUBMIT IT AS SEVEN SEPARATE PETITIONS COVERING THE SEVEN TRACTS IN THE ENTIRE AREA AND THE PETITIONS BE ADVERTISED FOR PUBLIC HEARINGS ON FEBRUARY 15TH.

Councilman Bryant moved that Petition No. 64-49 Proposing Changes in the Official Zoning Map of the City of Charlotte and Perimeter Area in the vicinity of Douglas Municipal Airport be postponed until after the hearing on the Amendment to the Zoning Ordinance to permit Truck and Freight Terminals in I-1 districts, on February 15th. The motion was seconded by Councilman Dellinger.

Councilman Smith commented that in studying this Petition he has come to the conclusion that we are trying to cover too much ground in attempting to classify the several tracts of land in a widely scattered area, and it would seem to him it would be better to break it down into four or five districts where you have a different problem in each area. That as it is we are faced with protests that one or two votes would kill the whole proposal. That if the Planning Commission would break it down into segments we could make a more intelligent decision on it by considering one segment at a time. For example, first it was the decibels, the noise and trying to use this to change some zoning on I-85, which should be done in its proper perspective and not on the sound basis.

Councilman Thrower remarked that he is opposed to package zoning, that he realizes it was done in rezoning the whole city and we are still having problems because of it, and he does not think that seven different proposals in one ordinance can be voted on intelligently. Councilman Bryant stated he is in favor of the Planning Commission's recommendation, and he thinks basically they have the right idea in mind and they have come up with good recommendations in each instance, and he thinks it is good sense to trend towards industrial and business areas around an airport just purely and simply from the point of view of safety and because, in his opinion, in a very few years the closeness to an airport is going to be so very important to business it will be one of the most desirable situations that you can have, and as a result he thinks we should go along with the proposals.

Councilman Thrower offered a substitute motion that action be deferred today on the Petition and it be referred back to the Planning Commission to re-submit it as seven different Petitions, representing the seven tracts composing the entire area and that they be advertised for public hearings on February 15th. The motion was seconded by Councilman Whittington.

Councilman Smith asked the City Attorney if Mr. Thrower's recommendation to break the Petition down into seven separate petitions would not eliminate the problem of the protests with which Council is presently faced? Mr. Morrissey stated that is correct.

Councilman Bryant asked if we would have seven separate hearings on the seven tracts, and the City Attorney replied that is correct.

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

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON FEBRUARY 8TH ON PETITION FOR LOCAL IMPROVEMENTS ON BAY STREET, FROM PECAN AVENUE TO HANOVER STREET, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, a Resolution Fixing the Date of Public Hearing on February 8th on Petition for Local Improvements on Bay Street, from Pecan Avenue to Hanover Street, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 480.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON FEBRUARY 15TH ON PETITION NO. 65-21 FOR CONDITIONAL APPROVAL FOR STORAGE OF PETROLEUM PRODUCTS ON NORTH SIDE OF MT. HOLLY ROAD.

Councilman Jordan moved the adoption of a Resolution Providing for Public Hearing on February 15th on Petition No. 65-21 for Conditional Approval for Storage of Petroleum Products on the north side of Mt. Holly Road near the intersection of Thrift Road, extending to Sadler Road, requested by Crown Central Petroleum Corporation. The motion was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 481.

Councilman Smith called attention that in the last Zoning Ordinance change it was made conditional putting any more gas storage tanks at the Tank Farm and the Council had to approve the requests. In this case, these people from Baltimore have ordered these tanks and have them on the scene and ready to put them in and now have to wait for approval of Council, which is a big inconvenience to them. That if it is a good thing for Council to approve it, alright, but maybe it should be considered that we certify to these Companies how many tanks each one can have out there so they will know in advance. That he is just throwing out the suggestion, that it has come up before, and he is sure when this hearing is held the Crown Company will want a decision so they can get their men working. In other words, if it is going to be routine, then there is no need putting a lot of red tape to it and something should be worked out.

Councilman Albea suggested that the Oil Companies be notified of this provision in the Zoning Ordinance. Councilman Smith concurred in the suggestion and requested Mr. Bobo, Administrative Assistant, to write these Companies reminding them of this restriction, and saying that it has come to Council's attention and if they want to put in additional tanks they should file a petition before ordering the material.

ROSTER OF ACTIVE MEMBERS OF CHARLOTTE FIRE DEPARTMENT AS OF JANUARY 1, 1965 APPROVED FOR CERTIFICATION TO BOARD OF TRUSTEES OF THE N.C. FIREMEN'S PENSION FUND.

Councilman Thrower moved approval of the Roster of Active Members of the Charlotte Fire Department as of January 1, 1965, as submitted by Fire Chief

Walter Black, and that it be so certified to the Board of Trustees of the North Carolina Firemen's Pension Fund. The motion was seconded by Councilman Albea.

Councilman Whittington asked if it is customary for Council to certify the list when they know nothing about it. That if Council is going to vote on it they should have received a copy of the list. He requested that in the future Council have the list if it is to be voted on. The motion was seconded by Councilman Albea, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, the following streets were taken over for continuous maintenance:

Texas Court	From Bahama Drive	To end of cul-de-sac N.
Bahama Drive	From Glenwood Drive	To end of cul-de-sac W.
Drury Drive	From Craighead Road	To end of street south
Midfield Drive	From Drury Drive	To end of street east
Bridlepath Lane	From Drury Drive	To end of street west
Linda Lane	From Walker Road	To existing street west
Brantham Court	From Walker Road	To end of cul-de-sac W.
Conway Avenue	From Firwood Lane	To existing pavement E.
Firwood Lane	From Conway Avenue	To existing pavement S.
Kenhill Drive	From West Boulevard	To Markland Drive
Edsel Place	From Sudbury Road	To 85' north of Birch Ct.
Birch Court	From Edsel Place	To end of cul-de-sac E.
Olinda Street	From Kildare Drive	To end of cul-de-sac S.
Kildare Drive	From Joyce Drive	To Olinda Street

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

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, authorizing the following contracts for appraisal of rights of way for the Northwest Expressway:

- (a) Contract with Lionel D. Bass, Sr., for appraisal of one parcel of land at W. 11th Street.
- (b) Contract with Stuart W. Elliott for appraisal of one parcel of land at 1006-10 East 6th Street and one parcel at 1012-22 East 6th Street.

SUPT. OF BUILDING INSPECTION DEPARTMENT AUTHORIZED TO DESTROY CERTAIN DOCUMENTS MORE THAN FIVE YEARS OLD ON FILE.

Councilman Whittington moved that the Superintendent of the Building Inspection Department be authorized to destroy all applications for building permits more than five years old presently on file in which the State Department of Archives and History has concurred. The motion was seconded by Councilman Bryant and unanimously carried.

SUPPLEMENTARY CONTRACT WITH MARSH-BROADWAY CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN CHURCHILL DOWNS.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, a Supplementary Contract with Marsh-Broadway Construction

Company was authorized for the installation of 3,700 feet of water mains and four hydrants in Churchill Downs, at an estimated cost of \$10,900.00. The City to finance all costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED IN SUGAR CREEK ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of 325 feet of sanitary sewer mains in Sugar Creek Road, at the request of Humble Oil Company, at an estimated cost of \$2,245.00. All costs to be borne by the Applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.

SUPPLEMENT NO. 6 TO LEASE WITH EASTERN AIR LINES TO PROVIDE FOR MONTHLY CHARGE FOR USE OF AIRPORT PUBLIC ADDRESS SYSTEM.

Councilman Jordan moved approval of Supplement No. 6 to the Lease with Eastern Air Lines, providing for a monthly charge of \$3.70 per microphone outlet in their use of the Airport Public Address System. The motion was seconded by Councilman Whittington, and unanimously carried.

SUPPLEMENT NO. 3 TO LEASE WITH DELTA AIR LINES TO PROVIDE FOR MONTHLY CHARGE FOR USE OF AIRPORT PUBLIC ADDRESS SYSTEM.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Supplement No. 3 to Lease with Delta Air Lines was authorized to provide for a monthly charge of \$3.70 per microphone outlet in their use of the Airport Public Address System.

AMENDMENT TO LEASE WITH CAPITAL AIR LINES, INC. (SUCCEEDED BY UNITED AIR LINES, INC.) TO SHOW IN SAID LEASE THE CORRECT AREA OF SPACE LEASED FOR THEIR EXCLUSIVE USE IN THE AIRPORT TERMINAL BUILDING.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, an Amendment to the Lease with Capital Air Lines, Inc. (Succeeded by United Air Lines, Inc.) was authorized to show in said lease the correct area of space leased for their exclusive use as 1,138 square feet, in lieu of the area presently shown.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. H. F. and Sara B. Kinsey, for Lot 365, Section 3, Evergreen Cemetery, at \$378.00.
- (b) Deed with Dr. Roy B. McKnight and wife, Martha, for Lot 325, Section 3, Evergreen Cemetery, at \$283.50.

CONTRACT AWARDED WESTERN WATERPROOFING COMPANY FOR GUNITE REPAIRS TO TRICKLING FILTER UNIT.

Councilman Bryant moved the award of contract to the low bidder, Western Waterproofing Company, for gunite repairs to Trickling Filter Unit at the Irwin Creek Water Disposal Plant, as specified, in the amount of \$1,712.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Western Waterproofing Co.	\$1,712.00
Pressure Concrete Company	5,207.50

CONTRACT AWARDED GRINNELL COMPANY FOR GALVANIZED WROUGHT IRON PIPE.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Grinnell Company, for 2,700 feet of 2½ inch Galvanized Wrought Iron Pipe, as specified, in the amount of \$4,110.95.

The following bids were received:

Grinnell Company, Inc.	\$4,110.95
Hajoca Corporation	4,116.81
Atlas Supply Company	4,970.50

BIDS FOR THE REMOVAL OF SIX STRUCTURES AT DOUGLAS MUNICIPAL AIRPORT REJECTED.

Councilman Bryant moved that all bids for the removal of six structures at Douglas Municipal Airport be rejected as recommended by the City Manager and Airport Manager. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Hood Construction Company	\$2,600.00
Richland Wrecking Company	3,970.00
Crouch Bros. House Moving Contractors	4,237.50
J. E. Kipka Construction Co.	5,789.00

ORDINANCE NO. 307 AMENDING CHAPTER 20, ARTICLE IV, OF THE CODE OF THE CITY OF CHARLOTTE REGARDING USE OF STREETS FOR CERTAIN PROHIBITED PURPOSES, ADOPTED.

Councilman Thrower moved the adoption of Ordinance No. 307 Amending Chapter 20, Article IV of the Code of the City of Charlotte Regarding Use of Streets for Certain Prohibited Purposes. The motion was seconded by Councilman Whittington, and unanimously carried. The Ordinance is recorded in full in Ordinance Book 14, at Page 130.

ADMINISTRATIVE ASSISTANT REQUESTED TO CHECK OUT COMPLAINT OF RESIDENT OF NORTHHAVEN DRIVE REGARDING CITY SERVICES.

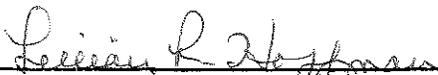
Councilman Smith advised he took up with Mr. Birmingham of the Engineering Department the complaint of a resident of Northhaven Drive, off Sugar Creek Road, that nothing has been done for them, and he has voted for all the Bonds for downtown streets, and all the City has done for them is to collect their garbage. Councilman Smith asked that Mr. Bobo, Administrative Assistant, check this out.

TRAFFIC ENGINEER REQUESTED TO MAKE STUDY OF COST ESTIMATE OF SIGNALIZING
PARK ROAD AND WOODLAWN ROAD INTERSECTION.

Councilman Thrower advised he requested the Traffic Engineering Department to make a study of a left-turn coming into town on Park Road at Woodlawn Road, and they gave him some fantastic number of turns, more than a lot of streets support, and he has asked them to work up a cost estimate for signalizing the intersection because the more this area is developed, this will be about the only way you can get across to South Tryon Street. Councilman Smith asked if Woodlawn Road will not be a part of the Belt Road? Mr. Bobo stated it will be part of the Project but until the Road is constructed it would be the responsibility of the City. Councilman Thrower stated it will be a matter of three years before the street is constructed and this intersection becomes the responsibility of the Highway Commission. In the meanwhile the signalization at this intersection is badly needed.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned to 10 o'clock a.m., January 26th, in the Commissioners' Room, Mecklenburg County Courthouse, for the purpose of canvassing the returns of the Special Bond Election held on January 23rd, and determining the results thereof.



Lillian R. Hoffman, City Clerk