

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, October 4, 1965 at 3 o'clock p.m., with Chairman pro tem Claude L. Albea presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire and Councilman James B. Whittington.

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INVOCATION.

The invocation was given by Councilman Milton Short.

COUNCILMAN ALBEA APPOINTED CHAIRMAN PRO TEMPORE.

In the absence of the Mayor and Mayor pro tempore, Councilman Tuttle moved the appointment of Councilman Albea as Chairman pro tempore. The motion was seconded by Councilman Short, and unanimously carried.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the Minutes of the last Council Meeting on September 27th were approved as submitted to the Council.

ACTION ON PETITION NO. 65-89 TO AMEND THE ZONING ORDINANCE TABLE OF PERMITTED USES TO PROHIBIT IN I-1 DISTRICTS FREIGHT AND TRUCK TERMINALS USING PROPERTY WITHIN 300 FEET OF RESIDENTIAL DISTRICTS DEFERRED FOR LIST OF EXISTING LOCATIONS WHERE I-1 AND I-2 DISTRICTS ADJOIN RESIDENTIAL DISTRICTS AND SURVEY OF EXISTING FREIGHT AND TRUCK TERMINALS AS TO ZONING DISTRICT IN WHICH LOCATED.

The public hearing was held on Petition No. 65-89 by the Charlotte-Mecklenburg Planning Commission, to amend Chapter 23, Zoning Ordinance, Article III, Division I, Section 23-31, category (c) Table of Permitted Uses, to prohibit in I-1 districts Freight Terminals and Truck Terminals using property within 300 feet of Residential districts for the storage, loading or movement of tractors or tractor-trailer units.

Mr. McIntyre, Planning Director, advised this is a petition that the Planning Commission prepared at the Council's request to change the text of the Zoning Ordinance - Table of Permitted Uses, to prohibit in I-1 districts Freight Terminals and Truck Terminals using property within 300 feet of Residential districts for the storage, loading or movement of tractors or tractor-trailer units. He stated this would change the present ordinance to provide for this limitation and the use of property in the I-1 zoning districts. At the present time property in I-1 zoning districts can be used for Freight and Truck Terminals without the limitation.

Councilman Thrower asked if this is the recommendation of the Planning Commission and Mr. McIntyre replied that it is; this recommendation was originally made by the Planning Commission to the Council some months ago and more recently the recommendation was brought to the Council by representatives of the Home Builders Association and others and Council asked the Planning Commission to prepare an ordinance to this effect.

Councilman Short stated that he would like to know the specific background from which this arose, that he is sure it did not just come up in the abstract - he asked if someone is here representing some motor line affected by this ordinance, as Council might be bankrupting some motor line on which people are depending for their living.

Councilman Jordan stated that some of these motor lines have purchased property for locating a terminal but have not started construction, and if Council passes this amendment it will be a hardship on them. He asked Mr. McIntyre if there is anything we could do to change this amendment to alleviate this, and Mr. McIntyre replied that there is no way he knows to change it; if Council passes the amendment then the only possibility of alleviating the hardship on any particular piece of property that he would be aware of would be considering a change in the zoning classification of that particular piece of property from I-1 to I-2. Councilman Jordan asked if there would be many instances that the movement of truck lines would be so great that it would interfere with the neighborhood? Mr. McIntyre replied that he does not know much about the movement of freight terminals in the city; if the amendment is passed it would apply to all Industrial-1 zoning districts hereafter and would then call for the limitation of the use of property within 300 feet of any residential district.

Councilman Tuttle remarked that he would like to get the legal angle on this. That he did not know the question had been before Council about 6 months ago and was voted down. He asked the Acting City Attorney how Council stands on it with regard to the 2 year waiting period that applies to zoning? Mr. Kiser replied that he is not fully aware of the manner in which the amendment was presented 6 months ago, probably Mr. McIntyre can enlighten us on the manner in which it was presented at that time, then he can answer the question. Mr. McIntyre advised that this idea was originally entertained in connection with some comprehensive rezoning of property on the westerly side of the city in the Airport Approach Zone area. At that time the Planning Commission had recommended the change of many properties in the area from Residential to Industrial-1 or Light Industrial. In the same Approach Zone Area there were a few parcels of land that were at that time zoned I-2. In the I-2 zones at that time Motor Freight Terminals could be established. In the areas zoned from Residential to I-1 Motor Freight Terminals could not be established. The Planning Commission felt that all of these industrial properties should be uniform, they should all be zoned Industrial-1 along I-85 rather than some zoned I-2 and some I-1. Therefore, this change would have removed the right of some property along I-85 to be developed with Motor Freight Terminals, and the Planning Commission recommended that I-1 districts be opened up to Motor Freight Terminals that had not been opened before, provided that a buffer of 300 feet be established in the I-1 districts where they adjoined Residential areas, to protect them from Terminal disturbances. The City Council considered the recommendation and decided not to include the limitation in the I-1 districts and we are now again considering the restriction in the I-1 zoned districts.

Mr. Kiser, Acting City Attorney, replied to Councilman Tuttle's questions - first, this particular recommendation by the Planning Commission 6 months ago would be a recommendation that was not associated with a specific piece of land, and it was not denied in the terms of the meaning of the ordinance concerning the 2 year limitation. Secondly, this has come before Council on a public hearing after advice and approval of the Planning Commission, indicating that there are perhaps some changes in circumstances and situations which would also take it outside the prohibition in the ordinance. So he thinks that Council may act upon this matter at this time.

Mr. Louis Bledsoe, representing Charlotte Home Builders, stated they petitioned the Council to schedule a public hearing on the amendment for the purpose of going into this matter once more. That as Mr. Thrower brought out when they requested this hearing, this was heard in April 1964. At that time the Zoning Ordinance of 1962 prohibited Freight and Trucking Terminals in I-1 zoning areas. At that time in order to accomodate the I-85 situation Council, by a 4 to 3 decision, voted to allow Freight and Trucking Terminals in I-1 areas, and the Home Builders Association wanted to impress upon the Council some of the effects of that decision, and that is the purpose of them being here. That they are attempting to point out some of the problems that were created as a result of this, and all they are asking is that Council approve what was recommended by the Planning Commission at that time, which is a 300 foot buffer zone. That they are not asking that the Trucking people who have purchased land for Terminals not be able to build anything at all in the 300 foot buffer zone, they can build whatever they like except moving truck activities. That by allowing the ordinance to stand as it is, it permits moving trucks 24 hours a day within 6-feet of an R-6 area, for example; and they say this is very very important to the people of Charlotte, particularly the young children living in these residential areas. They think the Planning Commission took this into consideration, and that this is in the interest of good planning and they are talking about moving trucks 24 hours a day. If this condition continues to exist throughout our city it is a hazardous one, and for the protection of the home owner and his children it is of paramount importance. That the proposed change would allow Trucking Companies to build within the 300 foot area employee parking lots, offices and they could utilize the area and it would not be a useless area to the owner. That when the Planning Commission made the recommendation for the 300 foot buffer zone previously they said, "this amendment would permit the Terminal facilities to locate in I-1 areas but would maintain a 300 foot distance between the residences and the movement of trucks. This 300 foot strip could, however, be used for such things as employee and customer parking, offices and other buildings, provided loading docks etc are not within the 200 foot area, and other uses not involving truck movements", and that is exactly what the Home Builders Association is trying to do. He stated they are not asking for something that is unique, this buffer zone idea is included in other zoning classifications in the 1962 ordinance.

Mr. Bledsoe distributed to the Council maps of various areas of the city where I-1 districts are adjoining Residential districts, and he pointed out how extensively prevalent this condition is in every section of the city, both in undeveloped areas as well as the developed areas. He pointed out on Map No. 20 the I-1 zoning right across the street from Garinger High School, and stated they think to have a trucking terminal located in this I-1 zone would prove very hazardous, and to include the buffer zone in the I-1 district in this particular area alone would be worthwhile, however, there are similar situations all over the city. He stated that the noise from these Trucking Terminals is a big nuisance factor, also fumes and dust, but they think the most important is the safety factor for our children.

Councilman Thrower asked Mr. Bledsoe if he agrees with the wording of the proposed amendment, and Mr. Bledsoe replied yes, if it is the same as it was recommended before.

Councilman Short called attention to the many places where Residential zones abut on I-1 zones that are marked in red on the maps that were distributed, and asked Mr. Bledsoe how many of them would actually be suitable for a Truck Terminal, or how many situations there are where there might be a Truck Terminal? Mr. Bledsoe replied that he has no specifics, that he thinks the locations are numerous. That he is not pointing out specifics, he is merely

pointing out that under our present ordinance it could be conceived that a Truck Terminal could be put at any of the given locations as there is no prohibition against it and he knows nothing of the practicability of putting them at these locations.

Mr. T. R. Lawing stated that as President of Charlotte Board of Realtors he represents over 470 members locally and over 80,000 members nationally. That last year the Charlotte Board of Realtors sold homes in Charlotte valued at over \$17,000,000.00 and according to the FHA Report this represented 70% of the existing homes sold in Charlotte. He stated that many of these homes would be adversely affected by the Zoning Code as it now exists. Point No. 1 of the Realtors Code, to which they subscribe, states "A realtor should keep himself informed as to movements affecting real estate in his community, so that he may contribute to the public thinking on matters of legislation, land-use, city planning and other questions affecting property interests." That it is for this purpose that he is here today to speak for the Charlotte homeowner. That they believe a Zoning Ordinance that will allow the operation of a large tractor-trailer unit within 6 feet of a homeowners bedroom is wrong. Last year during a different city administration, the Planning Board recommended that this 300 foot buffer zone be required in the I-1 zoned districts which abut on Residential zoned districts, and this recommendation was turned down by that Council, and they would like to see this Council correct this situation today. That at a meeting on September 3rd of the Charlotte Board of Realtors the Directors voted unanimously to join with the Home Builders Association and request this amendment to the zoning code. That in the interest of the Charlotte homeowners they sincerely trust that the Council will vote favorably for the change.

Mr. J. M. Hodges, Local Manager for R. C. Motor Lines, advised that his Company purchased a tract of land on I-85 near the Mulberry Road intersection several months ago where there were no restrictions so they could construct a Terminal that they could utilize. That it is rather a coincidence that in his mail this morning he received the plans for the Terminal they are serious about building, and now he finds this proposed amendment which would hamper their operation considerably, and what they will eventually do if it is passed he does not know. He stated the area in which they have bought has quite a history, and they did not want any part of the land so long as there were any restrictions or zoning problems that would prevent their full use of it. That they have gone to considerable expense purchasing the land and making their plans and any restrictions put on the land would make it unsuitable for the needs of his Company. He stated their industry is peculiar in that it takes lots of space, makes lots of noise and produces some fumes, and any land on which they build must be available for full utilization as a terminal - for example, they would not want their employees to park their automobiles 300 feet away from the Offices, and they would have to use trucks to pull the trailers from their parking places.

He pointed out that there is already a buffer zone in the rear of their property zoned O-6; that where they would be affected by the proposed change is on the Mulberry side of the property zoned R-9MF, which is a small strip. That they have acted in good faith and they would certainly be hurt if the 300-foot restriction were put on the property at this time, and if the restriction is put in they feel the Council and Planning Commission should give consideration to placing the O-6 buffer zone on the Mulberry Road side of the property to enable them to protect their investment.

Mr. Hodges, speaking as a citizen of Charlotte, remarked that he notices the proposal refers only to freight terminals and truck lines, he assumes this

means companies like theirs that haul freight generally - he pointed out that there are many other companies that have trucks and trailers than Trucking Companies. Wholesale Grocers for example; he asked what if Kreager Baking Company who use their own trucks wanted to move into Charlotte and build a warehouse in one of these areas that had this restriction? That would be alright he presumes - the amendment looks like it is discriminatory, and he is speaking as a private citizen. Mr. Hodges stated this restriction would hamper his company and he does not believe they would go ahead with their plans to erect a terminal if the amendment is passed. If the proposal is passed he supposes they would get some legal advice to protect their interest, as they feel very strongly about this, for they need and want to use the property they have purchased.

Mr. Henry Harkey, Attorney representing the owner of a tract of land across I-85 from the property owned by R C Motor Lines, stated he is well aware of the history of I-85 and the zoning of the area. That this is the No. 1 highway by Charlotte at this time and truck lines know the advantage of it and the property has greatly increased in value and it is not residential property now and never has been, it was farm land, rural and I-85 has a right of way of over 200 feet and from the highway and on both sides there are great stretches of open land. That it was a natural for truck lines, who have bought in there and more will come in, as it is only $3\frac{1}{2}$ miles from the center of town. That there were no residences out there to interfere with Akers Motor Lines and R C Motor Lines, and there are no residences there now. He stated he came before the Council on January 25, 1965 and Council by a 5 or 6 to 1 vote, denied this same petition. The question came up at the motion of the Planning Commission due to the jet stream in the area and the lack of FHA loans, etc. That the Planning Board on its own said there will be no more residences in the area of I-85 and since some of it was zoned Rural and some I-2 the petition came before Council to rezone a mass of it, and there were some objections on the Tuckaseegee Road portion and the petition was broken down into 7 individual petitions, and there was opposition to only one of the 7 petitions where you put in this O-6 zone. The other six petitions went through with little or no question. He stated he is not talking about Garinger High School, but I-85 and any other similar highway where commercial property is worth from three to five times as much as residential. That the property he is speaking of was zoned I-1 after this hearing on the motion of the Planning Commission and the property next to it was already I-2 and was cut back to I-1, and if the property he speaks of is subject to this change they will lose one side of the property 1,600 feet deep and 300 ft. wide, or approximately 12 acres, at a loss to his client of around \$50,000.00.

Mr. Harkey stated he notes with interest the maps Mr. Bledsoe's people have drawn up and this is the first time he has known anyone tell another man how to plan his lots - why should Mr. Bledsoe plan the lot for the ultimate user? He is saying in effect that the Terminal should be in the front facing the highway and the office should be on the back of the lot. That this whole thought was fully considered, at the time it was discussed by the Council, as to whether there should be a 100 or 300 feet limitation. That Mr. Kiser said it might not be improper to consider this today under the idea of a change in circumstances - and he would like someone to tell him what change in circumstances there has been out there - the only changes have been toward commercial usage and not toward residential.

He called attention that the amendment even prohibits the storage of trucks within 300 feet that touches a Residential zoned area - for example storage during the Christmas holidays, but you could take it home with you to Myers Park and store it in your back yard for as long as you wanted - that this could mean you could not store trucks or trailers in the rear or side area of your property, even though the adjoining

area was a highrise apartment area, or multi family area. Too, the amendment does not even permit the loading or unloading within the 300 feet - what if they need to move heavy pipe or brick from the back of his lot within the 300 feet area one could not even bring in a tractor-trailer to load it. If both sides of the street happen to be zoned I-1 and it went into a Residential area, one would have to circumvent the residential area to get into his own lot. He stated this is ill advised and the safety feature for children has nothing to do with it, because we all know there are plenty of houses permitted to be built on the edge of the railroad tracks. That the price per front foot on I-85 prevents residential developments, there are motels and they are happy to get on the highway, and as far as I-85, and similar highways are concerned you should put no restrictions on them.

Councilman Thrower stated he thinks his was the dissenting vote referred to by Mr. Harkey when the amendment was sent back to the Planning Board, and the reason was that we had truck terminals in I-2 districts and it was intended to put them in I-1 with the restrictions the Planning Commission is now asking for, and it was voted down by a 4 to 3 vote. That he still thinks that Truck Terminals should be in I-2 districts, they operate a 24 hour day, sometimes they are noisy, dusty, have fumes, and he thinks our whole problem goes right back to January when we allowed Truck Terminals to be built in I-1 districts. So he asks Council rather than considering the amendment before us to consider putting Truck Terminals back in I-2 districts where they belong.

Councilman Short asked Mr. Bledsoe to name one or more intersections or landmarks that he could find where this situation specifically exists, and he moved that the decision on the Petition be deferred for one week until we can examine some of the specific situations. The motion was seconded by Councilman Thrower.

Mr. Bledsoe advised that he cannot name any specific location. When he is talking about the law, he is not talking about specific locations but areas where this condition could exist all over the city.

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

Councilman Thrower asked the Chairman pro tem if he was cutting off discussion, as the motion was merely to defer decision?

Councilman Alexander asked the Acting City Attorney if motions to defer action, as was just done, means they stop further discussion as far as the hearing goes? Does that mean that next week we can only bring up the matter for action? Mr. Kiser replied that this is the public hearing and the motion to defer the decision on the vote until next week has nothing to do with the public hearing, but when the public hearing is terminated on this date, there will be no further discussion next week. However, Council in its discretion could continue the public hearing until next week, and of course, Council can discuss the matter next week, regardless of whether the public hearing has been completed. Councilman Alexander asked if Council may raise a question next week that would require some action by these gentlemen who are represented today? Mr. Kiser replied that Council may raise such questions.

Councilman Tuttle asked Mr. Bledsoe if there are pertinent situations around town, or is this a matter of economics between the Trucking Lines and Real Estate people? Is this really a problem? Mr. Bledsoe replied that his not speaking of specifics does not mean that the best planning for the City of Charlotte is not being considered. That the honest opinion

of the Home Builders Association in this matter is strictly a community-wide concept of what is in the interest of good, sound planning for the city. They see problems for the homeowners in the future, whether we have specifics at this time or not, and he has been requested to find some specifics, he will be glad to do so and bring them back to Council, but they are talking about planning for the city, and they say good planning is to create the buffer zone. Councilman Tuttle stated what he is talking about is anything that does not take into consideration a man's economic right is not sound planning. Now, if he owned a lot on which he intended putting a trucking business, and Mr. Bledsoe owned the lot next to it on which he intended to build a home, is Mr. Bledsoe going to ask him to set his business back 300 feet so he could build his house next to the line, or is he going to ask Mr. Bledsoe to set his house back 300 feet so he can build his Terminal to the line? Mr. Bledsoe stated it is merely a question of what is the soundest policy so that when you have this problem you don't have to go back on your conscience and say in that particular instance what was the best. Here you are saying what is the soundest, what is the wisest way to abolish this problem once and for all as good sound planning is concerned and not be concerned about this specific instance and eliminate it. Sure there are economic considerations and there always will be economic considerations, but this specific instance here that Mr. Tuttle points out if you had to make the choice of maybe one out of a hundred instances it might be better to say give the trucker the benefit of the doubt, or the homeowner. We are saying let's project this and make a sound law so that you don't have to say which is the best policy - if the Planning Commission has studied the entire county and comes up with this recommendation, they believe that the Commission is the agency to say this is best in their judgment, this is the best policy, and the Homeowners' Association is saying they endorse it wholeheartedly.

Councilman Tuttle replied that would be fine if right now we had no homes or had no trucking companies, we could start out with everybody on an equal footing; but we are now faced with the fact that we have these trucking terminals and we have people who have spent their money investing in them, and people also investing in their houses.

Mr. Bledsoe stated in 1962 when this ordinance was passed, freight and trucking terminals were not permitted in I-1 zoning, and all the home owners and the people who intended to build homes, when the decision of Council in April 1964 was passed, they were not being considered since you switched it back and it was against the Planning Commission's better judgment. As far as they are concerned, this has been on both sides now; it was first on the side of the home builder or home owner, now it is on the side of the Trucker and they say the Planning Commission is the one to determine the thing, and in his judgment that is best because they have an impartial judgment of what is best for the city and what is best for the county.

Councilman Alexander stated he would like to clarify one point - if we adopt this amendment, in an I-1 zone a trucking terminal could not operate its trucks within 300 feet of a contiguous property line where homes were attached. Suppose "XYZ" truck firm exists on one piece of property and next to it he establishes a sandwich business in which he uses trucks, would that mean that the trucking terminal could not move its trucks within 300 feet of the contiguous property zone, but yet the traveling business truck could move within the 300 foot area? Mr. Bledsoe replied that's the way the law is written. Mr. McIntyre replied that is certainly the case as the sandwich shop would have light vehicles in all probability.

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Councilman Alexander asked what if the sandwich business were big enough that he makes his sandwiches here and trucks them to Gastonia? Mr. McIntyre replied in the matter of developing regulations in zoning, they have to deal with general situations and there are exceptions to general situations. Councilman Alexander stated to clear his point, suppose he builds a business that is not a trucking business but uses big trucks? Mr. McIntyre replied that is true, trucks could use that property. The basic distinctions that exist in looking at motor freight terminals and trucking terminals in a different light, is that they universally use trucks and not all other businesses do, and they universally use large trucks and are involved in 24 hour operations and these characteristics are not universally true of businesses in general; that they have to divide the relations in general characteristics and there can be certain exceptions to these characteristics. Councilman Alexander stated he is neither for nor against either side, and is looking at it with an open mind, but this fact does disturb him. That he does not think we should set in motion a situation that would be as bias as this is going to be against any type of business; he thinks if it has to be done for the good of the community that there should be some rewording and we need to re-think the situation so that we would not come up with a document of bias regulations, that will cause us some concern.

Councilman Jordan stated we have already closed the hearing and have already voted to postpone action, and now we are opening it up again, he thinks we are completely out of order.

Chairman pro tem Albea stated he was just going to say all of this has been out of order ever since the motion to defer decision was passed, but he allowed it because Council was asking questions and the discussion was so important to both sides he allowed it but we are strictly out of order.

Councilman Alexander stated here we are dealing with a situation that as he understands it was passed on January 1965, and the questions we are raising now could help Council to determine how to render their decision and will certainly enable us to come up with a type of decision that would not make it necessary for the Council in 1967 to reconsider the same matter. That he thinks the discussion is very germane to the question and helps Council to arrive at a sensible determination as to how to vote.

Chairman pro tem Albea stated those questions should have been asked before the motion was put to a vote, and that he asked twice if there was anything further anyone wanted to say. He asked that hereafter when we have any questions, please make them before the motion is put to vote because when the motion is put that closes it.

Councilman Thrower asked Mr. McIntyre if it would not be the best course for the Council to go ahead and consider putting truck terminals in I-2 and consider the individual cases on their own merit as we would in any case at a hearing. Mr. McIntyre replied this is a possible course of action.

Councilman Short stated there are only a certain number of trucking terminals in Charlotte, they are numerous but not beyond surveying, he asked if Mr. McIntyre does not have someone on his staff who could survey them and see if we would get into an impossible position or back into a blind alley if these terminals were put back into I-2 and the existing situation on motion of the Planning Commission or the Council, change to I-2? Mr. McIntyre replied yes this could be surveyed to determine where the motor freight terminals are now, whether they are located in I-1 or I-2, and he thinks we will find most of them in I-2, because it is only recently the ordinance allowed them to come into I-1, and he would judge there are

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very few located in I-1 as yet. Councilman Short stated without motion he will request that this be done, and Mr. McIntyre may take all the time he needs to make the survey. Chairman pro tem Albea stated that brings up the time element, we should not keep people up in the air as to whether they can or cannot build. Mr. McIntyre stated if they put other things off they can get the survey completed within two or three weeks.

Councilman Tuttle remarked that he thinks we are getting down to the crux of the matter now. That he is in deep sympathy with the real estate man's position on this and at the same time he is in sympathy with those people who have invested their money in a situation where they had no way of knowing there would be a change like this. That he would like to see the Planning Commission come up with some sort of compromise; some other idea that might be more tasteful to both sides. Mr. McIntyre remarked the only two properties that are going to be affected are those that are represented today. Councilman Short stated the path he is thinking would envision trucking terminals throughout the city.

ORDINANCE NO. 381-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING THE ZONING OF A 27.55 ACRE TRACT OF LAND FRONTING ON BEATTIES FORD ROAD AND GRIERS GROVE ROAD, FROM R-6 TO R-6MF, ADOPTED.

Consideration was given Petition No. 65-81 by Nance-Trotter Realty, Inc., for change in zoning from R-6 to B-1 of a tract of land at the southwest corner of Beatties Ford Road and Griers Grove Road, and for change from R-6 to R-6MF of an additional 27.55 acre tract fronting on Beatties Ford Road and Griers Grove Road, and the recommendation of the Planning Commission that the requested change from R-6 to B-1 be disapproved and the requested change from R-6 to R-6MF be approved, and the withdrawal by the Petitioner of their request for the change of the tract at the southwest corner of Beatties Ford Road and Griers Grove Road, from R-6 to B-1.

Chairman pro tem Albea asked the Acting City Attorney if Council is in order to vote on this, and Mr. Kiser advised that the petitioner may withdraw that portion of his petition and it is in the discretion of Council to vote on the petition as amended, which is for a change from R-6 to R-6MF of the 27.55 acre tract of land.

Councilman Short moved that the petition as amended changing the zoning of a 27.55 acre tract of land fronting on Beatties Ford Road and Griers Grove Road, from R-6 to R-6MF, be approved. The motion was seconded by Councilman Alexander, who stated he would like to preface his second of the motion with this statement for the record: That since the last meeting of the Council at which he raised some question as to the feasibility of deciding on this matter last Monday - he has talked with Mr. Trotter and has been over this property, and has also talked with a number of property owners who live in Northwood Estates which the Trotter property adjoins, and he is now of the opinion that the Petitioners have in mind to develop there a type of development that will be in conformity with the existing properties in Northwood Estates. That he makes this statement because until he had that feeling he is certain he would not have been interested in approving this recommendation.

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

The ordinance is recorded in full in Ordinance Book 14, at Page 211.

ORDINANCE NO. 382-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND ON THE EAST SIDE OF BEATTIES FORD ROAD NORTH OF "B" AVENUE FROM R-9 TO R-6MF, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, Ordinance No. 382-Z Amending Chapter 23, Section 23-8 of the City Code was adopted changing the zoning of a tract of land on the east side of Beatties Ford Road north of "B" Avenue, from R-9 to R-6MF as recommended by the Planning Commission, upon the request of Mr. W. D. Lanham. The ordinance is recorded in full in Ordinance Book 14, at Page 212.

RESOLUTION APPROVING PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED ON OLINDA STREET, FROM KILDARE DRIVE TO ILFORD STREET AND PROVIDING FOR NOTICE AND PUBLIC HEARING ON CONFIRMATION THEREOF ON OCTOBER 25, 1965, ADOPTED.

Councilman Thrower moved the adoption of a resolution entitled: Resolution Approving Preliminary Assessment Roll for Improvements completed on Olinda Street, from Kildare Drive to Ilford Street and Providing for Notice and Public Hearing on Confirmation Thereof on October 25, 1965, which was seconded by Councilman Short, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, at Page 128.

RESOLUTION APPROVING PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENT COMPLETED ON OLINDA STREET, FROM KILDARE DRIVE TO END OF CUL-DE-SAC AND PROVIDING FOR NOTICE AND PUBLIC HEARING ON CONFIRMATION THEREOF ON OCTOBER 25, 1965, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, a resolution entitled: Resolution Approving Preliminary Assessment Roll for Improvement Completed on Olinda Street, from Kildare Drive to End of Cul-de-sac and Providing for Notice and Public Hearing on Confirmation Thereof on October 25, 1965, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 129.

RESOLUTION APPROVING PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENT COMPLETED ON KILDARE DRIVE, FROM OLINDA STREET TO JOYCE DRIVE AND PROVIDING FOR NOTICE AND PUBLIC HEARING ON CONFIRMATION THEREOF ON OCTOBER 25, 1965, ADOPTED.

Motion was made by Councilman Thrower, seconded by Councilman Short, and unanimously carried, adopting a resolution entitled: Resolution Approving Preliminary Assessment Roll for Improvement Completed on Kildare Drive, from Olinda Street to Joyce Drive and Providing for Notice and Public Hearing on Confirmation Thereof on October 25, 1965. The resolution is recorded in full in Resolutions Book 5, at Page 130.

APPLICATION OF DON STAHL, SAFE, INC. FOR PRIVATE DETECTIVE PRIVILEGE LICENSE, APPROVED.

Councilman Short moved approval of the Application of Mr. Don Stahl, Safe, Inc., for a City Privilege License covering the classification of Private Detective. The motion was seconded by Councilman Alexander, and unanimously carried.

CHANGE ORDER NO. 5 IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF MCALPINE CREEK WASTE TREATMENT PLANT, APPROVED.

Councilman Short moved approval of Change Order No. 5 in the contract with Rea Construction Company for the general construction of McAlpine Creek Waste Treatment Plant, covering the rearrangement of storm flow water facilities and the installation of an additional 8-inch valve, in the amount of \$1,075.00 increase in the contract price. The motion was seconded by Councilman Thrower, and unanimously carried.

CHANGE ORDER NO. P-1 IN CONTRACT WITH INDUSTRIAL MECHANICAL CONTRACTING CORP. FOR PLUMBING WORK AT MCALPINE CREEK WASTE TREATMENT PLANT, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, Change Order No. P-1 in the contract with Industrial Mechanical Contracting Corp., for the Plumbing at McAlpine Creek Waste Treatment Plant, was approved covering additional floor drains for roof drainage to clear the area at the Chlorine Building, in the amount of \$502.00 increase in the contract price.

AGREEMENTS WITH STATE HIGHWAY COMMISSION FOR ENCROACHMENT IN RIGHTS OF WAY FOR INSTALLATION OF WATER LINES, AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, authorizing the following Agreements with the State Highway Commission for encroachment in their rights of way for the installation of water mains:

- (a) Agreement for the installation of 6" water mains in Park Road, Archdale Road and Old Reid Road, outside the city limits, but in the area to be annexed on December 27, 1965.
- (b) Agreement for the installation of a 2" water main across Albemarle Road and along the south side of said road directly east of Driftwood Avenue, outside the city limits.

AGREEMENTS BETWEEN STATE HIGHWAY COMMISSION AND JOHN CROSLAND COMPANY FOR RIGHT OF WAY ENCROACHMENT FOR INSTALLATION OF WATER MAINS OUTSIDE CITY LIMITS AUTHORIZED COSIGNED BY CITY.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, the following Agreements between the State Highway Commission and John Crosland Company were authorized cosigned by the City:

- (a) Agreement for the installation of 6" water mains across Park Road at Round Oak Road, outside the city limits.
- (b) Agreement for the installation of 6" and 8" water mains across Sharon Road at Champagne Street and Cottilion Avenue in Beverly Woods Subdivision, outside the city limits.

CONTRACT AUTHORIZED FOR INSTALLATION OF WATER MAINS INSIDE THE CITY LIMITS.

Motion was made by Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, authorizing the following contracts for the

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installation of water mains inside the city limits, the City to finance all construction costs and the Applicants to guarantee an annual gross water revenue equal to 10% of the total construction cost:

- (a) Contract with Trotter & Allan Construction Company, Inc. for the installation of 800 feet of 6" water mains and one hydrant to serve property abutting on Kentland Lane, at an estimated cost of \$3,000.00.
- (b) Contract with Charles Investments, Inc. for the installation of 550 feet of 2" water mains in Old Pineville Road, at an estimated cost of \$9658.00.
- (c) Contract with Mrs C. A. Seawright for the installation of 445 feet of 6" and 2" water mains and one hydrant in Brook Forest Subdivision, at an estimated cost of \$1,350.00.
- (d) Supplementary Contract with A. V. Blankenship to contract dated May 17, 1965, for the installation of 8,445 feet of 8", 6" and 2" additional water mains and 5 hydrants in Virginia Manor Subdivision, Section 2, at an estimated cost of \$29,000.00.

CONTRACT AUTHORIZED FOR APPRAISAL OF RIGHTS OF WAY.

Councilman Jordan moved approval of the following contracts for the appraisal of rights of way, which was seconded by Councilman Thrower, and unanimously carried:

- (a) Contract with D. A. Stout for appraisal of one parcel of land on East 11th Street, for the Northwest Expressway.
- (b) Contract with James L. Varnadore for appraisal of one parcel of land of Leight McGinn for the Paw Creek Raw Water Transmission Line.
- (c) Contract with Robert R. Rhyne, Sr. for appraisal of one parcel of land of Mr & Mrs Cecil A. McCall for the Airport Clear Zone North-South Runway.

CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS INSIDE THE CITY LIMITS APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the construction of sanitary sewer trunks and mains at the following locations inside the city limits, was authorized, with all costs to be borne by the Applicants, whose deposit of the full amounts of the cost with the city will be refunded as per terms of the contracts:

- (a) Construction of 248 feet of sewer trunk and 1,276 feet of sewer main in Kentwood Subdivision No. 2, at the request of Nance-Trotter Realty, Inc. at an estimated cost of \$5,430.00.
- (b) Construction of 825 feet of sewer main in Kentwood Subdivision at the request of Nance-Trotter Realty, Inc. at an estimated cost of \$3,300.00.
- (c) Construction of 800 feet of sewer trunk and 450 feet of sewer main to serve Peerless Street, at the request of R. B. McClure, Agent, at an estimated cost of \$6,500.00.

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ISSUANCE OF SPECIAL OFFICER PERMIT TO HANK D. SELF ON PREMISES OF PARK AND RECREATION COMMISSION, AUTHORIZED.

Councilman Tuttle moved approval of the issuance of a Special Officer Permit to Mr. Hank D. Self, 2221 Stonewood Drive, for use on the premises of the Charlotte Park & Recreation Commission, for a period of one year. The motion was seconded by Councilman Alexander, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Alson L. Goode, Jr. for one half interest in Lot No. 24, L-Annex, Elmwood Cemetery, transferred from A. Lloyd Goode, Sr., at \$3.00 for transfer deed.
- (b) Deed with A. Lloyd Goode, Sr. for one half interest in Lot No. 24, L-Annex, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED TRAFFIC ENGINEERS SUPPLY CORP. FOR TRAFFIC CONTROL EQUIPMENT.

Councilman Tuttle moved the award of contract to the low bidder, Traffic Engineers Supply Corp., Inc. on their alternate bid for 8 SPDR-1 Sonic Detectors complete with Transiever and Transducers, as specified, in the amount of \$2,799.95, on a unit price basis. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Traffic Engineers Supply Corp. -Alternate Bid-	\$2,799.95
Traffic Engineers Supply Corp. -Base Bid	3,047.15
Southeastern Safety Supplies Inc.	
-Alternate Bid-	2,813.14
Southeastern Safety Supplies, Inc.	
- Base Bid	3,455.28

CONTRACT AWARDED HOWIE CRANE SERVICE FOR CONSTRUCTION OF SANITARY SEWERS IN SHAMROCK HILLS NO. 2 AND UNIVERSITY PARK.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Howie Crane Service for the construction of sanitary sewers in Shamrock Hills No. 2, and University Park, as specified, in the amount of \$59,556.90, on a unit price basis.

The following bids were received:

Howie Crane Service	\$59,556.90
C. D. Spangler Constr. Co.	61,261.25
A. P. White & Associates	66,561.20
Boyd & Gofroth, Inc.	66,763.00
Crowder Construction Co.	70,709.80

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ALL BIDS FOR GATE VALVES REJECTED AND AUTHORIZED READVERTISED.

Consideration was given the recommendation by the Water Dept. Superintendent and Purchasing Agent for the award of contract to the second low bidder, Grinnell Company, Inc. in the amount of \$26,677.13, for 414 gate valves.

Councilman Tuttle moved the award of contract to the second low bidder, which was seconded by Councilman Alexander.

Councilman Jordan stated he does not understand the recommendation. He was advised by the City Manager that the use of the term - second low bidder - is a misnomer and the recommendations should not have been written in this way; it is the low bidder meeting the specifications. That Kennedy Valve Mfg. Co. did not meet our time schedule.

Councilman Thrower remarked to Mr. Queen, Assistant Purchasing Agent, that as he understands, we are buying 414 gate valves when only two valves can't meet the necessary delivery date. Two valves out of 414 or a difference of nearly \$1400, and he is asking the City Attorney to rule whether delivery date could be considered as part of the specifications? Mr. Kiser, Acting City Attorney, advised the delivery time is a part of the specifications when it is included in instructions to bidders and in the specifications. Councilman Thrower asked Mr. Queen if it is in the instruction to bidders or in the specifications and Mr. Queen replied in the specifications.

Mr. Veeder, City Manager, stated we would like to take the other bid if they could supply these 16" valves which we have none on hand. Councilman Thrower stated we are talking about two valves and \$1400.00. Often our recourse to this would be to turn down all bids and ask for rebids. This is 5% of the gross product.

Mr. Queen advised this could be left out and rebid it but Mr. Franklin has stated we need these valves within 30 days. Councilman Thrower asked if Ludlow and Darling Valve Companies say they could deliver their valves within the 30 days, and Mr. Queen replied that they do not meet the delivery date and he should have listed them as not meeting the specifications. Councilman Thrower stated as a matter of fact, we have only one person according to the Legal Department that meets the specifications, so he is the only person that can be considered.

Councilman Thrower offered a substitute motion that all bids be rejected and be readvertised. The motion was seconded by Councilman Short.

Councilman Thrower stated if we only had one company to meet the specifications and we notified 17 then something is wrong with our specifications.

Councilman Short remarked that when you add the \$1281 involved here to another matter of last week amounting to \$345, you get about \$1626 and this is probably the ad valorem tax on 8 or 10 average houses here that we have spent over the time factor in the last two weeks. That being in the merchandising and retailing business, he is very aware of the fact that factories are slower in shipping now than they have almost ever been before within his memory; that he questions whether we should not reckon with this fact and should not get our bidding by anticipating our needs as far in advance as possible.

Mr. Veeder stated in view of what Mr. Queen has indicated in terms of the three other bidders not meeting the specifications, he would encourage Council to authorize the readvertisement for bids. The point he is making is that these three bidders listed apparently also did not meet requirements in terms of time and in his judgment they should have been so listed rather than the way they are listed.

Councilman Thrower stated if we had four people who met the specifications, he wouldn't find any fault at all as he has always been for the low bidder if he met the specifications, but in view of the fact that we only have one bidder who meets the specifications that he would suggest that something is wrong with our specifications and this will give us recourse to reject these bids.

Councilman Short stated what concerns him is the factories have to do the best they can but they are just prophesying the future when they say when they can ship and we might very well get 16 weeks from Grinnell and we would have spent \$1200 additional and get absolutely nothing in terms of time advantage.

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

The following bids were received:

Grinnell Co., Inc.	\$26,677.13
The following did not meet specifications:	
The Ludlow Valve Mfg. Co. Inc.	27,968.11
The A. P. Smith Mfg. Co.	31,122.14
Darling Valve & Mfg. Co.	40,212.14
Kennedy Valve Mfg. Co.	25,395.95

TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY ACCOUNT FOR CONSTRUCTION OF TEMPORARY SIDEWALK ON SOUTH SIDE OF MONROE ROAD.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and un-animously carried, the construction of a temporary sidewalk on the south side of Monroe Road, from 220 feet west of Commonwealth Avenue to 190 feet east of Commonwealth Avenue, and the transfer of \$1,500.00 from the General Fund Contingency Account therefore, were authorized.

ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY, AND EASEMENTS FOR SANITARY SEWER IN CRAIGHEAD ROAD AND COMPENSATION FOR DAMAGES FOR SHARON-AMITY ROAD WIDENING.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and un-animously carried, the following property transactions were authorized:

- (a) Acquisition of 6,962 sq. ft. of property at 1012-14 East Trade Street, from Carlton H. Bost and wife, at \$10,000 for right of way for the Northwest Expressway.
- (b) Acquisition of 8,737 sq. ft. of property at 445 Beaumont Avenue, from Mrs Louise Young Workman, at \$20,800.00 for right of way for the Northwest Expressway.
- (c) Acquisition of 4,500 sq. ft. of property at 516 Seigle Avenue, from Everett Mullis and wife, at \$4,700.00 for right of way for the Northwest Expressway.

- (d) Acquisition of 10' x 10' easement in Derita Road, from James Edwin Heafner and wife, at \$20.00 for sanitary sewer to serve Craighead Road Area.
- (e) Acquisition of 10' x 24.19' easement in Pebbles Street, from Miriam R. Dellinger and F. G. Dellinger, at \$24.19, for sanitary sewer to serve Craighead Road area.
- (f) Acquisition of 10' x 139.31' easement in Shade Valley Road, from Lake Hills Corp., for sanitary sewer in Shade Valley Road.
- (g) Compensation for trees, shrubs, etc on Sharon Amity Road to Clarence L. Cheatham, in the amount of \$450.00 in acquisition easement for Sharon Amity Road Widening.
- (h) Compensation for lawn damages on Sharon Amity Road, to James O. Brown and wife, in the amount of \$600.00 in acquisition of easement for Sharon Amity Road Widening.
- (i) Compensation for large tree on Sharon Amity Road to W. L. Steele and wife, in the amount of \$75.00 in acquisition of easement for Sharon Amity Road Widening.

COUNCIL SHORT URGES THE DRAFTING OF ORDINANCES IMPLEMENTING EXISTING ORDINANCES AS PROVIDED FOR IN NEW CHARTER.

Councilman Short stated that last week Council felt we could not proceed on some zoning matter without Council being empowered to amend the petition, because although this has been enabled by the Legislature, Council has not implemented it with an ordinance. That upon reading the new City Charter, he finds there must be a dozen or so such instances in the Charter. That he has listed some of them which he quickly discovered - for example, Sec 6-22, 6-23, 6-41 and 6-61 and many others. For example, one includes the City's right to condemn property and many other municipal powers. That he raises the question of whether we should not enact some ordinances that need this for those matters which are novel within the new Charter, perhaps as to some older matters whose security is all in one package and enactment as might be necessary for actually some of these things could affect the outcome of a criminal case.

Mr. Kiser, Acting City Attorney, stated with respect to the ordinance on implementing the authority to vote on petitions to rezone, he has prepared an ordinance which would implement that authority. This ordinance is an amendment to the zoning ordinance itself and the adoption of it must be preceded by a public hearing. That he would like to submit it to Council for approval and suggest that a date for public hearing be set, and he would suggest that it would be at a date subsequent to the public hearing set for the zoning ordinance on the downtown apartments because it includes a new zoning classification which must be incorporated into that ordinance, and he would also suggest that it be submitted to the Planning Commission for its approval or its comments. As to the other numerous implementing ordinances, he thinks that Mr. Short is right that there are hundreds of them and we should begin to search them out and draw implementing ordinances for Council consideration.

Councilman Short asked Mr. Kiser if we are on a bad legal foundation - for example, in condemnations or something of that sort- because we were enabled to enable ourselves to do it but have never done so. Mr. Kiser

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replied we are proceeding in condemnation under enabling authority that we had prior to this amended Charter. Councilman Short stated that drawing these ordinances is such a vast project that it would seem to him that we would almost need to hire a team of attorneys to do it. Mr. Veeder, City Manager, replied as we would want attorneys who have some direct background in this particular area, he thinks this is something that wasn't anticipated at the time the new Charter was drafted and he would expect that changes in ordinances and new ordinances predicated upon the revised language of the Charter will be coming before Council on a continuing basis, but to sit down and literally go through the complete code to weed out that which might be influenced by the new Charter and to consider everything that is possible under the new Charter would be a rather monumental task. That he thinks a desirable approach would be on an "as needed" basis, within reasonable limits.

Councilman Short stated he is not sure he would agree with wait until you are in the ditch before you try to handle these things.

ACTION ON REGULATING STANDARDS FOR FIRE HYDRANTS IN SHOPPING CENTERS DEFERRED UNTIL ACTION OF STATE BUILDING CODE COUNCIL ON STATE-WIDE BASIS IS ASCERTAINED.

Councilman Tuttle stated after reading the article in Sunday's paper about fire hydrants in some of the shopping centers, he went to a center on Sunday afternoon and walked around and based on his experience in business for years, the hydrants are grossly inadequate. That he discussed this with the City Manager this morning who said he believed that an ordinance would be legal regardless of what the State Code might say regarding regulating fire. He asked Mr. Veeder to ask Chief Black and Mr. Jamison, Building Inspector, to get together and decide on something standard in the way of fire hydrants for shopping centers so as to give Mr. Kiser something to work on by the way of whether he can come up with an ordinance within the law.

Mr. Veeder remarked that he discussed this subject with Mr. Jamison who in turn discussed it at length with Chief Black, and Mr. Jamison says his position on it and Chief Black's are parallel and he suggests the approach that would be worthwhile would be to work through the State Building Code Council, which agency is in a position to adopt regulations relating to this that would apply not only to Charlotte but throughout the State. That he is in touch with the Executive Officer of the State Building Code Council and has gotten a degree of encouragement from him in terms of the possible reception that such a change would have on the Building Code Council, and has arranged that this will be presented to them at their next meeting. That at the same time it is possible for us to do something independently but he thinks perhaps we might want to consider action through the Building Code Council.

Councilman Tuttle stated with that information he is willing to wait until Mr. Veeder advises Council what action the Building Code Council takes and if they do not act on it then he would like to discuss it further.

PUBLIC HEARING ON ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 23, SECTION 23-96 OF THE CITY CODE, SCHEDULED ON NOVEMBER 1, 1965.

Councilman Thrower moved that a public hearing be set for Monday, November 1st, at 3 o'clock p.m. on an Ordinance to amend Chapter 23, Article VII, Div. 3, Section 23-96 of the Code. The motion was seconded by Councilman Short, and carried unanimously.

COUNCIL ADVISED TO SUBMIT RESOLUTIONS TO BE PRESENTED AT N. C. LEAGUE OF MUNICIPALITIES CONVENTION TO LEAGUE OFFICE TEN DAYS PRECEEDING CONVENTION.

The City Manager referred to the Tentative Program for the League of Municipalities Convention scheduled for later this month that have been received by the City Council and advised that Mrs Steed has requested that any resolutions Council may wish to have considered at Convention be sent to her not later than 10 days preceeding the meeting, otherwise they would require another voting procedure. That Council members who are not contacted today will be contacted tomorrow relative to their plans for attending the meeting and whether their wives will attend, so that he can send a report to the League.

CITY MANAGER ADVISES STATUS OF ARCHITECTURAL WORK ON LAW ENFORCEMENT BUILDING.

The City Manager referred to the request of Mr. Thrower at last week's meeting for information on the status of the architectural work on the Police Building, and advised that a meeting was held with the Architect and representatives of the Police Department last Friday, and the result of the meeting is that Captain Crenshaw, the Architect and another person will make a trip next week to look at recent buildings in Richmond, Norfolk and Louisville, to gain what knowledge they can from seeing these on the ground. That the work is proceeding in what will be a very likely process of coming up with the best building for Charlotte, and he thinks this is a necessary step in the proceedings.

AGREEMENT AUTHORIZED WITH WILBUR SMITH & ASSOCIATES FOR BASIC PLANNING OF ALTERNATE ROUTES FOR AN EXPRESSWAY FROM INDEPENDENCE BOULEVARD AT CHARLOTTETOWN MALL TO INTERSECT WITH THE NORTH-SOUTH EXPRESSWAY AT WALNUT AVENUE, AND THE ALLOCATION OF FUNDS IN CAPTIAL IMPROVEMENTS BUDGET THEREFOR.

The City Manager pointed out on a map that running through the Urban Renewal Project is the projected upgrading of Independence Boulevard from the general location of Charlottetown Mall to intersect with the North-South Expressway near Walnut Avenue; that what is depicted on the map is the way it was laid out in the Thoroughfare Plan in 1959, without firmly locating or describing it. He called attention that in the Capital Improvement Budget this year, Council provided \$20,000.00 for the planning and designing of this alternate route, and as the first step in the process he recommends the acceptance of an Agreement with Wilbur Smith & Associates for the basic planning on the alternative routes that could be followed relating this project to the Downtown planning effort, and coming up with alternatives to be reviewed and discussed, not only locally but with the State Highway Commission and the U. S. Bureau of Public Roads. That the Planning aspect of the program will cost \$10,000 not the design, just the planning. He advised further that the form of Agreement that has been prepared has been approved in terms of form and content by the State Highway Commission, and is satisfactory for Council action today.

Councilman Thrower moved that an Agreement with Wilbur Smith & Associates be authorized for the basic planning of alternate routes for an expressway from Independence Boulevard near Charlottetown Mall to intersect with the North-South Expressway near Walnut Avenue, and that \$10,000 be allocated from the Capital Improvement Budget, for this purpose. The motion was seconded by Councilman Tuttle and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk