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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 the City Hall, on Monday, May 1, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Councilman Jerry Tuttle.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on April 17 were approved as submitted.

#### RESOLUTION CLOSING PORTION OF NORTH COLLEGE STREET, BETWEEN THE NORTHERN MARGIN OF EAST 27TH STREET AND THE SOUTHERN MARGIN OF EAST 28TH STREET.

The public hearing was held on petition of Carolina Paper Company, Inc. to withdraw from dedication a portion of North College Street, between East 27th Street and East 28th Street, Frazier Realty Company having filed a letter giving their consent to the withdrawal and the affected City Departments having investigated the request and indicating they have no objections to the withdrawal.

Mrs Daphene Cantrell, Attorney representing the petitioner, stated in addition to the requirements of the Statutes that you must notify the adjoining property owners, they have notified property owners and business establishments in the vicinity of this area. They have received no objections to it. She advised they received one letter from Western Carloading, a business establishment in the area, stating they have no objections to the closing.

Mrs Cantrell advised she made a personal, on the scene view of the area and the street has never been open from what she could determine, and she could not even pick up where the right-of-way would be.

Councilman Thrower asked if the closing will affect the railroad overpass, and the City Manager advised that Mr. Hoose, Traffic Engineer, has reviewed the petition and points out that this section will not be necessary for any of our proposed thoroughfares or street extensions as now planned.

No objections were expressed to the proposed closing.

Councilman Whittington moved the adoption of the subject resolution closing a portion of North College Street. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 435.

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CITY EMPLOYEES SERVICE PLAQUE PRESENTED GEORGE L. GREENE, RETIRING FIREMAN.

Mayor Brookshire recognized Mr. George L. Greene, Firefighter Engineer, who was employed by the City on May 1, 1950 and is retiring as of April 15, 1967. Mayor Brookshire thanked Mr. Greene for the service rendered to the City and presented to him the City of Charlotte service plaque as a reminder of his association with the Fire Department.

Mr. Greene thanked the Mayor and Council and especially the Fire Department for a wonderful association.

PETITION OF RESIDENTS ON FINCHLEY DRIVE REQUESTING CHANGE IN DIVIDERS ON EASTWAY DRIVE REFERRED TO CITY MANAGER.

Mr. James Jordan, 1901 Finchley Drive, stated he has mailed the Mayor and Mr. Hoose a letter concerning the dividers located on Eastway Drive at Garinger High School and Sugar Creek Road. The dividers are making it very inconvenient for the residents on Finchley Drive. That when you come down from The Plaza, down Eastway Drive, you cannot turn left onto the street; you have to go down to Purser Drive - two, three or four blocks out of the way to turn and come back. If you want to go east on Eastway, you cannot turn left off Finchley, you can only go west.

The City Manager stated he would like to go into this further with Mr. Jordan and follow through on it.

Mr. Jordan stated further it inconveniences everyone including the children on Purser Drive with the people having to travel that street to get home. That it is causing a disturbance of the traffic and is affecting the school bus route of the children going to Briarwood School. The school bus usually goes up and turns left and he cannot do this now. He advised that 100 people signed the petition and they would appreciate all consideration of the Council.

The City Manager advised that the City will look into the matter and also take it up with the State.

PETITION NO. 67-17 BY AVERPER, INC. FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY AT 309 SOUTH LAUREL AVENUE, DENIED.

The subject petition on which a protest has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property, and which the Planning Commission has recommended approved was considered by Council.

Councilman Short stated he is one of the owners and operators of a business at approximately this same intersection, which business is located on land of a lower zoning category than that requested by the Petition. He stated he feels that whatever he would do would have the appearance of bias and unfairness, and he therefore disqualifies himself from voting on the petition. He stated he would like to vote on it because of the six man rule and for other reasons, but the necessity for fairness overrides all other considerations.

Councilman Jordan moved that the subject petition be denied. The motion was seconded by Councilman Tuttle, and carried on the following vote:

- YEAS: Councilmen Jordan, Tuttle, Alexander, Thrower and Whittington.
- NAYS: Councilman Albea.

Councilman Short abstained from voting.

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DECISION ON PETITION NO. 67-18 BY LULA W. CLINE ET AL, FOR A CHANGE IN ZONING FROM R-9MF TO I-2 OF PROPERTY ON THE EAST SIDE OF TODDVILLE ROAD, BETWEEN THRIFT ROAD AND PIEDMONT AND NORTHERN RAILROAD, DEFERRED.

Councilman Whittington moved that decision on the subject petition be deferred until next month so that it can be considered in conjunction with the adjoining property which will be heard at that time. The motion was seconded by Councilman Tuttle, and carried unanimously.

PETITION NO. 67-19 BY JAMES R. PURSER FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY AT 4001 SHERIDAN DRIVE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

ORDINANCE NO. 616-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE TO GRANT CONDITIONAL APPROVAL FOR OFF-STREET PARKING ON PROPERTY ZONED R-9MF ON CRAIG AVENUE, ADOPTED.

Motion was made by Councilman Whittington to adopt the subject ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

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

ORDINANCE NO. 617 AMENDING CHAPTER 23, ARTICLE III, DIVISION 1, CATEGORY (a) OF TABLE OF PERMITTED USES PERMITTING ORPHANAGES, CHILDREN'S HOMES AND SIMILAR NON-PROFIT INSTITUTIONS PROVIDING DOMICILIARY CARE FOR CHILDREN SUBJECT TO REGULATIONS IN SECTION 23-43 AS A USE TO BE PERMITTED IN ALL RESIDENTIAL, OFFICE AND BUSINESS DISTRICTS, ADOPTED.

Councilman Jordan moved the adoption of the subject ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Alexander.

Councilman Thrower asked if this includes Day-Care? Mr. Fred Bryant, Assistant Planning Director, replied it does not include nursery day care as it is a separate category.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 16.

ORDINANCE NO. 618 AMENDING CHAPTER 23, ARTICLE VI, DIVISION 2, SECTION 23-83(c) SUBPARAGRAPH (2), ADOPTED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted as recommended by the Planning Commission deleting the existing wording and substituting the following:

SECTION 23-83(c)2

Advertising signs shall observe the same setback and side yard requirements imposed on other structures by other sections of this ordinance, except that on corner lots no part of any advertising structure shall be located closer than 20 feet to the point of intersection of the rights-of-way of the two streets forming the corner. If such signs are located within 15 feet of a street right-of-way they shall be at least 10 feet above ground level.

The ordinance is recorded in full in Ordinance Book 15, at Page 17.

PETITION NO. 67-23 BY RECP FUND FOR A CHANGE IN ZONING FROM O-6 TO I-2 OF A STRIP OF LAND AT THE REAR OF LOTS ON THE EAST SIDE OF BROADVIEW DRIVE: A STRIP AT THE REAR OF LOTS ON THE SOUTH SIDE OF HOMEWOOD PLACE: A STRIP AT THE END OF CRESTRIDGE DRIVE, ALL A PART OF A TRACT OWNED BY D. L. PHILLIPS INVESTMENT BUILDERS, INC. ADJACENT TO THE ROLLINGWOOD SUBDIVISION, DEFERRED.

Councilman Whittington moved that decision on the subject petition be deferred until the meeting is held with neighborhood representatives, D. L. Phillips representatives and the Planning Commission as requested by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

PETITION NO. 67-24 BY THE CHARLOTTE CITY COUNCIL TO AMEND ARTICLE VI, DIVISION 2, SECTION 23-83(c) BY ADDING A NEW SENTENCE BETWEEN THE WORD "ESTABLISHED" AND THE WORD "SUCH", DEFERRED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject petition was deferred pending a meeting of Council with the Planning Commission.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MAY 29, ON PETITIONS NO. 67-25 THROUGH 67-31 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 5, at Page 436.

APPRAISAL CONTRACTS AUTHORIZED.

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

- (a) Contract with B. Brevard Brookshire for appraisal of two parcels of land in connection with the West Fourth Street Extension.
- (b) Contract with Henry E. Bryant for appraisal of two parcels of land in connection with the Airport Clear Zone.
- (c) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land in connection with the West Fourth Street Extension and one parcel in connection with Taggart Creek Sanitary Sewer.

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CONSTRUCTION OF SANITARY SEWER TO SERVE HAMPSHIRE HILLS, APPROVED.

Councilman Short moved approval of the construction of 1,600 feet of 8-inch trunk and 1,960 feet of 8-inch main to serve a portion of Hampshire Hills, inside the city, as requested by John Crosland Company, at an estimated cost of \$17,600.00; with all cost of construction to be borne by the Applicant whose deposit in the full amount to be refunded as per terms of the agreement. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT WITH MRS EVA EDMUNDSON, DATED APRIL 3, 1967 FOR SEWER MAIN EXTENSION AUTHORIZED CANCELLED AND REFUND OF DEPOSIT AUTHORIZED.

Councilman Thrower moved that contract with Mrs Eva Edmundson, dated April 3, 1967, covering the extension of sewer main in Greenbrook Drive be cancelled and authorized the refund of \$600.00 which was deposited with the City on March 28, 1967. The motion was seconded by Councilman Whittington.

Councilman Short stated under the new policy which has been approved and not put into effect, this apparently would have a different result because the new policy specifically provides that engineering expenses would be retained by the City although the old policy did not provide this. The City Manager stated this is a different situation as this person put up the money and the City found the line they wanted installed had already been put in.

Councilman Short stated Council would like to have a recommendation from the City Manager as to when the new policy should be put into effect. Mr. Veeder advised they are in the process of working out contracts on it now and some will be coming to Council shortly. He stated they have assumed the policy is in effect; the change that relates to outside city users would best be implemented to coincide with the fiscal year.

The vote was taken on the motion and carried unanimously.

REQUEST OF CAROLINA MACHINERY COMPANY TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SEWERAGE SYSTEM APPROVED.

Councilman Whittington moved that the request of Carolina Machinery Company to connect private sanitary sewer lines in Wilkinson Boulevard outside the city, to the city's sanitary sewer system, be approved. The motion was seconded by Councilman Thrower, and carried unanimously.

ROUND OAK ROAD, FROM PARK ROAD, EAST OF CENTERLINE OF PARK ROAD TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Councilman Jordan moved that Round Oak Road, from Park Road east of the centerline of Park Road be taken over for continuous maintenance by the City. The motion was seconded by Councilman Whittington, and carried unanimously.

CLAIM OF J. M. HUMPHRIES FOR PERSONAL INJURIES SUSTAINED BY SON AUTHORIZED.

Motion was made by Councilman Tuttle and seconded by Councilman Short

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to approve as recommended by the City Attorney, the claim of Mr. J.M. Humphries in the amount of \$41.50 for personal injuries sustained by his four year old son when he stepped on a large partially open water meter box causing him to slip and fall into the box receiving cuts on his head, back and leg.

Councilman Alexander asked if there are any type water meter lids that can be purchased where there would be less problems of being moved or kept open? Mr. Veeder replied he is not aware of any that are superior to any that are now being used.

The vote was taken on the motion and carried unanimously.

CLAIM OF JOSEPH W. FULLER, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, claim of Mr. Joseph W. Fuller in the amount of \$151.00 for damages to his automobile caused when his radio aerial hooked a cable being installed by the Traffic Engineering Department and the cable cut across the top of his vehicle scratching the paint in several places, was denied as recommended by the City Attorney.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Edwin Wossick for Graves No. 4 and 5, in Lot No. 179, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mrs J. R. Hunnicutt for Graves No. 1 and 2, in Lot No. 139, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with John L. Dabbs, III, for Lot No. 11, Section 5, Oaklawn Cemetery, transferred from Mrs Mabel D. Asbury, Mrs Nancy C. Dabbs Hart and husband, and S. A. Pettus, surviving heirs of John L. Dabbs I, at \$3.00 for new deed.
- (d) Deed with John L. Dabbs III, for Lot No. 52, Section 1, Oaklawn Cemetery, transferred from Mabel D. Asbury, Mrs Nancy C. Dabbs Hart and husband, and S. A. Pettus, surviving heirs of John L. Dabbs I, at \$3.00 for new deed.
- (e) Deed with John L. Dabbs III, for Lot No. 30, Section 1, Oaklawn Cemetery, transferred from Mrs Mabel D. Asbury, Mrs Nancy C. Dabbs Hart and husband, and S. A. Pettus, surviving heirs of John L. Dabbs I, at \$3.00 for new deed.
- (f) Deed with Mrs Mabel Dabbs Asbury, for Lot No. 1, Section 1, Oaklawn Cemetery, transferred from Mrs Nancy C. Dabbs Hart and Husband, Henry Hart, Jr. of Hamilton County, Tennessee, at \$3.00 for new deed.

CONTRACT AWARDED W. H. STEWART COMPANY FOR SEWER RODS.

Councilman Jordan moved award of contract to the low bidder, W. H.

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Stewart Company, in the amount of \$1,606.50 on a unit price basis for 500 steel sewer rods with couplings, and 500 steel rods without couplings. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

|                          |             |
|--------------------------|-------------|
| W. H. Stewart Company    | \$ 1,606.50 |
| Southern Pipe & Tool Co. | 1,642.85    |
| Champion Corporation     | 1,994.75    |
| O'Brien Mfg. Corp.       | 2,909.75    |

CONTRACT AWARDED DEWEY BROTHERS FOR C. I. MANHOLE RINGS AND COVERS.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Dewey Bros., Inc., in the amount of \$11,909.52, on a unit price basis for 420 cast iron manhole rings and covers.

The following bids were received:

|                            |             |
|----------------------------|-------------|
| Dewey Bros., Inc.          | \$11,909.52 |
| Knoxville Foundry Co.      | 12,545.40   |
| Sumter Machinery Co.       | 14,794.92   |
| Russell Pipe & Foundry Co. | 14,946.33   |

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR TRUCK CAB AND CHASSIS.

Motion was made by Councilman Whittington awarding contract to the low bidder, Hutton-Scott Company, in the amount of \$2,769.87 for one 18,500 G.V.W. truck cab and chassis. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

|                             |             |
|-----------------------------|-------------|
| Hutton-Scott Company        | \$ 2,769.87 |
| Bill Beck Ford, Inc.        | 2,876.91    |
| International Harvester Co. | 2,933.52    |
| G.M.C. Truck & Coach Div.   |             |
| General Motors Corp.        | 3,326.30    |

ORDINANCE NO. 619-X TO AMEND ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE WATER AND SEWER FUND.

Councilman Short moved adoption of the subject ordinance authorizing the transfer of \$27,500 from unappropriated water and sewer funds to Water Distribution in the water and sewer fund to be used to provide necessary funds for reorganization of the meter reading operation. The motion was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 18.

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GRANT REQUEST TO THE OFFICE OF LAW ENFORCEMENT ASSISTANCE AUTHORIZED.

Councilman Jordan moved approval of a grant request by the Charlotte Police Department with the cooperation of the University of North Carolina at Charlotte, from the Office of Law Enforcement Assistance to carry out a program aimed toward improving Police Department understanding and communications among all segments of the community. The motion was seconded by Councilman Whittington, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the following property transactions were authorized:

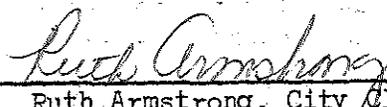
- (a) Acquisition of property at 1214-20 East Fourth Street, from R. Read Tull and wife, at \$45,000, for the East Third Street Connector.
- (b) Acquisition of 12,058 sq. feet of property at 1320-26 E. Fourth Street, from the Men's Club of Charlotte, at \$27,500 for the East Third Street Connector.
- (c) Acquisition of 2,596 sq. feet of property at the northwest corner of Sixth and College Streets, from Wachovia Bank & Trust Co., under will of Frank F. Jones, at \$26,000, for the Sixth Street Improvement.
- (d) Acquisition of 8,236 sq. feet of property at the northwest corner of North Pine and West Trade Streets, 115-17 N. Pine Street, 401 West 5th Street and 403-05 North Pine Street, from Mary R. Alexander, widow (life estate) and Mary B. A. Howell (Remainderman) at \$36,500, for Pine Street Connector between W. 5th and West Trade Streets, at Mint Street.

CONTRACT WITH GEORGE G. SCOTT AND COMPANY FOR AUDIT OF BROOKLYN URBAN RENEWAL AREA PROJECT AND RAW WATER SUPPLY LINE TO HOSKINS RESERVOIRS, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was authorized with George G. Scott and Company for the audit of Brooklyn Urban Renewal Area, Project No. N. C. R-14, and of the Raw Water Supply Line to Hoskins Reservoirs, Project No. DHUDWS 3-34-0010, in an amount not to exceed \$700.00 each.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk