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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in City Hall, on Monday, July 15, 1968, at 2:00 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.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Ashcraft, Godley, Sibley, Stone, Turner and Wilmer.

ABSENT: Commissioners Gamble and Tate.

* * * * *

INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Stegall, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on July 1, 1968, were approved as submitted.

HEARING ON PETITION NO. 68-48 BY MRS. SUSAN R. WHISNANT FOR A CHANGE IN ZONING FROM R-15 TO R-12MF OF PROPERTY ON THE NORTHEAST SIDE OF CROSBY ROAD, BEGINNING NORTHWEST OF WESTBURY ROAD, DEFERRED UNTIL SEPTEMBER 16, 1968.

Mr. Hugh Casey stated he appears on behalf of the petitioner to request a postponement of the hearing. The reasons being that the petition was filed on the 2nd day of July and the opinion of the City Attorney was filed on the 9th of July, and his client's husband was not aware of the petition against the rezoning until last Wednesday, the 10th. Mr. Casey stated he was not requested to appear before Council until last Thursday, the 11th, and being in Court he was not able to work on the matter until Friday. That he would like to contact the persons signing the protest petition to see if some agreement can be worked out and the protest could be withdrawn. Also, Mrs. Whisnant is out of town at present working in Denver, Colorado.

Mr. Fred Meekins filed a petition which he stated contains the protest of a good number of the neighbors. That he thinks it will be impossible to work something out with the protestants; those who signed the petition to invoke the 20% Rule requiring the affirmative vote of six councilmen in order to rezone the property, are present today.

After further discussion, Councilman Smith moved that the hearing be postponed until the 16th day of September, 1968, the regular date for zoning hearings. The motion was seconded by Councilman Alexander, and carried unanimously.

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HEARING ON PETITION NO. 68-49 BY SAM M. MCMAHON, W. J. SMITH, ET AL, FOR A CHANGE IN ZONING FROM R-9MF AND O-6 TO I-1 OF PROPERTY ON THE SOUTH SIDE OF MONROE ROAD, FROM NEAR RICHLAND ROAD TO NEAR MCALWAY ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the petition consists of property on the south side of Monroe Road, from near McAlway Road to near Richland Drive. It is primarily used for single family residential purposes with at least one apartment structure in the area. The property is adjoined on the intown side by a combination of businesses at the corner of McAlway and then residential property on McAlway before you get to the railroad. On the south side across the railroad, the main use is the industrial use which is a cement mixing plant; across Monroe Road from the property it is predominately residential with a combination of single family and a few duplexes. St. John's Methodist Church is located across from the property as well. There is a combination of business and industrial uses along Monroe Road. On the east side of the property from the beginning of the property out to Richland Drive it is mostly business. He pointed out the Oakhurst Elementary School and stated the development along Commonwealth Avenue is primarily residentially used.

The subject property is zoned a combination of O-6 near McAlway Road and R-9MF extending over to the Commonwealth Avenue area; to the west along McAlway and to the south across the railroad it is zoned I-2 with some I-1 zoning on the rear portion of some of the subject lots leading back into the railroad. On the east side of the property, the zoning is business and across Monroe Road it is all zoned R-9MF including the school area all the way out to the point near the west boundary of the property where there is some O-6 zoning.

Mr. Sam Williams, Attorney representing all the property owners in the yellow area, stated this is an area of property that is bounded at the rear by the railroad with the storage of oil tanks at the corner; the property generally is a very sound residential area with large lots and well-maintained. But the character of Monroe Road is such that with the recent widening, it will make for a light industrial area; some of the property to the rear is owned by the same owners, so they are trying to relate the zoning of the front property to the back. There is good light industrial use with rail siding available at the rear. He stated they have a buffer zone with the road, the I-2 zoning, railroad and the concrete plant.

Mr. Williams stated all the property owners have joined in the petition and they have heard of no objections. He stated there are no immediate plans for the property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-50 BY RAYMOND S. GRAY FOR A CHANGE IN ZONING FROM O-15 TO B-2 OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF NATIONS FORD ROAD AND GENERAL YOUNTS EXPRESSWAY.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located at the intersection of the Northwest Expressway and Nations Ford Road - the southwest corner of the intersection. This is a full interchange treatment on the Expressway with access in all directions between the Expressway and Nations Ford Road.

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The property is vacant and fronts about 130 feet on Nations Ford Road and extends on its longest side about 316 feet back to the Expressway area. A building or house is located to the south of the property that has been used for several different purposes; there is a grocery store-service station combination on the east side of Nations Ford Road; a mobile home park at one corner of the interchange; other than that the area is predominately vacant.

Mr. Bryant stated two of the four corners of the Expressway are zoned for business - the southeast and northeast corners; both requests having been granted in the last year and a half. Other than that the zoning in the immediate vicinity is all office and from that point the area to the west and south is zoned R-9.

Mr. Henry Strickland, Attorney representing the petitioner, stated the request is a change from O-15 to B-2; it is apparent that already everything has been changed to B-2 that has been asked for, and it is a considerable distance to where any residence is located further down the road. Since there has been no protest, they ask that the change be permitted. Mr. Strickland stated they would like to build a filling station on the property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-51 BY HONEY PROPERTIES, INC., FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A TRACT OF LAND 150' x 140' AT 400-08 EAST BOULEVARD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located at the corner of East Boulevard and Euclid Avenue and consists of three lots with a frontage of 150 feet on East Boulevard. It has on it several single family structures; there are a mixture of uses in the vicinity - the area from Euclid back towards South Boulevard is used for a number of uses. At the corner of Euclid and East Boulevard there are several business concerns; there are still a number of single family residences within the area, and other than that, there is a general mixture of apartments and houses through the area. From Euclid down East Boulevard, there is a mixture of uses, primarily residential. Immediately beside the subject property a new office building is under construction; there is a new office building for church purposes at the corner of East Boulevard and Winthrop Avenue. The property to the rear along Euclid and Worthington is solidly single family. This is also true along Kingston Avenue and along Euclid.

Along East Boulevard on both sides, the zoning is B-1 down to Euclid Avenue; at that point you pick up with O-6 zoning and the remaining part of East Boulevard all the way down to the business zone at Ramada Inn is O-6; to the rear of the property it is also zoned O-6 and the property fronting on Worthington is zoned R-6MF. The same zoning pattern is on the opposite side of East Boulevard with the property along Kingston Avenue being R-6MF.

Mr. Dick Johnson, Realtor representing Honey Properties, Inc., stated there are a number of old homes in the area including one on this property. He stated the property is ready and ripe for redevelopment; that B-1 is a logical extension of the present zoning which will leave the subject property well buffered with the other O-6 property.

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Mr. Johnson stated there are no plans at present for the redevelopment of the property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-52 BY B & L INVESTMENT COMPANY FOR A CHANGE IN ZONING FROM R-12 To B-1 OF A TRACT OF LAND 117' x 200' ON THE NORTH SIDE OF THE PLAZA BEGINNING EAST OF BRIDGEPORT DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located about midway between Bridgeport Drive, a street into Hampshire Hills, and the point at which Milton Road intersects and The Plaza makes it turn to the left. It has frontage of about 117 feet on The Plaza and extends to a depth of about 200 feet away from The Plaza. There is a single family residence on it at present; with a single family residence on the out of town side and then several nice residential single family structures along The Plaza on the intown side. The Hampshire Hills area is all developed for single family; directly across The Plaza is an area of several business uses.

Mr. Bryant stated the subject property is zoned R-9 as is all the property to the west on both sides of The Plaza; directly across the road and extending eastward from that point on both sides of The Plaza it is B-1; basically you have a division between B-1 along The Plaza and Milton Road, and single family zoning on the intown side.

Mr. David Lanter, the Petitioner, advised Mr. Bryant has covered the description of the property and the area, and they plan to build a service station on the property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-53 BY B. & L. INVESTMENT COMPANY FOR A CHANGE IN ZONING FROM R-12MF TO O-6 OF A 19.34 ACRE TRACT OF LAND AT THE SOUTHWEST CORNER OF LAWYERS ROAD AND IDLEWILD ROAD NORTH.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the property is located on the south side of Lawyers Road. That over the past year or so this area has been considered several times from a standpoint of a B-1SCD to be located on the intersection of Lawyers Road and Albemarle Road. This property begins where the B-1SCD begins and extends out Lawyers Road to the intersection of Idlewild North. The property consists of almost 20 acres with a frontage of 966 feet on Lawyers Road and better than a 1,000 feet on Idlewild Road North. The property is vacant; to the west there has been developed a service station and a 7-11 Convenience Store. In the intersection of Lawyers and Albemarle there is an older service station. There is some single family development across Lawyers Road from the property; down Idlewild Road North the only non-residential use is a fuel oil distribution business operated to the rear of a residence; other than that there is a scattering of single family development with the predominate pattern being vacant land.

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Mr. Bryant stated around the intersection the zoning is B-1 and B1SCD. The subject property as is all the property around it, other than the B-1SCD, is all zoned R-12MF; beyond that is the single family zoning.

Mr. David Lanter, the Petitioner, stated they have some 40 acres of apartment property there and they feel this is a little too much for apartments and they have space that would make a nice office area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-54 BY ASHEVILLE ASSOCIATES FOR CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND AT THE SOUTHWESTERLY CORNER OF BELHAVEN BOULEVARD AND NELSON AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the property consists of two lots - 150 feet on Highway 16 and 98 feet on Nelson Drive. The property is vacant; there are a number of business uses in the vicinity; on the intown side is a shopping center with a drug store, A & P Grocery Store and several other stores; on the out-of-town side there is a service station and near the intersection of I-85 are several more service stations. Directly across Highway 16 is single family housing throughout the area with a scattering of vacant lots.

Mr. Bryant stated the property along Highway 16 is zoned I-2 out to Nelson Drive; from Nelson Drive to I-85 is zoned B-1; directly across it is zoned R-6MF with a small area of B-2 zoning at the intersection of Highway 16 and Center Street.

Mr. Lewis Parham stated he handled the sale of this property and the land was purchased from Humble Oil Company by the Asheville Associates for lease to Kentucky Fried Chicken.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 68-55 BY SINCLAIR REFINING COMPANY, ET AL, FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF PROPERTY ON THE SOUTHEAST SIDE OF DEWOLFE STREET EXTENDING FROM GLENWOOD DRIVE TO JOYCETON STREET, AND TWO LOTS ON THE NORTHWEST SIDE OF DEWOLFE NEAR JOYCETON.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located basically on Glenwood Drive, near the intersection of I-85; there is a service station between the subject property and I-85 which is owned by Sinclair Refining Company. The subject property is predominately vacant; the area between Joyceton Drive and Glenwood Drive is all vacant; the two lots on DeWolfe Street has single family structures on them. All the property surrounding the subject property on the intown side and on the north side is developed for single family purposes; there is one duplex structure facing Glenwood Drive. In addition to the Sinclair Service Station there is an Esso Station on the opposite corner of Glenwood and I-85. As you go on down Glenwood Drive you get into heavy industrial area with chemical firms and several other facilities in the area.

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Mr. Bryant stated the corners of Glenwood and I-85 are zoned for business; there is some O-6 zoning directly across Glenwood Drive from the subject property; from there is single family zoning throughout the area until you get to the industrial zoning along Glenwood Drive.

Mr. Lloyd Baucom, Attorney for the petitioner, stated Sinclair Refining Company has immediate plans to use the property for an office facility; that the large tract will protect the office facilities planned, they put the two small tracts in as they felt their inclusion was in keeping with good solid quality zoning by putting a buffer around the B-2 corner as well as a buffer against the I-85 right of way. He stated if the zoning is changed, Sinclair will erect the Division Offices of the Charlotte Division of the Company which will have the responsibility of Sinclair's operation in North and South Carolina. The main level of the structure will be used for administrative purposes and the lower level will be the training area. The first floor will be 7,700 square feet and the lower level 5,100 square feet and the estimated cost is \$300,000.00. He stated this is next door to their service station which is a solar station which is unique and is the only one on the east coast; the station is centrally air conditioned, has shaded gray windows, very large well-landscaped grounds with gardens and a number of features you do not find in a service station.

He stated Sinclair has 125 people working out of their administrative office, and last year did \$46.5 million in sales through this office, and paid out something over \$1 million in salaries from the Charlotte Office.

Mr. Baucom stated the building will not be crowded; there will be parking facilities, and they do not propose an entrance onto Glenwood Drive, but will have an entrance on DeWolfe Street. He stated in 1967, the State Highway Commission did an informal traffic count of the traffic and came up with 5,300 vehicles per day going in both directions.

He stated the people in the neighborhood recognized this and some 73 persons including every adjoining property owner signed a release of the residential use only restrictions.

Mr. Francis Dukes stated he owns a lot and house in this development at the corner of Joyceton & Crickett Street and his deed reads - "No building other than residences, together with the necessary out-buildings, shall be erected on any lot, or lots, and no building shall be erected less than 25 feet from the front of this property, or such lots". He stated he backs up to the F. H. Ross Company property. That a year or so ago someone tried to get them to sign a petition to lift the restrictions on this property, and to his knowledge two persons in that development have never signed the petition; during this time the Sinclair Company bought this property and built the service station. He stated he called Sinclair and asked how they had the property rezoned, and he was told they did not have to have the restrictions lifted as long as Council approved the rezoning. That he has found out since, they have to have 100% signatures to be able to lift the restrictions on the property, and the only thing he has to do is to get an injunction to close the service station, and he did not want to do that. That he has tried to contact Mr. Pearson with Sinclair Refining Company and has been unable to do so and thought this was the best opportunity he could have to come up and see if something could be worked out about lifting the restrictions on the property.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-56 BY N. M. BLACK, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON BOTH SIDES OF RANDOLPH ROAD, EXTENDING FROM CHASE STREET TO DAVIS STREET, AND PROPERTY AT 2100, 2101 and 2104 CRESCENT AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property is located on Randolph Road and consists of lots on both sides of Randolph Road, and includes the complete block on the left hand side between Chase Street and Durham Drive, and on the right hand side begins at Chase Street and goes out and includes some property actually fronting on Crescent Avenue, and then includes the triangular shaped lot at the intersection of Crescent Avenue and Randolph Road. The subject property is used entirely for residential purposes with some single family and a few duplexes and the tract at the corner is used by the Charlotte Speech and Hearing Center. He stated the adjoining property is also used primarily for residential purposes with the only exception at the corner of Durham Drive and Randolph Road there is a building used for offices for doctors. The property on the intown side along Randolph, from Chase Street is used for single family purposes entirely; there are several apartment structures in the area; then at Laurel there is a large apartment building and the Westminister Presbyterian Church.

As you go out Randolph Road, the zoning is O-6 out to Chase Street on both sides of Randolph Road; from there out it is zoned for multi-family purposes out to and beyond Laurel Avenue.

Mr. N. M. Black stated they are requesting the change in zoning in order to widen the market; the area is going down and there are two houses in the area that they have expected the City to condemn. From the Hospital out on both sides it is zoned O-6 and they are only asking that the zoning be extended one more block. On the left side there are five houses, four have been vacant for two years. That apartments or duplexes could be built in there but the price of the land for the kind and number of apartments would not justify the use for this purpose. On the other side of the street are six dwellings - four of them are owned by widow women whose families have married and gone; one is a rental unit. He stated the Charlotte Speech and Hearing Center is only leasing the property, and he understands they are preparing to build at another location.

Mr. Black stated this would be just an extension of the zoning and will widen the market; that they have had a number of calls since the signs went up from people who have become interested in buying this property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-57 BY SIDNEY L. SHAPIRO, FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF TWO LOTS AT 601 HERMITAGE COURT.

The scheduled hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six (6) councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property and stated the property has a frontage of about 160 feet on Hermitage Court; the property is vacant; Hermitage Court is predominately developed for single family purposes; directly across the road is one apartment structure of 4 units. Other than that there is single family development all up and down Hermitage Court.

The subject property as is all the property along Hermitage Court is zoned R-6MF; the property along Hermitage Road and the areas along Bromley and Edgehill Road are all zoned for single family; there is business zoning along Providence Road and generally a pattern of office zone to act as a transitional buffer to the business zone.

Mr. Lewis Parham, Attorney representing the petitioner, stated the sole purpose of the request is to permit the construction of a 20-unit apartment building as opposed to an 18-unit apartment building; the property is zoned to permit 18 units. That Mr. Shapiro purchased the property approximately one year ago with the zoning to permit 18 units. That he planned to build an apartment dwelling initially with 18 units containing approximately 2100 square feet per unit; with each unit containing three bedrooms, two baths, a living room, study, kitchen and dining room. The rental for the property would be around \$400 per month. Prior to building, he surveyed to see if this would be acceptable; that he has secured letters of intent from several prominent citizens.

Mr. Parham stated when Mr. Shapiro was investigating the possibilities he talked with two citizens who were interested in having an apartment twice that large, and he consulted an architect and drew the plans for this structure which would be a five story building. That on each of the first four floors, there would be 4 units of approximately 2100 square feet, and on the fifth floor would be two units containing 4,000 square feet of rentable space. One of the two who were to rent the large apartments is now deceased and the other is very ill, so Mr. Shapiro went to the Inspection Department to change the interior partitions on the fifth floor to make 4 units rather than two. That if the zoning is changed he can build the building with 20 apartments; if it is not, he is committed and has to build the building but will have to go back to his architect and throw the major portion of the planning away and start again.

That most of the neighborhood is divided into 50 foot lots, and the subject property is a rather large tract for the neighborhood. That the structure will consume approximately 21% of the land area and will sit back 65 feet from the street and will be 45 feet from the nearest house on one side and approximately 40 feet from the other property line. That he plans to have one parking space for each apartment underneath the building and there will be other parking.

Mr. Parham stated he was advised late last week a protest had been filed against the petition. Prior to filing the petition, Mr. Shapiro asked the neighbors if they would have any objections, and at that time the neighbors on both sides of the property signed a statement that they had no objections to rezoning the property at 601 Hermitage Court, owned by Mr. Sidney I Shapiro and wife, from R-6MF to R-6MFH. One was

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Mrs. John Houston who adjoins the property on the east side and Mrs. L. M. Carr who adjoins the property on the west side. Mr. Parham stated Mr. Shapiro would not want to do anything that would reduce the values of the properties in the neighborhood or to erect anything that would cause annoyance or a nuisance in the neighborhood.

Councilman Short stated the zoning category being asked is the most dense one in the books residentially and is the same zoning category that has to be used for public housing. That if Council sets this zoning for Hermitage Court, a rather fine street, how can Council refuse anyone else in the Myers Park area? Mr. Parham replied there should be some way that Council could give a limited zoning or could grant a variance but he was advised this was not a proper case for the Board of Adjustment on a variance. That the lots in the area are 50 foot lots and he does not think it is likely that anyone with a 50-foot lot would petition the Council to change their zoning from R-6MF to R-6MFH.

Mr. John Shaw stated this is in his side yard; that he lives at the corner of Hermitage Road and Hermitage Court. That under R-6MF you can build 18 units, you add the "H", you can build 33 units. He stated there are presently 34 residential structures on Hermitage Court. Mr. Shaw stated they are opposed to the rezoning; it is spot zoning. That everything in there is "MF", therefore the petitioner has no contiguous zoning to comply with what he is asking. He stated he filed a petition which was signed by practically everyone on Hermitage Court; some on Moravian Lane signed also; people on Hermitage Road object, people on Bromley Road are also objecting. They are afraid of this type of zoning. He stated they are told that Mr. Shapiro wants to put in 20 units and if the MFH is permitted that is what he will do. That they might trust Mr. Shapiro with his plans, but they do not trust anyone who might succeed him, nor do they trust him.

Mr. Shaw stated they have filed a petition signed by all - Mrs. Peggy Houston owns the property towards Hermitage Road adjacent to the subject property; Mrs. L. M. Carr lives next door and has signed the petition, and then next door also are the Cranfords who have signed and there is no question about the 20%.

Mr. Ralph Mesrobian, 600 Moravian Lane, stated he regrets that the area is zoned "MF" as most of the people in the area are living in single family dwellings. That he lives on Moravian Lane, not quite backing up to the subject property. The thing that makes high rise different from multi-family is the height, and in a multi-family zoning, the height is limited to 40 feet; that to build 6 stories you would have more than the 40 feet; even if you have four stories, you get close to the 40 feet. That there is nothing to prevent Mr. Shapiro from buying one of the 50 foot lots and using that for nothing but parking; that the height has a bearing here.

Mr. Robert James stated he lives on Hermitage Court and all of the resident home owners signed the petition except for three who were out of town, and two of those are now back and are present today in protest. That Mrs. Carr and Mrs. Houston signed the protest at a later date from the date of the letter they gave Mr. Shapiro.

Mrs. John F. Houston stated she lives next door to the proposed building; that she signed the letter that Mr. Shapiro talked about when he showed her his plans and drawing; that she was rather ignorant of the zoning laws and had no idea in signing what she was really getting into. That she is very much against high rise or high density apartments; they have a lovely home and have spent a lot of money on the property, and will consider it their home from now on. That when she investigated the difference in zoning, she realized what a mistake she had made and it was through her own wishes that she signed the petition with the rest of the people on the court.

Council decision was deferred until the next council meeting.

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MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a recess at 3:45 o'clock p.m., and reconvened the meeting at 4:00 o'clock p.m.

RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON GOLDWYN STREET, BETWEEN ALPHA STREET AND MARNEY AVENUE.

The public hearing was held on the proposed resolution ordering the making of improvements by grading, base and paving and installing storm drainage facilities on Goldwyn Street, between Alpha Street and Marney Avenue, as provided under Section 7.103 of the Charter of the City of Charlotte, which grants the City Council authority to order the making of the improvements and assessing the cost thereof against the abutting properties, the estimated cost being \$1,550.00, which amount will be assessed against the abutting properties at an estimated \$2.26 per front foot.

Mrs. Jemima Springs stated she lives on Goldwyn Street and she would like to sell her property before the improvements are made; that she is not planning to build on the property and someone has spoke for it but she has not been able to transact any business as yet.

The City Manager advised petitions were filed from 40% of the property owners representing 62.6% of the frontage and Mrs. Springs is not one of those who signed the petition.

Mr. Josh Birmingham, Assistant City Engineer, stated this street is situated off Randolph Road near Orange Street in Grier Town. The Traffic Engineering Department last year ran a study of vehicular traffic and there were 423 using it unopened. He stated this connects two paved streets and will allow these people an easy way out from the apartment complex. That Marsh Realty Company and Mr. Zeb McIlwaine have signed the petition and they own some 60% of the frontage but are only 40% of the property owners as there are five involved - the other two are Mr. James Smith who lives in Pennsylvania and they have not been able to contact him, and Seaboard Railroad owns about 50 feet of the property.

After further discussion, Councilman Tuttle moved the adoption of the subject resolution, which was seconded by Councilman Smith, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 172.

MOTION TO TAKE FENCE BETWEEN ELMWOOD CEMETERY AND PINWOOD CEMETERY FAILS TO CARRY.

Mrs. Thomas M. Moore stated two weeks ago at City Council the term "white racism" sprang to life. She learned it could mean men on the governing body of a growing city who would vote to retain a fence shown to be both useless and in the way for no other reason than the fence symbolizes the doctrine of white supremacy to which they wish to cling.

She stated she is speaking in the hope that they may be lead and, in turn, lead out of a decadent, doomed era into an inviting new age - out of darkness into light. That we are living in a new age and one of the foremost demands of this new age is that doctrines of racial superiority wherever and however they flourish be completely and authentically eradicated. That in listening to the deliberations

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of the City Council on Monday two weeks ago, she suddenly became afraid that Charlotte might prove inadequate to comprehend and to contain the fermentation of a new age. That the Model Cities Program, the Manpower Program and others have a real place in the future, but no program can ever compensate for our lack of sincerity at the deeper level of how we feel about race. These programs are merely a public confession of our guilt, and we have no reason to take pride in doing them. She stated all of our programs become a travesty of justice if they create a deceptive facade of seeming accommodation to change.

Mrs. Moore stated there is no valid external reason for maintaining the fence; whether we want to keep it or not depends entirely on the desires of our hearts in this matter of race; the fence exposes with X-ray clarity our hidden intent. That Charlotte has been asked not merely to remove a fence, but to relinquish a shrine - a shrine to legalized hate and to legalized greed, a shrine to the time when white people could with impunity wreak their wills upon black people - to the time when even the kindness of a white person to a black person was distorted into a paternalism more devastating to the black than outright cruelty.

That we cannot hope by setting up programs to buy more time, to stall off the demands of the new age, to delude the gullible black man into thinking he is getting somewhere. It is the white man who is gullible and misguided if he thinks that time is on his side, if he thinks he can stall and confound the forces of justice, if he thinks he can enter the new age insincerely, with anything less than the deep, radical change of heart and mind, both individually and corporately.

Mrs. Moore stated in light of the fence, the conclusion is that either Charlotte needs a new City Council, or Charlotte needs a new people, if Charlotte is to let go of the past and press on into the future.

Councilman Alexander moved that this fence be taken down. The motion was seconded by Councilman Smith.

Councilman Smith stated you can take the biggest truck in Charlotte and drive between these two cemeteries, so for a practical matter, the fence is serving no purpose, and he thinks it is a terrific symbol that has probably been blown out of proportion.

The vote was taken on the motion, and failed to carry by the following vote:

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

INSPECTION DEPARTMENT INSTRUCTED TO TREAT MR. ERNEST SIFFORD AS OWNER OF STRUCTURE FOR PURPOSES OF GOING THROUGH ROUTINE AS SET UP IN CODE TO MOVE BUILDING.

Mr. Ernest Sifford stated he appeared before Council several weeks ago with the request that he be permitted to move a building which was sitting partially on a piece of property that he owned and the remainder of it on property the State owned. That he was informed the proper thing to do was to go before a Board. That he approached Mr. Jamison after the meeting to find out what he would have to do and was told he would have to appoint someone to represent him; Mr. Jamison would appoint someone to represent the Department and the two would then appoint the third person; that he would have to pay all the expenses regardless of whether he won or lost, and the last person who appealed their decision, it cost some \$300.00.

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Mr. Sifford stated later he went to the Inspection Department and told them he wanted to appeal the decision; neither Mr. Cuthbertson nor Mr. Jamison was there and he left word with one of the clerks that he wanted to appeal the decision; a week later he went back and asked Mr. Jamison who had been appointed to represent the Department and was told he knew nothing about it, that he was supposed to appeal the decision in ten days. That Mr. Jamison asked if he owned the property and he said he did not that it belongs to the State, and Mr. Jamison told him that he had no authority to ask permission to move something that did not belong to him. After further explanation, Mr. Sifford stated he is here today to ask City Council to take some action, and he be allowed to move the building.

Councilman Tuttle stated he believes Mr. Sifford has done everything that has been asked him and apparently he has gotten no cooperation and there is no question but what we need houses and there is no question but when he moves this house, he will have to bring it up to standard, and he moved that he be given permission to move it. The motion was seconded by Councilman Stegall.

The City Manager stated he thinks Mr. Sifford has a good case in the point that after he decided to use the appeal procedure and after he knew what the last such case cost the appellant he then concluded that he wanted to go through this procedure; that at that point, it was appropriate that he have the privilege of doing so.

Councilman Short offered a substitute motion that the city administration be instructed to treat Mr. Sifford as if he were the owner of this home for the purpose of this proceeding. The motion was seconded by Councilman Smith.

Councilman Alexander stated Mr. Short's motion is to act as though Mr. Sifford is the owner; that he would rather it stated showing a vested interest that Council authorize him the right to the hearing. Councilman Short suggested that both be used and the motion to read "that the city administration be instructed to deal with Mr. Sifford as if he were (a) the owner of the house, and (b) as if he has a vested interest".

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

COUNCILMAN SMITH LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.

Councilman Smith left the meeting at 4:35 o'clock p.m., and was absent for the remainder of the session.

RESIDENT REQUESTS COUNCIL TO CONSIDER CERTAIN ITEMS FOR DISCUSSION AT COUNCIL MEETING TO BE HELD AT GARINGER HIGH SCHOOL IN THE FALL.

Mr. Jim McDuffie, resident of Charlotte, stated he would like to give Council a few items for discussion when the Council Meeting is held at Garinger High School.

He said when they come to Garinger to tell them when they will have some money for Sugar Creek Road widening; and if there is nothing they can do about the widening then they should widen the Hidden Valley entrance as they did at McAlway Road; Commonwealth and Briar Creek have just been improved and he hopes a traffic light can be placed there. He requested that a traffic count be made north of the Plaza and Eastway; at Eastway and Hilliard; at Eastway and Kilborne, at Shamrock and Methodist Home.

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He stated he would like a picture included in the record and asked that they be advised if the parking requirements for apartment houses is adequate - the picture shows a sign at Green Oaks Apartments which says "No visitors parking allowed; use the city street".

He stated they need three bridges in his area - one at Shamrock Drive at the park; one at the Plaza and one at Milton Road which is around the corner from the Plaza; they need more parking space at the Shamrock and Eastway Park. That he would like for them to ride by the bridge on Eastway at Hilliard - there are three tiers under the bridge and one has no water and he has been thinking of a way to walk under it which would cost two or three thousand dollars; it appears now you could build a two foot high piece of cement to keep the water out when it is going full strength, and build ramps so the children could walk under the bridge.

Mr. McDuffie stated the shopping center at K-Mart has been straightened out with a good turn in, which means it was flattened out to street level; but the apartment houses and Woolco Shopping Center have the same thing which is an up-ramp, and people on a busy street trying to get in and out, increases the hazards; he asked why there is no ordinance, when you have this many cars going into a place requiring a flat surface in and out.

Mr. McDuffie stated there are other sources of revenue. That Columbia, South Carolina is going to have a 25¢ seat tax when they complete their coliseum; that everyone who goes in the Charlotte coliseum should pay at least 25¢. That the City Charter says the Coliseum would be run at the least cost to the taxpayers, and he suggests that the parking revenue should be raised and a 25¢ seat admission be charged.

MAYOR AND COUNCIL REQUESTED TO FUNCTION AS WELCOMING COMMITTEE TO SENATOR EUGENE MCCARTHY.

Mr. Mike Carmichael stated Mr. Tom Richards, Chairman of the Charlotte McCarthy for President Organization, instructed him to extend their invitation to the individual members of Council and its Chairman to function as the welcoming committee to Senator Eugene McCarthy upon his arrival this Thursday at Douglas Municipal Airport.

RESOLUTION AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO PLANNING GRANT CONTRACT NO. MP 32-001 TO STRENGTHEN THE CITIZEN PARTICIPATION COMPONENT OF THE LOCAL MODEL CITIES PROGRAM.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 6, at Page 173.

RIGHT OF WAY AGREEMENT WITH DUKE POWER COMPANY FOR TRANSMISSION LINE ACROSS SUGAR CREEK PLANT DISPOSAL PROPERTY TO SERVE CELANESE FIBERS COMPANY.

Councilman Whittington moved approval of the subject right-of-way agreement, which was seconded by Councilman Short, and carried unanimously.

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ORDINANCES AUTHORIZING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the following ordinances authorizing the removal of weeds and grass were adopted:

- (a) Ordinance No. 918-X ordering the removal of weeds and grass on property adjacent to 5126 Addison Drive.
- (b) Ordinance No. 919-X ordering the removal of weeds and grass on property at 3420 The Plaza.
- (c) Ordinance No. 920-X ordering the removal of weeds and grass on property adjacent to 5250 Ruth Drive.
- (d) Ordinance No. 921-X ordering the removal of weeds and grass on property adjacent to 4001 Barewood Drive.
- (e) Ordinance No. 922-X ordering the removal of weeds and grass on property adjacent to 3300 Winterfield Drive.
- (f) Ordinance No. 923-X ordering the removal of weeds and grass on property adjacent to 918 September Lane.
- (g) Ordinance No. 924-X ordering the removal of weeds and grass on property adjacent to 2100 Roslyn Avenue.
- (h) Ordinance No. 925-X ordering the removal of weeds and grass on property adjacent to 3109 Bank Street.
- (i) Ordinance No. 926-X ordering the removal of weeds and grass on property adjacent to 5413 Park Road.
- (j) Ordinance No. 927-X ordering the removal of weeds and grass on property adjacent to 521 Beatties Ford Road.
- (k) Ordinance No. 928-X ordering the removal of weeds and grass on property at 301 Cemetery Street.
- (l) Ordinance No. 929-X ordering the removal of weeds and grass on property adjacent to 2022 Garnette Place.
- (m) Ordinance No. 930-X ordering the removal of weeds and grass on property adjacent to 1545 Newland Road.
- (n) Ordinance No. 931-X ordering the removal of weeds and grass on property adjacent to 1729 Statesville Avenue.
- (o) Ordinance No. 932-X ordering the removal of weeds and grass on property adjacent to 117 East 9th Street.
- (p) Ordinance No. 933-X ordering the removal of weeds and grass on property at 217 East Worthington Avenue.
- (q) Ordinance No. 934-X ordering the removal of weeds and grass on property adjacent to 712 Hawthorne Lane.

The ordinances are recorded in full in Ordinance Book 15, beginning at Page 345 and ending at Page 361.

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ORDINANCE NO. 935-X, ORDERING THE DWELLING AT 2004-06 WAYT TO BE VACATED AND CLOSED PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 362.

ORDINANCE NO. 936-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 106 SAGE AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15 CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 15, at Page 363.

Councilman Stegall asked when a house is ordered demolished or renovated and a building permit is acquired from the Inspection Department, is there any follow up to see that the work is actually done? That he is thinking of the house out off Providence Road. Mr. Veeder, City Manager, replied they have to obtain a permit for the remodeling and the presumption is this would have to be followed up. Councilman Stegall stated the house is in a run down condition and a permit was granted and apparently no work has been done on it; that it is his impression from talking to the residents that some Council ordered this house demolished or improved and it has not been done, but a permit was issued. He requested the City Manager to investigate what progress is being made on the house.

ORDINANCE NO. 937-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, ALLOCATING \$42,000 OF THE PROCEEDS OF THE SALE OF \$2,900,000 AIRPORT BOND ANTICIPATION NOTES, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, adopting the subject ordinance transferring \$42,000 to be used for the construction of the new North Concourse.

The ordinance is recorded in full in Ordinance Book 15, at Page 364.

ORDINANCE NO. 938-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FOR THE CONSTRUCTION OF SIDEWALKS, ADOPTED.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$1,000 from Code 512.01 and \$4,240.99 from Capital Improvement Budget to Engineering Department-Construction of Sidewalks to be used for the construction and improvement of sidewalks in various parts of the City. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 365.

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RESOLUTION AUTHORIZING THE MAKING OF A CASH LOAN FROM THE CAPITAL PROJECTS FUNDS TO THE PARKS AND RECREATION COMMISSION.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution authorizing a temporary loan made in the amount of \$100,000 at the current interest rate, to the Parks and Recreation Commission.

The resolution is recorded in full in Resolutions Book 6, at Page 175.

REVISION IN PROPOSAL WITH LAW ENGINEERING TESTING COMPANY FOR ADDITIONAL EXPENDITURES FOR SOIL AND CONCRETE TESTING SERVICES FOR LAW ENFORCEMENT CENTER.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the revised proposal with Law Engineering Testing Company was approved authorizing the expenditure of an additional \$1,000 of Law Enforcement Center Bond Funds for the purpose of soil and concrete testing services, for the Law Enforcement Center.

ENGINEERING CONTRACT WITH TALBERT, COX AND ASSOCIATES, INC. FOR AIRPORT TAXIWAY IMPROVEMENTS.

Councilman Whittington moved approval of the subject contract with Talbert, Cox and Associates, Inc. for the airport taxiway improvements at an engineering fee of 6% of the construction costs. The motion was seconded by Councilman Stegall, and carried unanimously.

UTILITY RELOCATION AGREEMENT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR PROJECT NO. 8.1654803.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the subject agreement for removal and relocation of certain water mains in the area of 10th and 11th Streets for the Northwest Expressway, at a total estimated cost of \$7,504.49 - the city's share to be \$5,103.05 and the Highway Commission's share \$2,401.44.

SANITARY SEWER MAINS CONSTRUCTION, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, construction of sanitary sewer mains were authorized, as follows:

- (a) Construction of 305 feet of main in Denver Avenue, inside the City, at the request of the Charlotte-Mecklenburg Board of Education, at an estimated cost of \$2,050.00. All cost of the construction will be borne by the applicant whose deposit in the full amount has been received, and will be refunded as per terms of the agreement.
- (b) Construction of 388 feet of main in Frontenac Avenue, inside the City, at the request of Trotter and Allan Construction Company, Inc., at an estimated cost of \$2,565.00. All cost of construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

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CHANGE ORDER NO. 1 IN CONTRACT WITH BOYD AND GOFORTH, INC. FOR RECONSTRUCTION OF IRWIN CREEK OUTFALL.

order

Councilman Whittington moved approval of the subject change/increasing the contract price by \$16,324.00 to cover all work required to eliminate approximately 1,005 linear feet of existing 36-inch sanitary sewer outfall within the right of way of the North-South Expressway, between Independence Boulevard and Morehead Street. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION AUTHORIZING A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR NORTHWEST EXPRESSWAY PROJECT COVERING THE CHANGING, ADJUSTING OR RELOCATING OF MUNICIPALLY OWNED UTILITY LINES, THE COST NECESSARY FOR THE CONSTRUCTION OF A BRIDGE CARRYING SEABOARD COASTLINE RAILWAY TRACKS OVER FRENCH STREET, AND CONSTRUCTION OF VEHICULAR UNDERPASS CARRYING WATERWORKS ACCESS ROAD UNDER THE NORTHWEST EXPRESSWAY AND SEABOARD TRACKS.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried adopting the subject resolution authorizing a supplemental municipal agreement with the North Carolina State Highway Commission for Northwest Expressway Project.

The resolution is recorded in full in Resolutions Book 6, at Page 176.

RENEWAL OF AGREEMENT WITH UNITED STATES GEOLOGICAL SURVEY FOR SURFACE WATER RESOURCES INVESTIGATION IN THE CHARLOTTE METROPOLITAN AREA.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, the renewal of the subject agreement was authorized for the fiscal year 1968-69 at a total cost of \$11,000 with the funds to be matched on a dollar-for-dollar basis by the United States Department of the Interior.

AGREEMENT RELEASING SANITARY SEWER PIPELINE EASEMENT ON HEDGEMORE DRIVE AND SUGAR CREEK.

Councilman Short moved approval of the subject agreement releasing sanitary sewer pipeline easements on Hedgemore Drive and Sugar Creek as the city has abandoned the easements on this land and for purposes of clearing title to the land, Wal-Tuk, Ltd. has proposed the City release the easements by recorded instrument. The motion was seconded by Councilman Alexander, and carried unanimously.

SETTLEMENT OF CLAIM WITH JAMES E. COLEMAN, 1212 BELROSE LANE, AUTHORIZED.

Councilman Alexander moved that settlement of claim with Mr. James E. Coleman, 1212 Belrose Lane in the amount of \$600.00, for property damages, be authorized as recommended by the City Attorney. The motion was seconded by Councilman Tuttle, and carried unanimously.

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CLAIM OF MRS. WALLACE TURNER FOR PERSONAL DAMAGES DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to deny the claim of Mrs. Wallace Turner, 2039 Wensley Drive, in the amount of \$10,000 for personal damages received when she allegedly tripped on the sidewalk on South Church Street, near the Bank of Commerce, as recommended by the City Attorney.

CLAIM OF MRS. LAVERA S. WAGNER FOR DAMAGES TO AUTOMOBILE AUTHORIZED.

Councilman Tuttle moved that claim filed by Mrs. LaVera S. Wagner, 2346 McClintock Road, in the amount of \$439.43 for damages to her automobile caused when the underside of the car struck a manhole cover on Sixth Street, near the intersection of Caldwell Street, be approved as recommended by the City Attorney. The motion was seconded by Councilman Alexander.

Mr. Underhill, Assistant City Attorney, advised this was the fourth of five accidents to occur at this intersection from May 2, 1968, when a stop light replaced a stop sign at the intersection. That the second call did not come in until after the 13th and that was the fifth claim and after that the third, fourth and first claimants filed their claims.

Councilman Stegall stated on the back of the police report there is a space indicating defects, and it seems that a communication to the record section of the Police Department, when there is a defect in the street, that it should be reported to the affected department in the City.

The vote was taken on the motion and carried unanimously.

Councilman Alexander requested the City Manager to bring to Council recommendations on a directive that whenever an accident report is made and shows any type of defect that would lead to this type of accident, it should be reported immediately to the affected department.

Councilman Stegall stated the construction companies should be prodded about the care they take in leaving the streets under construction. That on Dunn Street, off Monroe Road at the overpass, there are two manholes that do not have anything around them; not only could you hit them with a car, you could fall in them walking. That Monroe Road is a real hazardous situation while this construction work is being done.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington and seconded by Councilman Jordan, to approve the following property transactions:

- (a) Acquisition of 1,465 square feet of property at 428 West Third Street, from Jannie R. Johnson (widow), at \$7,500.00, for the West Third Street and Fourth Street Connector.
- (b) Resolution authorizing condemnation proceedings for acquisition of property of Jim Crockett and wife, Elizabeth E. Crockett, located at 432 West Third Street, for the West Third Street and Fourth Street Connector.

continued

- (c) Resolution authorizing condemnation proceedings for the acquisition of property of Roberta G. Carmichael (widow), located in Berryhill Township, for the Airport Terminal Expansion Project.

After discussion, the vote was taken on the motion, and carried by the following vote:

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

COUNCILMAN STEGALL LEFT MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.

Councilman Stegall left the meeting at 5:20 o'clock p.m., and was absent for the remainder of the session.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving appraisal contracts, as follows:

- (a) Contract with L. David Berryhill for appraisal of one parcel of land for the Eastway Drive Project.
- (b) Contract with Henry E. Bryant for appraisal of one parcel of land for the Airport Terminal Expansion (20-Year Program).
- (c) Contract with Charles M. Carson for appraisal of three parcels of land for the West Third Street and Fourth Street Connector.
- (d) Contract with Wallace D. Gibbs, Jr. for appraisal of one parcel of land for the Airport Terminal Expansion (20-Year Program).

PRIVILEGE LICENSES FOR DETECTIVE AND DETECTIVE AGENCY APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, applications for privilege licenses covering the classification of Detective and Detective Agency were approved, as follows:

- (a) Henry F. Maness, Jr., Pinkertons, Inc., N. C. License No. 125.
- (b) Ernest M. Howell, Pinkertons, Inc., N. C. License No. 174.
- (c) Pinkertons, Inc., 1179 Commercial Avenue, N. C. License No. 9.
- (d) R. C. McDowell, Merchants Patrol, Inc., N. C. License No. 158.
- (e) Margaret Ann McDowell, Merchants Patrol, Inc. N. C. License No. 157.
- (f) Melvin O. Smith, Carolina Detective Agency, N. C. License No. 11.

SPECIAL OFFICER PERMITS AUTHORIZED.

Councilman Alexander moved approval of the issuance of Special Officer Permits, for a period of one year each, as follows, which motion was seconded by Councilman Whittington, and carried unanimously.

- (a) Permit to Madison Allen, 2901 Carol Avenue, for use on the premises of K-Mart, 2701 Freedom Drive.
- (b) Permit to Raymond Gheen, Belmont, N. C., for use on the premises of K-Mart, 2701 Freedom Drive.
- (c) Permit to Joseph Blakeney, 1709 Main St., for use on the premises of Johnson C. Smith University, 100 Beatties Ford Road.

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TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Reverend Clyde E. Baucom and wife, Letha S. Baucom, from Graves 4, 5 and 6, in Lot No. 45, Section 4-A, Evergreen Cemetery, at \$141.75.
- (b) Deed with Fred E. Baucom and wife, Lillian B. Baucom, for Graves 1, 2 and 3, Lot No. 45, Section 4-A, Evergreen Cemetery, at \$141.75
- (c) Deed with Mrs. Artemis Paschal for Lot No. 265, Section 4-A, Evergreen Cemetery, at \$189.00.
- (d) Deed with Leo Black for Lot No. 314, Section 6, Evergreen Cemetery, at \$240.00.
- (e) Deed with Mrs. Bruce D. Meek, for Grave No. 4, in Lot No. 193, Section 2, Evergreen Cemetery, at \$60.00.
- (f) Deed with Mrs. Lula Merrell for Graves 7 and 8, in Lot No. 13, Evergreen Cemetery, at \$120.00.

ALL BIDS REJECTED FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN SOUTH-WEST BOULEVARD.

Councilman Whittington moved that all bids received on the subject project be rejected. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$ 5,003.03
C. M. Allen	5,459.00
Thomas Structures	9,865.00

CONTRACT AWARDED C. M. ALLEN FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN BARCLAY DOWNS NO. 12.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, C. M. Allen, in the amount of \$23,825.00, on a unit price basis, for construction of sanitary sewer facilities in Barclay Downs No. 12.

The following bids were received:

C. M. Allen	\$23,825.00
Dickerson, Inc.	24,587.00
Thomas Structures	26,165.00
Sanders Brothers, Inc.	26,450.00

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ALL BIDS REJECTED FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN EASTBROOK WOODS NO. 2.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, all bids received for construction of sanitary sewer facilities in Eastbrook Woods No. 2 were rejected.

The following bids were received:

Thomas Structures	\$22,253.50
Dickerson, Inc.	23,204.00
C. M. Allen	23,886.75
Sanders Brothers, Inc.	24,801.50

BIDS RECEIVED FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN HAMPSHIRE HILLS, REJECTED.

Councilman Tuttle moved that all bids received on the subject project be rejected. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$25,255.00
C. M. Allen	27,063.50
Dickerson, Inc.	28,545.00
Thomas Structures	30,037.50

CONTRACT AWARDED DICKERSON, INC., FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN HOPE VALLEY.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Dickerson, Inc., in the amount of \$30,598.50, on a unit price basis, for construction of sanitary sewer facilities in Hope Valley.

The following bids were received:

Dickerson, Inc.	\$30,598.50
C. M. Allen	32,862.50
Thomas Structures	43,535.00

REJECTION OF ALL BIDS RECEIVED FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN INDEPENDENCE BOULEVARD.

Councilman Tuttle moved that all bids received be rejected on the subject project. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Dickerson, Inc.	\$18,594.50
C. M. Allen	20,896.00
Thomas Structures	24,435.00

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CONTRACT AWARDED THOMAS STRUCTURES FOR SANITARY SEWER FACILITIES IN USHER ESTATES.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Thomas Structures in the amount of \$11,795.00, on a unit price basis, for the subject project.

The following bids were received:

Thomas Structures	\$11,795.00
C. M. Allen	12,232.00
Dickerson, Inc.	13,487.25

BIDS REJECTED ON CONSTRUCTION OF SANITARY SEWER FACILITIES IN CASTLETON GARDENS.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, all bids were rejected on the subject project.

The following bids were received:

C. M. Allen	\$31,040.00
Dickerson, Inc.	31,637.00
Thomas Structures	32,190.00

CONTRACT AWARDED HIPPI CONSTRUCTION COMPANY FOR CONSTRUCTION OF VARIOUS SIDEWALKS AND CURB.

Councilman Jordan moved award of contract to the low bidder, Hipp Construction Company, in the amount of \$12,825.00, on a unit price basis, for construction of various sidewalks and curb. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Hipp Construction Co.	\$12,825.00
Crowder Construction Co.	24,375.00
Carolina Paving Co., Inc.	25,337.50
T. A. Sherrill Construction Co.	25,600.00
Blythe Brothers Co.	26,217.50

CONTRACT AWARDED DICKERSON, INC. FOR CONSTRUCTION OF SANITARY SEWER FACILITIES ON NORTHWEST EXPRESSWAY AT SEABOARD RAILROAD.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Dickerson, Inc., in the amount of \$30,769.40 on a unit price basis for sanitary sewer facilities in Northwest Expressway at Seaboard Railroad.

The following bids were received:

Dickerson, Inc.	\$30,769.40
Sanders Brothers, Inc.	32,568.50
Crowder Const. Co.	33,287.50
Boyd & Goforth, Inc.	39,571.00

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CONTRACT AWARDED J. V. ANDREWS COMPANY FOR ADDITIONAL AIR COMPRESSOR UNITS AND APPURTENANCES AT HOSKINS FILTER PLANT AND PUMPING STATION.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, J. V. Andrews Company, in the amount of \$26,200.00 for additional air compressor units and appurtenances at Hoskins Filter Plant and Pumping Station.

The following bids were received:

J. V. Andrews Company	\$26,200.00
C. W. Gallant, Inc.	27,000.00
Thompkins-Johnston Co.	27,525.00
Electrical Contracting & Engineering Co., Inc.	28,420.00
A. Z. Price & Associates	33,000.00
Alternate Bid: Thompsons-Johnston Co.	26,935.00

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR PLANT MIX ASPHALT.

Councilman Jordan moved award of contract to the only bidder, Blythe Brothers Company, in the amount of \$27,800.00, for 4,000 tons plant mix asphalt on a unit price basis. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the only bidder, Rea Construction Company, in the amount of \$27,800.00 on a unit price basis for 4,000 tons plant mix asphalt.

CONTRACT AWARDED ASPHALT MATERIALS COMPANY, INC. FOR PLANT ASPHALT.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, contract was awarded the only bidder, Asphalt Materials Company, Inc., in the amount of \$27,800, on a unit price basis for 4,000 tons plant mix asphalt.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR PLANT MIX ASPHALT.

Councilman Jordan moved award of contract to Blythe Brothers Company in the amount of \$27,800.00, on a unit price basis for 4,000 tons plant mix asphalt. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Blythe Bros. Co.	\$27,800.00
Asphalt Materials Co., Inc.	27,800.00

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CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, awarding contract to Rea Construction Company, in the amount of \$33,360.00, on a unit price basis for 4,800 tons plant mix asphalt.

The following bids were received:

Rea Construction Co.	\$33,360.00
Asphalt Materials Co., Inc.	33,360.00

TRAFFIC ENGINEERING REQUESTED TO INVESTIGATE NEED FOR TRAFFIC CONTROL AT CUMMINS AVENUE AND BEATTIES FORD ROAD.

Councilman Alexander requested the City Manager to have the Traffic Engineering Department to look into Cummins Avenue and Newland Road; that they have become a major thoroughfare now with the increasing traffic on Statesville Avenue and Beatties Ford Road; that accidents are occurring where Cummins runs into Beatties Ford Road and some type of traffic control is needed, other than stop signs.

SUGGESTION THAT PERMANENT WATER AND SEWER COMMITTEE BE APPOINTED.

Councilman Tuttle stated that Mr. Short has represented the Council as a water and sewer negotiator; and it occur to him that the Chamber of Commerce has a water and sewer committee and the home builders are very much involved in water and he requested the Mayor to consider the possibility of appointing a permanent water and sewer committee composed of, for instance - the Chairman of the Chamber of Commerce Water and Sewer Committee, representatives of the Home Builders Association, representative of the Board of Realtors, member of the legal profession and an engineer as a permanent and going committee to advise the City and perhaps the County in matters involving water and sewer; even to the extent of recommendations out into the areas.

CITY MANAGER REQUESTED TO REPORT ON SIGN VIOLATION AT PINEHURST APARTMENTS AND REGULATIONS REGARDING CHICKENS RUNNING LOOSE IN NEIGHBORHOOD.

Councilman Whittington requested the City Manager to look into the following and bring report back to Council:

- (1) A notice of a sign violation at 4100 Providence Road, at the Pinehurst Apartments. There is a sign that says Pinehurst Apartments and has been there about 18 months, and the ordinance says that the sign must set back 40 feet from the street right of way on the property of the Pinehurst Apartments. If this is done then the sign is behind trees which is the cover between the apartments and the people going up and down Providence Road. That to him this seems impractical and unrealistic. If you are going to require them to put the sign behind the trees then you should take the cover which amounts to screening out of the zoning as you cannot have both. That their deadline to take the sign down was July 12.
- (2) All members of Council have received complaints from residents about chickens running loose in the neighborhood; that this is a problem and something should be done.

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REAPPOINTMENT OF MR. WALTER D. TOY, JR. TO CHARLOTTE-MECKLENBURG
PLANNING COMMISSION.

Councilman Jordan moved the reappointment of Mr. Walter D. Toy, Jr. to the Charlotte-Mecklenburg Planning Commission for a term of three years. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION IN MEMORIAM OF T. A. CHILDS.

Councilman Jordan introduced the following resolution which was read:

"WHEREAS, it is with deep sadness and a feeling of great loss that the City Council takes note of the passing of T. A. Childs on July 14, 1968; and

WHEREAS, T. A. Childs was a dedicated and devoted civic leader having served his community in numerous positions; as a member of the City Council from 1945 to 1949; as Mayor Pro-Tem during a portion of his two terms in office; as a member of the Mecklenburg County Selective Service Board; as a member of the World War II Ration Board; as a Director of the Charlotte Hornets, to name a few; and

WHEREAS, he carried out his duties and responsibilities in such a manner that his unusual talents were clearly reflected in constructive and lasting achievement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that this Council does hereby declare its deepest regret at the passing of T. A. Childs and does convey its sincere sympathy and condolences to his family; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family and that this resolution be spread upon the minutes of this meeting."

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the resolution was adopted.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk