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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, September 18, 1967, 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, and Jerry Tuttle present.

ABSENT: Councilman James B. Whittington.

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, Gamble, Godley, Sibley, Stone, Tate, and Turner.

ABSENT: Commissioners Ashcraft and Wilmer.

* * * * *

INVOCATION.

The invocation was given by Councilman James B. Stegall.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on August 28 were approved as submitted.

HEARING ON PETITION NO. 67-50 BY CENTRAL INVESTMENT COMPANY FOR CHANGE IN ZONING FROM O-6 TO B-2 OF THREE LOTS AT 116-24 SOUTH TORRENCE STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is located at the intersection of East Third Street and South Torrence Street. It consists of three lots with the total frontage of about 150 feet on Torrence and slightly in excess of 200 feet on East Third Street. It is vacant property and is adjoined across Third Street by the Winchester Surgical Supply Company building. Across Torrence Street it is adjoined by two uses - one a travel agency office building on the corner of Third and Torrence and a dental laboratory adjacent to that. On the Fourth Street side is a miscellaneous group of business uses along Fourth, between Torrence and Independence Boulevard. There is one residential use in the area which is an older structure facing Independence Boulevard with some houses along Independence and Third at their intersection.

He stated the subject property is zoned O-6 as is property on East Third Street from that point extending back towards Providence Road along where Baldwin Avenue intersects and Lillington and several other streets. The property is adjoined on three sides by B-2 zoning which fronts on Fourth Street and Independence Boulevard and comes up to Torrence to include Winchester Surgical Supply Company.

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Councilman Short asked if there is some knowledge of a long range plan that Providence Road could be zoned for office use for a distance of about a mile or so? Mr. Bryant replied Providence Road is already zoned office all the way up to the beginning of the business area. Councilman Short stated he is talking about Providence Road and Third Street, assuming they are the same street. Mr. Bryant replied Third Street and Providence are already zoned for office purposes up to the beginning of the business area; that they are not anticipating any additional major changes in that area.

Mr. Jim Griffith, Secretary of Central Investment Company, stated this property is surrounded by business and is in a block bounded by Independence, Fourth, Third and Torrence Streets. The subject property represents about 20% of the whole block. All the block is zoned business except for the corner lots at Third and Torrence Streets. Across Third Street is the Winchester Building and it was zoned business when the whole city was rezoned. He stated they plan to tear the old house down within a month. If this is zoned business it can be tied in with another piece of property which they own fronting on Independence Boulevard and which is zoned Business. This change would zone the entire block for business, and would allow the separation between office and business at Torrence Street. He stated they have no proposed use in mind at the moment because at present they have two separate pieces of property - one zoned business and one zoned office.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-49 BY C. D. SPANGLER CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM R-9 TO I-2 OF A 15 ACRE TRACT OF LAND BEGINNING APPROXIMATELY 500 FEET SOUTH OF AUTEN ROAD AND APPROXIMATELY 800 FEET EAST OF OAKDALE ROAD; ON PETITION NO. 67-51 BY W. D. AUTEN FOR A CHANGE IN ZONING FROM R-9 AND I-1 TO I-2 OF 85 ACRES ON THE SOUTH SIDE OF AUTEN ROAD AT ITS EASTERN END; AND ON PETITION NO. 67-52 BY F. D. COLLINS FOR A CHANGE IN ZONING FROM R-9 AND I-1 TO I-2 OF 62 ACRES ON THE SOUTH SIDE OF AUTEN ROAD EXTENDED EASTWARD.

The public hearing was held on the subject petitions.

The Assistant Planning Director advised the three petitions are in the same area and bear on each other, and he will describe the area in general. About two months ago there was a request from Spangler Construction Company to consider some zoning in this area. At that time it was stated they had inadvertently left out a 15 acre tract from their petition. In order to consider them both at the same time they asked that consideration of the initial petition be deferred until this later one could be submitted and scheduled. In the meantime two additional property owners became interested in the possibilities of industrial zoning in this area and this is the reason for the three petitions today. The initial request from Spangler was for approximately 55 acres.

He pointed out Bellhaven Boulevard leading out of town and the intersection of Bellhaven and Oakdale Road with Oakdale preceding northward from Bellhaven going into the Oakdale Community. Auten Road is the first road that turns to the right off Oakdale Road after you leave Bellhaven Boulevard. At present Auten Road is a dead-end road.

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The first petition is for the 15 acre tract of land and adjoins the 55 acres tract that was originally submitted so you would have a total of approximately 70 acres belonging to Spangler Construction Company subject to consideration. This request is a change to Industrial - 2. There is one additional adjoining tract of approximately 85 acres under the ownership of Mr. Auten and adjoining that is the final petition consisting of approximately 62 acres which is part of a much larger tract which belongs to Mr. Collins.

All the property under consideration is predominately vacant. There is one house on Mr. Auten's property and a house on Mr. Collins' property. On the edge of the Collins' property is a radio station transmitting tower. Other than that the property is entirely vacant. Several houses are located along Auten Road, primarily on the north side of the road. All the area has single family residences with a couple of duplexes. The property in general adjoins the Seaboard Industrial Area which fronts on Lawton Road and Hoskins Road. There is one street - Chesapeake Drive - which has been extended up to this property. Seaboard is in the process of expanding their industrial area and has secured subdivision approval for additional industrial use layout for streets and lots in their area.

Mr. Bryant stated there have been several fairly large industrial concerns that have gone into this area recently. Pneumafil is the closest to the subject property. Eastern Company, Associated Mutual Grocers and a number of large users have gone into that area. The other primary adjacent property owner is the City itself with the City of Charlotte water plant property. There are some residential uses along Auten and as you go into the Oakdale Community, there is considerable residential uses.

He stated on the east side is the beginning of a very active new residential area that fronts on Beatties Ford Road - the University Park North Subdivision and the Garden Park Subdivision.

Mr. Bryant advised Auten Road and Griers Grove Road will be part of the Major Thoroughfare System eventually with a connection made which would tie back into possibly a future extension of the Northwest Expressway, then would go on across Beatties Ford Road and across I-77 into Statesville Road. That would fall roughly along the northern edge of the subject property.

The Seaboard area is zoned I-2. At that time it was generally buffered with I-1 zoning about 400 feet wide all the way around the edge of it, and from that point the property is generally zoned single family residential. Most of the property being considered today is zoned R-9. Most of the change would be from R-9 to I-2, although a small portion would be from I-1 to I-2.

Councilman Short asked if the corridor of the Belt Way is well enough known that an attempt could be made not to rezone this property and have these people build a warehouse building across the roadway? Mr. Bryant replied the plan has been adopted in principle but we do not have the detailed tie-down of the road. Considering the fact you are dealing with the use of existing roads up to two points, all you are concerned with as far as new road is the connection of the two points, and this would be a simple matter to determine the general location. That the Planning Commission will study this in its consideration. When Mr. Collins filed his request they discussed this with him, and he has tried to locate the northern portion of the request as closely as possible to what would be the expected route of the road.

Mr. M. A. Lyons, representing the C. D. Spangler Construction Company, stated they held off on the 55 acres to include the subject 15 acres, making a total of 70 acres they would like rezoned to I-2.

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Councilman Jordan asked if there are any specific plans for the property, and Mr. Lyons replied none at present.

Mr. Brevard Myers, representing W. D. Auten, stated this tract is bounded on one side by Spangler, on the other side by Collins property and on the town side by the Seaboard Industrial Park, with Auten Road to serve as a buffer on the west side of the property. The property being contiguous to the Seaboard Industrial Park lends itself favorably to the same type of use as the Seaboard property. That his interest developed in the property by virtue of the fact that his firm built Eastman Chemical, B.A.S.F. and White and Pneumafil buildings adjacent to this property.

Mr. Tom Creasy, Attorney representing F. D. Collins, presented a layout of the property and pointed out that the top parcel is presently zoned I-2. The request being made today is that the strip which is presently zoned I-1 be changed to I-2 and the portion which is R-9 be changed to Industrial - 2. Their request is to conform the two tracts to the I-2 tract. That Mr. Collins has left approximately 122 acres as a buffer which is zoned R-9. This was done in order to tie in with the extension of Auten Road and Griers Grove Road. That this would be a logical boundary line. Mr. Collins intends to develop this into an industrial complex that will be within the character of the present development. This would be a logical development tying in with the industrial area.

No objections were expressed to the three petitions.

Council decision was deferred until the next Council meeting.

HEARING ON PETITIONS NO. 67-53 BY SHOPPING CENTERS DEVELOPERS, INC. FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A LOT 150' X 150' ON THE NORTH SIDE OF THE PLAZA AT A POINT JUST WEST OF CAMROSE DRIVE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this petition is related to a request which will be before Council later in the meeting. Last month there was a request to rezone for B-1 Shopping Center District an area near the intersection of Eastway Drive and The Plaza. There was left out of that petition a tract 150 feet X 150 feet which is still zoned residential and it has come in today with the request that this 150' x 150' be rezoned to B-1 as is the adjoining property. The property is vacant and there are three houses located on the intown side of all the property along the Plaza and then a shopping center at the intersection of The Plaza and Eastway with a service station on the corner. Across the street from the property is the edge of the Eastwood Golf Course property and a duplex development centered around Camrose and Lynwood Drive; then there is a church on the Plaza. The intersection of The Plaza and Eastway in addition to the shopping center has a service station on three corners.

The property is zoned R-9MF as is the adjoining property to the east pending Council's decision later today. R-6MF is across the Plaza from the property with the exception of a strip of the golf course property which is zoned O-6. The property near the intersection of The Plaza and Eastway is zoned business.

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Mr. Roy McKnight, Attorney for the petitioner and Mr. L. L. Herron, stated this was discussed with Council at the hearing on August 21. At that time he explained the reason this particular request was not filed at the same time was because of a misunderstanding of how the adjoining property was zoned. He stated the property towards town is zoned B-1. At the moment there are no plans for the property; but they are in the process of contacting several desirable type tenants for this property hoping to put a branch bank in the general area.

Mr. Bryant advised there is an existing 450 feet B-1 zoning along Eastway, and the request Council will take action on today (under Petition No. 67-48) is to change the entire area from R-9MF and B-1 to B-1 SCD.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-57 BY T. T. KINZIE, ET AL FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO B-1 OF PROPERTY EXTENDING FROM 1417 TO 1445 EAST SEVENTH STREET, AND FROM 415 TO 417 BEAUMONT AVENUE.

The Assistant Planning Director stated the property is on East Seventh Street and Beaumont Avenue. It is occupied by a mixture of single family, duplex and at least one apartment structure. Directly across East Seventh Street is the new Boy Scout Headquarters Building; immediately adjacent to it is the Seawright Building, and then a house and a church. Directly behind is Independence Park and across Independence Boulevard is the Stadium. The property across Beaumont from the site is all used for residential purposes with at least two small apartment buildings in the area. There is also single family usage on Louise Avenue. With the intersection of the Northwest Expressway and Independence Boulevard there will be no access from the Expressway onto Beaumont Avenue.

The property is zoned O-6 on its Seventh Street frontage and R-6MF on its Beaumont Avenue frontage. Across Seventh it is all zoned O-6; there is business zoning along the existing Independence Boulevard coming down to Seventh Street. Across Independence is R-6MF where the Rose Garden is located and the stadium is zoned O-6. There is business zoning down Seventh Street along where Sunnyside and Central Avenue intersect.

Mr. Charles Henderson, Attorney for the petitioners, stated the subject property is in the immediate vicinity of the stadium and the Jordan Motel. He pointed out the location of a junk shop and cleaners along with abandoned filling stations; the location where a former justice of peace had an office, the antique store and the display headquarters for the Association of Hardware people; a business machine and display sales and a beauty shop; the Evans Construction Company headquarters and Spoons Ice Cream establishment.

He stated one of the petitioners has the opportunity to develop this for a large piano sales and music type business. That a large part of the present day big music concerns are located out in this area - Tillman's, Parker-Gardner and practically all are located out in this segment.

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He stated there is a narrow strip of land between Seventh Street and Independence Park. This is the maintenance headquarters of the park and not one of the nicer sections of city parks. There are several large parking lots in the area which run down next to the Church. So the people who sit on their front porches do not see the park at all, they see parking lots and the maintenance headquarters of the Park and Recreation Commission. That he was concerned about the question of the Boy Scouts Building which is under the O-6 classification. That it is across from what is already B-1 zoning. That an island has been created bounded by Beaumont, by business on two sides and what will be an interchange. That Charlotte is changing; the circumstances have changed and we need to conform to the situation. Some of the petitioners have been trying to market their property under O-6 so that they might move to other areas of the city. That he understands the existing office building has not had a great success, so this apparently is not good office location.

Councilman Tuttle asked what he means by a "music sort of operation"? Mr. Henderson replied they will have students, rental of instruments and displays and sales of instruments. It will be a general and full line of sale of music instruments - sale of pianos, accordians, sheet music and teach - the same type of thing that several of the existing establishments have already.

Councilman Jordan stated Tillman's and Music, Inc. have sound proof rooms where lesson can be given.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-58 BY ROY J. ARCHER FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A TRACT OF LAND APPROXIMATELY 2 ACRES IN SIZE, BOUNDED ON THE EAST BY BRIAR CREEK AND 700 FEET NORTH OF COMMONWEALTH AVENUE EXTENDING IN A NORTHERLY DIRECTION ALONG BRIAR CREEK.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is on the west side of Briar Creek, and is about two acres in size located along the creek itself and does not front on any street. It is tied into some property south of it which does have frontage into Morningside Drive. The proposal is for a multi-family classification to permit apartment development of the property. It is vacant property. Across from it are the Williamsburg Apartments and Jamestown Apartments with the Morningside development located along McClintock Avenue. Other than that Morningside itself is developed with single family housing.

The subject property is zoned R-9 as is property north of it towards Central Avenue along Ivey Drive and Morningside. The adjoining property is R-6MF from that point back towards Commonwealth Avenue as is all the property towards Briar Creek. All the area south of the property toward Commonwealth Avenue is zoned multi-family; the property north of it towards Central Avenue is R-9.

Councilman Short asked how they proposed to get into the property? Mr. Bryant replied they also own the adjoining property which is already zoned R-6MF and one lot which comes into Morningside Drive.

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Mr. Roy Archer, the petitioner, stated he owns property facing Morningside Drive and that portion of the property is already zoned R-6MF; the total property is about five acres. He stated he has already started economic feasibility surveys, and plans to construct 80 units on the total property which will be in the price range of \$150. The apartments will be approximately 1,050 square feet, two bedrooms, fully equipped and will have a heated swimming pool.

Mr. Bryant stated this property is in the Briar Creek Flood plain area, and he asked if Mr. Archer has given this any thought, and what plans he has for the relief of this? Mr. Archer replied he plans to fill it. That he does not know the exact amount of fill but it will be filled about 18 inches above Morningside Drive. Councilman Jordan asked how this will affect the rest of the neighborhood? Mr. Archer replied the rear boundary of the property is Briar Creek itself and they have no plans for construction over the creek; so the flow over will remain the same.

No opposition was expressed to the change in zoning.

Council deferred decision until the next Council meeting.

HEARING ON PETITION NO. 67-59 BY HAROLD MESSINGER, M.D. FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A TRACT OF LAND BEHIND THE ESSO SERVICE STATION ON RUMPLE ROAD 150 FEET OFF DERITA ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the tract of land is in the Derita Community. It is located on Rumble Road which is a road that leads to the right off Derita Road at the elementary school. The gymnasium of the school adjoins this property on the Rumble Road side. The property is vacant and is adjoined on the Derita Road side by a service station at the corner and immediately behind that an area that is used for used car sales, and some used parts. Along Derita Road is a mixture of business uses. There are several scattered residential uses along Rumble Road across from the School as well as along Hunter Avenue. The railroad parallels Derita Road through the area.

The subject property is zoned R-9MF as is all the property out Rumble Road and also all the property across Rumble Road coming down Derita Road in the area of the School. B-2 zoning begins at Rumble Road and continues outward along Derita Road through the area. There is B-2 zoning on the west side of Derita Road between the railroad and Derita Road with R-12 zoning west of the Railroad.

Dr. Messinger, Petitioner, advised he has an office just behind the property which is off Rumble Road and this would in effect be building an office next door. He stated he has several petitions which the local people in Derita signed. At present an insurance business is located on the property and is surrounded by a large number of junked cars. This property lies between the gymnasium of the School and the Esso station. He stated the office will be for his own use and another Doctor who plans to move to Charlotte.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 67-60 BY B & L INVESTMENT COMPANY FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A TRACT OF LAND ON THE PLAZA CONSISTING OF THE FIRST FOUR LOTS ON THE SOUTHWEST CORNER OF THE PLAZA AND SUGAR CREEK ROAD (HIGHWAY PLACE).

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six Councilmen in order to change the zoning of the property.

Mr. Fred Bryant, Assistant Planning Director, stated this is four lots at the intersection of The Plaza and Sugar Creek Road. There is a single family residence on each lot and is entirely surrounded on three sides by the same type of development; there is single family development across The Plaza and on down The Plaza towards Sweetbriar on the same side as the property and immediately to the rear along McMillan Street it is all single family development. Across Sugar Creek Road from the property on the corner is the N. C. Highway Commission Office and maintenance yard. Southern Railroad comes through the area and in addition to the new bridge that has been constructed, there is also the widening of The Plaza which is in process.

The subject property as well as all the property along The Plaza, from Sugar Creek Road back towards town is R-6MF. As you go out The Plaza across Sugar Creek Road it is I-1 zoning to accommodate the Highway Commission's office, and then industrial zoning along Commercial Avenue. There is heavy industrial zoning along Sugar Creek Road across the railroad. There is R-6 zoning immediately behind the subject property along McMillan Street, Admiral Avenue, Meadow Lane and the other streets.

Mr. Frank Schrimsher, representing the petitioner and property owner, stated the property in this petition is very much in the public interest as it is on Sugar Creek Road which has been recently made into a very large artery, and The Plaza is also a very heavily traveled road. The property borders Sugar Creek which is the truck route which runs from I-85 across around to Independence. The bus lines go right beside the property, both on Sugar Creek Road and The Plaza and makes the property accessible for people both boarding and getting off busses as there are no sidewalks in front of the property. That the property owners state there is a stop light for traffic at the intersection of The Plaza and Sugar Creek Road causing traffic to back up in front of them to the point they have difficulty in getting proper access into their property, but it would be good property for a branch bank in the area and also might be good property for some type filling station.

Councilman Short asked Mr. Schrimsher to point out the truck route, and he stated it comes from I-85 across Sugar Creek Road. Mr. Bryant stated to his knowledge Sugar Creek Road is not a truck route.

Mr. Jasper Barber, 3933 The Plaza, stated he is one of the residents in the area and it is their impression a service station will be built on the property. That they are now having a difficult time trying to sell their property as residences, and with a service station there it would be impossible. Therefore, they request if the subject property is zoned business then all the 3900 block on both sides be zoned business or that it be left as it is.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 67-61 BY HELEN T. HUNTER, ET AL FOR A CHANGE IN ZONING FROM B-2 TO I-2 OF TWO TRACTS OF LAND ALONG THE NORTH SIDE OF NORTH CALDWELL STREET AT BELMONT AVENUE: ONE TRACT CONSISTING OF THE FIRST THREE LOTS FROM THE WEST CORNER OF THE INTERSECTION AND ONE TRACT CONSISTING OF THE FIRST FOUR LOTS FROM THE NORTH CORNER OF THE INTERSECTION PLUS THE SECOND LOT ON THE NORTH SIDE OF BELMONT AVENUE, FROM NORTH CALDWELL STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this property lies at the intersection of Belmont Avenue and North Caldwell Street extending approximately 200 feet in either direction from that intersection and the Brevard Street side of North Caldwell. The property has a mixture of uses on it. There is a light warehouse type of operation on one corner, then houses facing Caldwell Street, and at least one house facing Belmont. On the intown side of Belmont is predominately vacant, with one house located on part of the property. There is a junk type of facility and houses along North Caldwell and a junk yard that extends all the way from Davidson to Caldwell.

The zoning of the subject property is B-2 with I-2 zoning on one side of Caldwell, and Industrial zoning along the railroad adjacent to the property, and to the rear of the property is B-2 zoning coming over to Brevard. On the outward side of the property toward North Charlotte it is zoned R-6MF and extends out Caldwell for several blocks.

Mr. Charles Henderson, Attorney for the petitioner, stated this is a peninsular with industrial zoning on three sides. At present this is an automobile grave yard and they are in the process of pulling those cars off this lot so that the existing building operated by Adolph Melasky may be enlarged for industrial waste usage. This is a rag type of waste. There is a substantial business now operating at the corner of Belmont and Caldwell, and they need to make an enlargement. They are asking that the present I-2 zoning be enlarged. They are not asking that the B-2 fronting on Brevard Street be changed. He pointed out the location of the Duncan Memorial Methodist Church, and stated this is a changing community and the people in the church pretty well understand that the neighborhood is changing. The big new highway is running on the other side of the railroad track and it is almost impossible to get to it. This is a very dilapidated neighborhood with large vacant lots, weeds and anything would be an improvement. They think this is a logical opportunity to have an extension of existing non-conforming use and legalizing it by slightly expanding the present I-2 zoning over so that you take a part of this block.

Councilman Short stated this would constitute enlarging a non-conforming use by just rezoning the part onto which the enlargement would go? Mr. Henderson stated that is right, it legalizes the existing use and by having a greater piece of property, the expansion can take place.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

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ORDINANCE NO. 685 AMENDING CHAPTER 23, ARTICLE VII SECTION 23-87 AND SECTION 23-88 OF THE CITY CODE.

The scheduled hearing was held on the following amendments to Chapter 23, Article VII of the City Code:

- (1) Amend Chapter 23, Article VII, Section 23-87 by deleting the provisions of subsections (a) and (b) of said section and inserting in lieu thereof the following:

"(a) It shall be unlawful for any person to commence the construction, erection, repair, alteration, addition to, removal, moving or demolishing of any building or structure or part thereof, or to commence any excavation for such building or structure, without first making an application for and obtaining a building permit therefor from the superintendent of building inspection.

(b) The superintendent of building inspection shall not issue a building permit unless the plans, specifications and intended use of such building or structures or part thereof conform in all respects to the provisions of this chapter. The application for a building permit shall be accompanied by such information as the superintendent of building inspection may require to enable him to act upon such application. In cases where an applicant files an appeal from a decision of the superintendent of building inspection with respect to a matter governed by this chapter, or where he applies for a variance, the superintendent of building inspection shall forthwith transmit all the papers pertaining to the board of adjustment for its action."

- (2) Repeal and delete Section 23-88 of Chapter 23, Article VII.

Mr. Kiser, City Attorney, advised the amendment to this chapter is to repeal Section 23-88 relating to a requirement that zoning permits be obtained for property which is located in the perimeter area and previously did not require building permits. The action of the Council about a month ago to extend the jurisdiction of the building inspection department into the perimeter area for all of the perimeter area - previously it was just for those connected to the water system. Since that action it is unnecessary for people to apply for zoning permits because the zoning will be checked at the same time they now apply for building permits. This puts the perimeter area on the same basis as the area within the city limits.

The amendment to Section 23-87 is simply to clarify and put in better terms the language which already existed in 23-87. It does not in any way change the subsidy portions of 23-87.

No opposition was expressed to the proposed text amendments.

Councilman Tuttle moved the adoption of the subject ordinance amending Chapter 23, Article VII, Section 23-87 and 23-88. The motion was seconded by Councilman Short.

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Councilman Short asked if this flows from the 1965 Charter amendments? Mr. Kiser replied he is not sure when the authority for the building inspection department powers in the perimeter area occurred but it was sometime in the late 50's.

Mr. Kiser stated prior to the extension of the building inspection department's jurisdiction into the perimeter area, you did not have to apply for a building permit if you did not connect to the city water system, but you did have to apply for a zoning permit. With the extension of the building inspection department's jurisdiction you will get the zoning aspects of it checked at the same time as you now have to apply for a building permit.

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

The ordinance is recorded in full in Ordinance Book 15, Page 90.

APPROVAL OF REQUEST OF RESIDENT OF PINEHURST APARTMENTS FOR MEDIAN CUT ON PROVIDENCE ROAD FOR SCHOOL BUSES TO ENTER APARTMENT COMPLEX TO LOAD AND UNLOAD SCHOOL CHILDREN.

Mr. Charles Ballard, resident of Pinehurst Apartments 4100 block of Providence Road, stated they have a very dangerous situation that exists today. He passed around copies of a map which he referred to and stated it shows what they call the present situation. Providence Road in that area has a speed zone of 45 MPH. Every morning at point B on the map over 100 children load on school buses to Sharon Elementary School, Quail Hollow Junior High and South Mecklenburg High Schools. There are over 400 apartment units with 1500 people, and 650 plus cars in that development. Now the school buses cannot turn off Providence Road into Pinehurst Apartments for various reasons. The school bus that comes down to get the Junior High and High school students have no median cut through which they can turn to the left to get down into the complex. The school bus that picks up the elementary children stops at point D on the map and ties up traffic and loads children at 7:30 in the morning which is the beginning of the rush hours.

Mr. Ballard stated as a parent he has talked with the police department, the school authorities and the traffic engineering division. He stated they propose a solution to the problem. At point A they propose that a new median be cut wide enough to allow the school buses coming down Providence Road to turn to the left to go into the apartment complex. At point B is a small private road built by the developers going up behind some apartments so that the people could get onto Providence Road through the median cut that serves only one resident. They propose, and the developers have agreed, to enlarge the entrances at point C and D. Then the median cut being there they will bring the school buses in and load the children off of Providence Road. He stated they have had members of the Police Department out there who deplore the situation. The Superintendent of Transportation for the public school system is very concerned about it and very upset and he has suggested the proposed solution which he has drawn. Mr. Poe has informed one of the developers that the school board is concerned with this matter and that they want something done about it. He stated Mr. Self, Superintendent of Schools, urged him to come down to Council. They have gotten complete agreement from Mr. Broadrick, Highway Commissioner, that he has the funds and will turn it loose as soon as the traffic engineering division of the City will make up its mind.

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Mr. Ballard stated he has gotten complete cooperation from everyone with the exception of the City traffic engineering division, and they cannot give him an answer or a solution. He stated they are interested in the traffic flow out there but they are more interested in the lives of their school children, and want something done about this immediately. He urged the Council to act and authorize the city traffic engineering department to take this proposed plan or solution to the problem and act on it immediately so they may be assured their children will go to school and come back safely.

Mr. Veeder, City Manager, stated Dr. Self called since this meeting started and expressed the same concern as Mr. Ballard. That he pointed out he had talked with the management of the apartment and they have agreed to widen the entrance, and also remove the speed hump, but they need a cut in the median. He stated he has also discussed this with the Traffic Engineering Department.

Mr. Veeder stated after talking with Mr. Corbett he has made the judgment that the median should be cut. The only problem is that it is a state job and they will have to get with the State to get it done. That he sees no problem involved.

Councilman Short asked if there is any cost to the city, and Mr. Veeder replied no, the state would be involved in cutting the median.

Councilman Smith asked why the median is not cut at point C, the main entrance? Mr. Ballard stated they are trying to save two medians there - cut it at B and the bus can come up the road and the bus can come down the road and come through and when they go out C they can turn to the right and you will have only one median cut in there; that he is primarily interested in the lives of his children; that he can take his own chances in getting out. They want to get the children on the bus inside the complex.

Mr. Veeder stated this whole situation could have been handled differently when the apartment complex was being laid out but the judgment was not made at that time. Councilman Smith stated if you have 600 people going to work and cutting back into Providence Road that is a hazard too - making a half-end turn into Providence Road, and if you could go straight across it would be better. Mr. Ballard stated he does not know that could help in that you would probably have to have a stop light with a timer on it eventually, but that will be up to Mr. Hoose. All they want now is to get those children loaded inside the complex.

Councilman Tuttle stated subject to the approval of Mr. Broadrick and the State picking up the tab on this cut, he moved the adoption of the plan as presented. The motion was seconded by Councilman Smith and carried unanimously.

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RESIDENTS OF GREENVILLE AREA FILE PETITION REQUESTING CITY'S COOPERATION IN GETTING STATE HIGHWAY COMMISSION TO CLEAN UP PROPERTY PURCHASED FOR RIGHTS OF WAY FOR EXPRESSWAYS AND THAT CODE ENFORCEMENT DIVISION BE REQUESTED TO ENFORCE LAWS IN AREA.

Reverend James A. Frieson, Pastor of Nazareth Primitive Baptist Church, in the Greenville Area stated he has two petitions which he would like to present:

One from the Greenville Health and Educational Council and Citizens of the Greenville Area in which it is stated they are attempting to make plans for their fall clean-up project but are faced with the repeated question, what is the use? How can they make their places clean and beautiful if next door is dense overgrowth and across the street stand old un-occupied, badly damaged and almost completely demolished houses that present the worst sort of ugliness as well as many kinds of health hazards. They urged Council to consider their problem and use its authority to help them eradicate this blight in their community.

The other from the Greenville Community Health and Education Council, 1026 Fontana Street in which they petition the city to help in their fruitless effort to get the North Carolina Highway Commission to clear up its property in the Greenville area, that is to be cleared for I-77, and the Northwest Expressway. For many months they tried to get the Highway Division, right of way agent, and State Highway Commission to cooperate in their efforts to keep their neighborhood as clean and attractive as possible. There are many existing, empty, ugly partially fallen and burned out houses purchased by the Highway Commission that have been standing in this condition for about 11 months. The Highway Commission failed to respond to their request. They request the City Council to help them get these old houses torn down. That it looks like a jungle, and crimes are being committed that would not take place if the area was cleared. They are sponsoring their fall clean-up project from October 2-14, and would like some results from the Highway Commission by this time.

Mr. Veeder, City Manager, stated the first knowledge he had of this situation was from a story in last Friday Morning's Observer expressing the concern which has been stated today. That he had breakfast with the Highway Administrator that morning and brought this condition to his attention and he agreed to try to help the situation. That same day he was in touch with the Division Engineer expressing the same concern. He stated he is satisfied we will get some response now. If not, he will follow up on it very quickly.

Reverend Frieson stated he understands the City is not enforcing or putting any pressure on individual homeowners whose houses may be in this area for urban renewal or the highway. They are asking Council to enforce the code of bringing the houses up to date as it is enforced in any other area. They are concerned about this because a life in this area now is just as important as when the area is cleaned and made more liveable. They are asking that the code enforcement organization enforce these laws. If an individual has to pay rent, then the persons who own the property should see they are liveable and not wait and say it is going to be torn down anyway.

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Mr. Veeder stated it would be most appropriate if the group which Reverend Frieson is working with and Mr. Jamison, Superintendent of Inspection Department, had an opportunity to discuss this at some length and see what can be done to improve the situation. He suggested that Mr. Jamison or someone from the Housing Inspection Division arrange to sit-down at a meeting of this organization and discuss it and find out what the problem is and see what can be done to help it.

Reverend Frieson filed the two petitions with the City Clerk.

ALBERT PEARSON ASKS COUNCIL TO MAKE PUBLIC WHAT THE LINE OF AUTHORITY IS REGARDING THE FIRE DEPARTMENT OF THE CITY.

Mr. Albert Pearson stated for the past few weeks there have been discussions about the fire department in which the so-called respectable organization like the Chamber of Commerce makes statements that the Charlotte Fire Department should be put under the direct control of the City Manager. He stated this is the time to clear up that misunderstanding. It is time for this group and the City Manager of Charlotte to clarify in public, to the public, what the line of authority is regarding the fire department of the City of Charlotte. He stated he would like to find one member of the Council or the Mayor to state that the present City Manager is now responsible for the operation of all departments as it says in the City Charter, which reads as follows:

"The City Manager shall see that within the City, the laws of the state, the ordinances and resolutions and regulations of the City Council are faithfully executed."

Under the Council-Management relationship it states:

"The City Council shall hold the City Manager responsible for the proper management of the affairs of the city and he shall keep the City Council informed on the conditions and needs of the city, and shall make such reports and recommendations as requested by the City Council or as he deems necessary. Neither the Mayor nor the City Council nor any member thereof shall direct the conduct or activities of any city employee directly or indirectly except through the City Manager."

Mr. Pearson stated he thinks it is time that the people of Charlotte not be misled any longer. That any man that you hire as your head and can in one year be given a \$3500 raise should not come back with some trite answers to a question by our City Councilmen as was done when he was asked about a report on the fire department and says he was too busy with the budget. This is a day-to-day problem and no city budget nor anything else should interfere with the administrative head of this City from knowing what is going on.

STATEMENT REGARDING ONE PERCENT SALES TAX.

Mr. Pearson stated he read in the paper where Council had a secret regarding the sales tax, and an editorial in the paper says our choice is now clearer. He stated he would like to see this Council make it clearer. That he would like to see a member of Council like Mr. Alexander tell the people of Charlotte if it reduces the present rate what the people he is working for would save and what the people living in his home and renting under his management will have to pay and what additional benefits they will get. That he does not want an answer like good schools. That it is time people like the Mayor should state what the Union National Bank will have their taxes cut, and what the employees of that bank will have to pay. To him the sales tax is actually a blood suckers tax. That the editorial on TV said that members of the local government should take the lead and campaign for the local sales tax. If you believe in it, he thinks you should. He has no objection to it, but he would like to see a little more honesty.

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MEETING RECESSED AT 3:35 P.M. AND RECONVENED AT 3:50 P.M.

Mayor Brookshire called a recess at 3:35 P.M. and reconvened the meeting at 3:50 P.M.

ORDINANCE NO. 686-Z AMENDING CHAPTER 23, SECTION 23-35 OF THE CITY CODE CHANGING ZONING FROM B-1 AND R-9MF to B-1 SCD OF A TRACT OF LAND NORTH-EAST OF THE INTERSECTION OF EASTWAY DRIVE AND THE PLAZA.

Councilman Smith stated his brother, Brandon Smith who passed away this summer, worked with Mr. Al Smith as agents for Mr. Herron on this shopping center, and there is still a small commission due to his estate, of which he is executor, and under the circumstances he does not think he should vote on this petition.

Councilman Jordan moved that decision on the subject petition be deferred until a full council is present. The motion did not receive a second.

Councilman Alexander moved adoption of the subject ordinance changing the zoning from B-1 and R-9MF to B-1 SCD as recommended by the Planning Commission and in accordance with the approved development plan filed in the office of the City Clerk. The motion was seconded by Councilman Jordan.

Councilman Tuttle stated he is going to vote against this as he has steadfastly resolved that he was going to do what he could to see that Eastway Drive did not become another Independence Boulevard situation. While the Planning Commission has approved it, this is the first step, and there was a first step on Independence Boulevard and he will have no part of being the first step on Eastway.

Councilman Short stated in the first place this is at an intersection and there are various intersections along Eastway Drive that already have businesses on them and this is expanding somewhat the business that is already there and is not innovating new business on the belt road. In the second place the only person who could be harmed by this would be Mr. Herron, and his interest are the petitioners. Therefore, he is unable to see that this is the opening wedge toward involuntary business along the belt road.

The vote was taken on the motion to adopt the ordinance changing the zoning from B-1 and R-9MF to B-1 SCD and carried by the following vote:

YEAS: Councilmen Alexander, Jordan, Short and Stegall.

NAYS: Councilman Tuttle.

Councilman Smith abstained from voting.

The ordinance is recorded in full in Ordinance Book 15, Page 91.

SANITARY SEWER MAIN CONSTRUCTION AUTHORIZED.

Motion was made by Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of sanitary sewer mains, as follows:

- (a) Construction of 1110 feet of 8-inch main and 1,135 feet of 8-inch trunk to serve a portion of Fairfax Woods Subdivision inside the City at the request of William Trotter Development Company, at an estimated cost of \$12,255.00. 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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(b) Construction of 1205 feet of 8-inch trunk and 1280 feet of 8-inch main to serve Fernbrook Subdivision, inside the city, at the request of N. M. Craig & Son, at an estimated cost of \$11,820.00. 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.

CHANGE ORDER NO. G-6 IN GENERAL CONTRACT WITH LEE CONSTRUCTION COMPANY FOR HOSKINS FILTER PLANT APPROVED.

Councilman Smith moved approval of Change Order No. G-6 in General Contract with Lee Construction Company for Hoskins Filter Plant reducing the total contract price by \$1,978.00. The motion was seconded by Councilman Stegall, and carried unanimously.

CHANGE ORDER NO. G-4 IN CONTRACT WITH BLYTHE BROTHERS COMPANY FOR CATAWBA RIVER PUMPING STATION APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short and unanimously carried, Change Order No. G-4 in General Contract with Blythe Brothers Company for the Catawba River Pumping Station, was approved reducing the total contract price by \$6,849.22.

RIGHT OF WAY AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR INSTALLATION OF WATER MAINS BENEATH COLUMBIA DIVISION TRACKS AT STATE HIGHWAY 1302.

Motion was made by Councilman Tuttle approving a right of way agreement with the Southern Railway Company for the installation of water mains beneath the Columbia Division Tracks at State Highway 1302 in connection with the proposed contract with the Carolina Car Cleaners Company. The motion was seconded by Councilman Short, and carried unanimously.

JOINT RIGHT OF WAY AGREEMENT BETWEEN CITY, GODLEY CONSTRUCTION COMPANY, INC. AND STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN N.C. HIGHWAY 16.

Councilman Jordan moved approval of a joint right of way agreement between the City, Godley Construction Company, Inc. and the State Highway Commission for the installation of an eight inch water main in the south side of N. C. Highway 16 (Bellhaven Boulevard), from the existing city limits to a point 2100 feet west to a connection with a 42 inch diameter distribution main, all outside the city limits. The motion was seconded by Councilman Tuttle, and carried unanimously.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR WATER MAIN IN WEST BOULEVARD.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, a right of way agreement was authorized with the State Highway Commission for the installation of a 12-inch water main in West Boulevard at the east side of the Southern Railway, Columbia Division Tracks, and extending west along the north side of West Boulevard in connection with the existing or proposed facilities in the entrance road at Douglas Municipal Airport.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON OCTOBER 16 ON PETITIONS NO. 67-62 THROUGH 67-68 FOR ZONING CHANGES.

Motion was made by Councilman Short, seconded by Councilman Smith and unanimously carried, adopting the subject resolution providing for public hearings on October 16.

The resolution is recorded in full in Resolutions Book 5, at Page 484.

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RESOLUTION APPROVING A SUPPLEMENTAL MUNICIPAL AGREEMENT FOR URBAN BOND FUND IMPROVEMENTS ON MONROE ROAD, FROM LAUREL AVENUE TO THE CITY LIMIT-PROJECT NO. W.O. 9.7100302.

Councilman Jordan moved adoption of the subject resolution relating to traffic control and sidewalk construction on Monroe Road. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 485.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C212 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE.

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

The resolution is recorded in full in Resolutions Book 5, at Page 486.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AMENDMENT NO. 3 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C313 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 487.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AMENDMENT NO. 2 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C615 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE.

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

The resolution is recorded in full in Resolutions Book 5, Page 488.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C716 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE.

Councilman Short moved adoption of the subject resolution, which was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, Page 489.

ORDINANCE NO. 687-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING LOCATED AT 616 CONDON STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Stegall 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 92.

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ORDINANCE NO. 688-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING LOCATED AT 624 NORTH CALDWELL STREET PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance which is recorded in full in Ordinance Book 15, Page 93.

ORDINANCE NO. 689-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING LOCATED AT 337 GOFF STREET PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 15, Page 94.

ORDINANCE NO. 690-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING LOCATED AT 518 CAMPUS STREET PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance which is recorded in full in Ordinance Book 15, Page 95.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Motion was made by Councilman Jordan, and seconded by Councilman Stegall adopting the following ordinances:

(a) Ordinance No. 691-X ordering the removal of an abandoned motor vehicle located at 1451 Pecan Avenue pursuant to Article 13-1.2 of the Code and Chapter 160-200(43) of the General Statutes of North Carolina.

(b) Ordinance No. 692-X ordering the removal of an abandoned motor vehicle located at 1517 Eastcrest Drive pursuant to Article 13-1.2 of the Code and Chapter 160-200(43) of the General Statutes of North Carolina.

Councilman Smith asked if Council has to go through the same procedure of adopting ordinances each time an old vehicle is moved? Mr. Kiser, City Attorney, stated if the vehicle is located on private property and the owner of the private property does not request the city to take it off the property, then the only way to get it moved is to come through Council and declare it to be a health hazard or safety hazard. The state statute requires that a declaration be made by the governing body.

Councilman Short asked how long the cars have actually been at these locations? Mr. Veeder, City Manager, replied they are without current tags and are inoperative. Councilman Short asked what period of time does the State Statutes provide, and Mr. Kiser replied seven days. Councilman Short stated the seven days have always worried him; a man has his own automobile on his own property and it sits there for seven days and we have the right to come along and snatch it up. Councilman Stegall stated he knows of a case where a person had a car sitting on the side of his lot, and Mr. Frost went out and asked him to move the car as it had been abandoned for several years - the tires were flat and the glass had been knocked out of it, and the man said he was not going to move it. That he thinks these are cases where the City goes every inch in trying to get the people to move it and they just will not. Councilman Smith stated he thinks it behooves the administration to see that all these grounds are covered first.

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Mr. Kiser advised the cars are not taken up immediately and destroyed. They take them and notify the owner that they have been moved and where they can pick them up if they want.

Councilman Stegall asked who pays the storage when the cars are towed in and stored? Mr. Kiser replied in the enforcement of this particular ordinance they are carried to private storage lots. The cost can be recovered from the funds derived from an auction sale of the property and in that respect the city would recover the cost of the storage. Mayor Brookshire asked what happens if it is just junk? Mr. Veeder replied in the final analysis the company that moves it ends up with possession of it and sells it for scrap.

Councilman Smith stated he wants to be sure the owner is contacted and his car is not being taken away from him.

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

The ordinances are recorded in full in Ordinance Book 15, Beginning at Page 96.

Councilman Stegall stated this is one of the best ordinances the city has passed in a long time as this is the only way to get rid of this junk.

RESOLUTION AUTHORIZING KNIGHT PUBLISHING COMPANY TO ERECT AND MAINTAIN AN UNDERGROUND PASSAGEWAY UNDER THE SURFACE OF SOUTH CHURCH STREET.

Councilman Tuttle moved the adoption of the subject resolution, which was seconded by Councilman Short,

Councilman Stegall asked if this will be accessible only to the Knight Publishing Company by fence enclosures on either end? The City Manager replied it has to be because of the nature of it; it is just for the transport of news print and is not an employee facility at all.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 490 and 491.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BOND ANTICIPATION NOTES: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET BOND ANTICIPATION NOTES: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 POLICE HEADQUARTERS BUILDING BOND ANTICIPATION NOTES: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,900,000 AIRPORT BOND ANTICIPATION NOTES, AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,900,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF SEPTEMBER 28, 1967, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF SAID NOTES.

Councilman Short introduced a resolution entitled:

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BOND ANTICIPATION NOTES. Thereupon, upon motion of Councilman Short, seconded by Councilman Tuttle, the resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BOND ANTICIPATION NOTES" was passed by the following vote:

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

NAYS: None.

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Thereupon Councilman Short introduced a resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET BOND ANTICIPATION NOTES. Thereupon, upon motion of Councilman Short, seconded by Councilman Tuttle, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 STREET BOND ANTICIPATION NOTES" was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Short introduced a resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 POLICE HEADQUARTERS BUILDING ANTICIPATION NOTES. Thereupon, upon motion of Councilman Short, seconded by Councilman Tuttle, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 POLICE HEADQUARTERS BUILDING BOND ANTICIPATION NOTES" was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Short introduced a resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,900,000 AIRPORT BOND ANTICIPATION NOTES. Thereupon, upon motion of Councilman Short, seconded by Councilman Tuttle, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,900,000 AIRPORT BOND ANTICIPATION NOTES" was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Short introduced a resolution entitled: RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,900,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF SEPTEMBER 28, 1967, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF SAID NOTES. Thereupon, upon motion of Councilman Short, seconded by Councilman Tuttle, the resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,900,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF SEPTEMBER 28, 1967, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF SAID NOTES" was passed by the following vote:

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

NAYS: None.

The resolutions are recorded in full in Resolutions Book 5, beginning at Page 492.

ORDINANCE NO. 693 -X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF PORTION OF GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$2,680.00 to the Building Inspection Budget General Fund to cover the cost of the demolition of the Sno-White Laundry Building as authorized demolished by Council on August 21, 1967. The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, Page 98.

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AGREEMENT AUTHORIZED WITH JONES ELECTRIC REPAIR COMPANY FOR PURCHASE OF PROPERTY FOR ALEXANDER STREET WIDENING PROJECT, AND ORDINANCE TRANSFERRING A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION ADOPTED

Councilman Short moved approval of an agreement with Jones Electric Repair Company for the purchase of their property in the amount of \$86,500.00 in connection with the Alexander Street Widening, with the agreement to include a rental figure of \$7,500 a year which Jones Electric has agreed to lease back from the City, and the adoption of an ordinance amending the 1967-68 Budget Ordinance authorizing the transfer of \$1,500.00 from the General Fund Contingency Appropriation to the General Fund-Public Housing Street Improvement Account No. 537.44 to be used toward the purchase of the property. The motion was seconded by Councilman Stegall.

Councilman Stegall asked for what period of time will the building be left intact? Mr. Veeder, City Manager, replied for approximately three years. The City Attorney advised this is property that is to be acquired by the Urban Redevelopment Commission; a portion of it was needed for widening of Alexander Street.

Mr. Veeder stated this was a transaction Council approved in June when it was needed to acquire a portion of the property now for street widening and could anticipate acquiring the balance of it at a future date as part of the Urban Renewal project. Putting these two interests together they agreed to the need for determining the value based on appraisals. That the City will acquire title to the whole property now and lease it back to the owner until the city needs it. That Jones Company has agreed to rent it until the property is required by the Redevelopment Commission at a lease rate determined by the appraisers, one of whom the city appointed and one of whom they appointed, and those two appointed a third.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, Page 99.

REVISED AGREEMENT TO REVISED COOPERATION AGREEMENT FOR REDEVELOPMENT SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-14.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, to approve a revised agreement to the revised cooperation agreement for Redevelopment Section No. 1, Brooklyn Urban Renewal Area, Project N.C. R-14 adopted on May 8, 1967.

Councilman Stegall stated the Redevelopment Commission or the City should go in and cut all the grass in the Brooklyn Area. It is about head high and the City requires people all over the city to cut their lots.

Mr. Vernon Sawyer, Redevelopment Director, stated he would make a note of it. That they have contractors who are suppose to mow it.

Councilman Tuttle stated it could be cut down, and with the tree in there be turned into a green area for awhile. Councilman Short stated what Mr. Stegall is saying is related to what Reverend Frieson was saying and he asked Mr. Sawyer if the Highway Commission has mowing contractors? Mr. Sawyer replied he did not know but the Redevelopment Commission does have contractors to do the mowing.

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

AGREEMENT AUTHORIZED WITH COFFEY AND THOMPSON, INC. FOR DEMOLITION OF HENDERSON BUILDING AND MODIFICATION TO COFFEY AND THOMPSON BUILDING IN CONNECTION WITH THE EAST FIFTH STREET PROJECT, AND CONTRACT AWARDED RODGERS BUILDERS, INC. FOR THE SAID WORK.

Mr. Veeder, City Manager, stated Coffey and Thompson building is at the corner of Fifth and College Streets, and is the second building from the corner. The city has bought the first building, and Coffey and Thompson has a party wall with the first building, and the city needs a few square feet of their property for the radius at the intersection. It is necessary that the City have an agreement with them as it relates to the party wall, and that means the city will put the party wall in adequate condition. The second portion of the item calls for the award of contract to Rodgers Builders for the demolition and remodeling of Coffey and Thompson, which in essence is the party wall.

Councilman Smith stated Foard Construction Company gave a bid of around \$25,000 for 120 days as opposed to 90 days, and he asked if Mr. Foard was asked if he could do it in 90 days? Mr. Veeder replied the bid was for 120 days. Councilman Tuttle stated when the city receives a bid like this, is it in order to call and ask if it is an error? Mr. Veeder replied he understands this was an out and out bid of Foard for 120 days, although the specifications called for no more than 90 days. Mr. Birmingham, Assistant City Engineer, stated Mr. Foard was aware that the contract called for a 90 day period, and he said they figured a total of 120 days, even though he was aware of the 90 day limit.

Councilman Smith asked if there is a penalty clause if it takes longer than 75 days? Mr. Cheek, City Engineer, replied there is a penalty of \$100 a day. Mr. Veeder stated this is a critical portion of some of the downtown street work; this relates directly to the Fifth Street Widening, and that is why time is of some real importance here. In working out some of this work with some of the major realtors, and to have Fifth Street tied up as they approach the peak period of the year in terms of sales is of real concern. This building has to come down in order to complete the Fifth Street Widening; if we do not get it down and this work finished some of the work with the widening of Fifth Street can go on concurrently with this work, but some had to precede the street work. We are trying to work two jobs together towards the end of getting the total thing finished for the street rights. As soon as they can get some of the structure down, they can proceed with the street work and then go ahead on the party wall at a different pace. We have to get in and out as fast as we can to accommodate the Christmas season which relates to everyone in the area.

Councilman Alexander asked the City Attorney if it would be considered illegal if such conversation as Mr. Tuttle suggested took place regarding the time on the bid? Mr. Kiser replied those things which are obvious errors, you can have conversation such as suggested. This would indicate that perhaps a difference of 30 days, when the specifications clearly stated 90 days that perhaps an inadvertent error was made. As he understands, this is not the case.

Mr. Veeder stated the City has already though to schedule everything on Downtown street work so that anything under construction will come to a halt until the Christmas season is passed. This has been discussed with the Downtown Charlotte Association in terms of the intersections as well as the timing on construction work.

That the new contracts - some of which are up for consideration today - call for keeping certain intersections open all the time; keeping the traffic moving at all times, and calling for the shutting down of work.

Mr. Veeder stated the following things are planned in order to be sure that everything is kept as free as possible for the Christmas Season:

- (1) The intersection of West Sixth and North Poplar, and the intersection of West Sixth and North Church Streets cannot be closed at the same time.
- (2) The intersection of East Sixth and N. College and that portion of E. Fifth, from N. College to N. Brevard, now under construction may not be closed at the same time.
- (3) The contract may close E. Sixth, from N. College eastward to the railroad; W. Sixth, from Pine to N. Church as required for the construction; however, should the work on any block of Sixth Street or its intersection stop for any reason, the contractor must open the street to at least one lane of traffic if directed by the engineer.
- (4) The contract must maintain traffic at all times on N. Tryon, Kings Drive, E. Fourth, Independence, Pierson Drive and Lanier Avenue.
- (5) Between November 15 and January 15 the intersection of N. College and E. Sixth, and the intersection of N. Church and W. Sixth, and at least one lane of Sixth, from Church to N. College must be opened to traffic and maintained in a safe condition by the contractor.
- (6) All detour routes will be specified by the traffic engineer.

He stated the dates of November 15 to January 15 were selected in cooperation with the traffic engineering department, and are intended to span the Christmas shopping and after Christmas sale period, which is normally followed by merchants in the downtown area. These dates were given to the Downtown Association and found to be satisfactory.

Councilman Smith asked if the man has to be stopped at Fifth and College about November 15 or later, would the penalty apply? Mr. Veeder replied on the work on the road, yes. Councilman Smith asked about the demolition work? Mr. Veeder replied it is not anticipated that he will have to be stopped. Mr. Cheek stated they have talked with the low bidder for the Coffey and Thompson modifications, and he already has some of the materials on the ground and indicates he expects to have the building down within 30 days.

Councilman Tuttle moved approval of the agreement with Coffey and Thompson Company, Inc. for the demolition of the Henderson Building and modifications to Coffey and Thompson Building made necessary by the improvements to E. Fifth Street. The motion was seconded by Councilman Alexander.

Councilman Short asked if it is not correct to say that this council does not have legal authority to approve Mr. Foard's bid, and no telephone call could remedy this; that it would have to be re-bid? Mr. Kiser replied yes, this was not an error on Mr. Foard's part, therefore he cannot modify his bid.

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

Councilman Tuttle moved award of contract to the low bidder, Rodgers Builders, Inc., in the amount of \$29,429.00 for the demolition of the Henderson Building and remodeling of Coffey and Thompson Building. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Rodgers Builders, Inc.	\$29,429.00
F. N. Thompson, Inc.	31,000.00
C. P. Street Construction Co.	32,000.00

The bid of Foard Construction Co. did not meet specifications.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, appraisal contracts were authorized as follows:

- (a) Contract with T. R. Lawing for appraisal of one parcel of land for the East Third Street Project.
- (b) Contract with B. Brevard Brookshire for appraisal of one parcel of land for the West Fourth Street Extension.
- (c) Contracts with Wallace D. Gibbs, Jr. for appraisal of one parcel of land for the Sixth Street Improvement, and one parcel for Pine Street Project.
- (d) Contracts with Henry E. Bryant for appraisal of one parcel of land for the Sixth Street Improvement, and one parcel for Pine Street Project.
- (e) Contracts with Leo H. Phelan, Jr. for appraisal of eleven parcels of land for McDowell Street Widening, and one parcel for the West Fourth Street Extension.
- (f) Contracts with Harry G. Brown for appraisal of eleven parcels of land for the McDowell Street Widening, and one parcel for the North-South Expressway S/S Relocation.

INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, authorizing approval of contracts for the installation of water mains, as follows:

- (a) Contract with Godley Construction Company, Inc., for the installation of 1,550 feet of 8-inch main and two fire hydrants to serve industrial property in Bellhaven Boulevard, outside the city limits, at an estimated cost of \$9,000.00. The applicant will finance the entire cost of the mains in accordance with terms set forth in Paragraph D-1 of the Water Policy adopted by Council April 17, 1967 wherein the applicant shall finance without reimbursement. The City will own, maintain and operate the main and appurtenances and no reimbursement of any portion of the cost of the project will be made. No engineering fees will be charged as the city is not sharing in the cost of this project.
- (b) Contract with Southland Company for the installation of 3,120 feet of main and three fire hydrants to serve College Downs Subdivision, outside the city, at an estimated cost of \$13,700.00. The applicant has elected to abide by Section D-1 of the Water Policy adopted by Council on April 17, 1967, and will finance all local mains within the subdivision six inch in diameter and less at his expense, and will be allowed to install same under the terms outlined in the policy. The cost of this part of the project is estimated at \$6,200.00. The City will finance the portion not considered as local mains and larger than six inch in diameter which is estimated at \$7,500.00, and the applicant agrees to guarantee one per cent per month return on this portion of the project. The applicant has complied with the provisions of the policy and has advance \$750. to cover estimated engineering fees on that portion of the project in which the City is contributing the cost.

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- (c) Contract with Marsh-Broadway Company for the installation of 780 feet of main and one fire hydrant to serve a portion of Robinhood Woods Subdivision No. 5, inside the city, at an estimated cost of \$3,000.00. The City will finance all construction costs and the applicant will guarantee an annual gross revenue equal to 10% of the total construction cost.
- (d) Contract with Carolina Car Cleaners Company for the installation of 250 feet of water main to serve property abutting on State Highway 1302, inside the city, at an estimated cost of \$1,150.00. The city will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction.

APPOINTMENT OF WALTER B. MALLONEE TO AIRPORT ADVISORY COMMITTEE.

Councilman Jordan moved the reappointment of Mr. Walter B. Mallonee to succeed himself on the Airport Advisory Committee for a term of five years. The motion was seconded by Councilman Stegall, and carried unanimously.

CLAIM OF TRANSPORTATION SUPPLY COMPANY AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Alexander and unanimously carried, authorizing claim of Transportation Supply Company in the amount of \$85.08 for a broken windshield, as recommended by the City Attorney.

CLAIM OF L. M. BROWN DENIED.

Councilman Short moved that claim of Mr. L. M. Brown in the amount of \$38.00 for damages to his automobile caused when he ran over a catch basin slab causing the slab to tilt into the front right fender of the vehicle be denied as recommended by the City Attorney. The motion was seconded by Councilman Tuttle.

At the question of Councilman Tuttle, the City Attorney advised this is a catch basin cover which is off the paved portion of the street. Presumably, if a vehicle hit a portion of the slab with sufficient weight and at the proper place it can cause it to tilt up. The City Engineer stated from the picture the basin is placed well back from the street. The vote was taken on the motion to deny the claim and carried unanimously.

CLAIM OF MRS JAMES F. KISER DENIED.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the claim of Mrs James F. Kiser, 805 Peachtree Road, in the amount of \$67.00 for loss of clothing which was placed next to claimant's garbage can and picked up by refuse collector, was denied as recommended by the City Attorney.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander,

and unanimously carried, approving special officer permits for a period of one year, as follows:

- (a) Permit to Marilyn Metcalf to serve on the premises of K-Mart, 6025 Pineville Road.
- (b) Permit to Shirley Griffin to serve on the premises of K-Mart, 6025 Pineville Road.
- (c) Permit to Henry V. Morris to serve on the premises of the Kingspark Apartments, English Village Townhouse Apartments, Kentwood II and Fairfax Woods Subdivisions.
- (d) Permit to Jerry Thomas Bullard to serve on the premises of the English Village Townhouse Apartments.
- (e) Permit to James Archer Brown to serve on the premises of Johnson C. Smith University Campus.
- (f) Permit to Jerome Pettus to serve on the premises of Johnson C. Smith University Campus.

COMMISSIONER'S DEED FOR LOT NO. 89, SECTION A, ELMWOOD CEMETERY TO LEON N. ATKINSON, AUTHORIZED.

Councilman Tuttle moved approval of a commissioner's deed dated July 12, 1967 transferring Lot No. 89, Section A, Elmwood Cemetery, to Leon N. Atkinson. The motion was seconded by Councilman Short, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Frances P. Flack for Graves No. 4, 5 and 6, in Lot No. 165, Section 2, Evergreen Cemetery, at \$180.00.
- (b) Deed with Mrs Lorna L. Booker, for Lot No. 360, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with Estate of Ryt Hassen D'Suezze, for Grave No. 1, in Lot No. 191, Section 2, Evergreen Cemetery, at \$60.00.
- (d) Deed with Mrs Mary Herron Buckley, for Lot No. 109, Section U, Elmwood Cemetery, transferred from Fred H. Martin and wife, Lula H. Martin, at \$3.00 for transfer deed.

CONTRACT AWARDED ATLANTIC ENVELOPE COMPANY FOR WATER BILL ENVELOPES.

Councilman Jordan moved award of contract to the low bidder, Atlantic Envelope Company in the amount of \$5,042.88 on a unit price basis for 1,632,000 water bill envelopes. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Atlantic Envelope Company	\$ 5,042.88
Henley Paper Company	5,757.29
Double Envelope Company	5,816.12

CONFIRMATION OF SALE OF TIMBER TO DICK MASON LUMBER COMPANY.

Councilman Alexander moved that the sale of timber from the new landfill property on York Road be confirmed to the highest bidder, Dick Mason Lumber Company, in the amount of \$3,587.00. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Dick Mason Lumber Company	\$ 3,587.00
McClure Timber Company	2,500.00

CONTRACT AWARDED HEMBY & VICKERY HEATING AND A/C FOR INSTALLATION OF CENTRAL AIR CONDITIONING OF FIRST FLOOR CITY HALL.

Upon motion of Councilman Stegall, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Hemby & Vickery Heating and A/C, in the amount of \$12,097.00 for central air conditioning of first floor city hall.

The following bids were received:

Hemby & Vickery Heating & A/C	\$12,097.00
Air Masters Incorporated	12,343.00
Ross & Witmer, Inc.	13,700.00
A. Z. Price & Associates, Inc.	15,821.00
Embree-Reed, Inc.	16,674.00

CONTRACT AWARDED BRIGHTON STEEL COMPANY FOR STEEL U-POSTS.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Brighton Steel Company, in the amount of \$2,781.00, on a unit price basis for 1,000-11 foot U-posts.

The following bids were received:

Brighton Steel Company	\$ 2,781.00
Vulcan Signs & Stampings, Inc.	3,009.66
Hall Sign & Post, Inc.	3,061.95
Southeastern Safety Supplies, Inc.	3,399.00
Traffic Engineers Supply Corp.	3,563.80

CONTRACT AWARDED D. H. GRIFFIN WRECKING COMPANY FOR DEMOLITION OF BUILDING AT 1107 EAST FOURTH STREET.

Motion was made by Councilman Jordan awarding contract to D. H. Griffin Wrecking Company in the amount of \$2,680.00 for demolition of building at 1107 E. Fourth Street. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

D. H. Griffin Wrecking Company	\$ 2,680.00
Almond Grading Company	3,333.00
Suggs Wrecking & Removal Co., Inc.	3,495.00
Richland Wrecking Company	5,400.00

CONTRACT AWARDED PURSER, LONDON & EDWARDS, INC. FOR ONE PUMP IMPELLER.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Purser, London and Edwards, Inc., in the amount of \$2,870.27, on a unit price basis for one pump impeller.

The following bids were received:

Purser, London & Edwards, Inc.	\$ 2,870.27
DeLaval Turbine, Inc.	3,079.70

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR DIESEL POWERED CRAWLER TRACTORS WITH HYDRAULICALLY OPERATED BLADES.

Councilman Jordan moved award of contract to the low bidder, E. F. Craven Company, in the amount of \$69,494.10, for two diesel powered crawler tractors with hydraulically operated blades. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

E. F. Craven Company	\$69,494.10
Western Carolina Tractor	75,935.72
N. C. Equipment Co.	83,761.66

CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TRACTOR WITH FRONT LOADER AND DROP HAMMER.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, awarding contract to the only bidder meeting specifications, Charlotte Tractor Sales, Inc., in the amount of \$7,262.53, for one tractor with front loader and drop hammer.

The bid of International Harvester Company in the amount of \$7,801.57 did not meet specifications.

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR FARMALL CUB TRACTOR.

Motion was made by Councilman Jordan awarding contract to the only bidder, International Harvester Company, in the amount of \$1,782.96 for one farmall cub tractor. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TRACTORS WITH SIDE MOUNTED MOWING ATTACHMENTS.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder meeting specifications, Charlotte Tractor Sales, Inc., in the amount of \$7,160.07 for two tractors with side mounted mowing attachments.

The following bids were received:

Charlotte Tractors Sales, Inc.	\$ 7,160.07
International Harvester Co.	7,302.46
Southland Equipment Co.	7,417.54

The bid of Goin Equipment Sales, Inc., in the amount of \$6,495.55 did not meet specifications.

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR RUBBER-TIRED BACK-HOE LOADER.

Councilman Tuttle moved award of contract to the low bidder, International Harvester Company, in the amount of \$10,255.82 for one rubber-tired backhoe loader. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

International Harvester Co.	\$10,255.82
Southland Equipment Co.	11,209.80
Spartan Equipment Co.	11,278.50
Charlotte Tractor Sales	11,844.99
Mitchell Distributing Co.	12,121.81

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR CRAWLER TRACTOR WITH HYDRAULIC LOADER.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder meeting specifications, International Harvester Company, in the amount of \$8,055.20 for one crawler tractor with hydraulic loader.

The following bids were received:

International Harvester Co.	\$ 8,055.20
Southland Equipment Co.	9,169.80

The bid of Goin Equipment Sales, Inc., in the amount of \$7,642.01 did not meet specifications.

CONTRACT AWARDED CONTRACTORS SERVICE & RENTALS, INC. FOR PAVING BREAKERS AND CLAY DIGGER.

Motion was made by Councilman Tuttle awarding contract to the second low bidder, Contractors Service & Rentals, Inc., in the amount of \$3,733.75 for eight paving breakers and one clay digger. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

H. B. Owsley & Son, Inc.	\$ 3,725.51
Contractors Service & Rentals	3,733.75
Southland Equipment Co.	3,762.78
Spartan Equipment Co.	3,877.95
Arrow Equipment Sales	4,213.75
A. E. Finley & Assoc. Inc.	4,353.81
Mitchell Distributing Co.	5,153.23

The Engineering Department has used the paving breakers of the low bidder on previous purchases and has experienced considerable breakage in the pistons.

CONTRACT AWARDED CONTRACTORS SERVICE & RENTALS, INC. FOR GARDEN TRACTOR MOWERS.

Councilman Stegall moved award of contract to the low bidder, Contractors

Service and Rentals, Inc., in the amount of \$2,340.68 on a unit price basis for three garden tractor mowers. The motion was seconded by Councilman Smith, and carried unanimously.

The following bids were received:

Contractors Service & Rentals	\$ 2,340.68
Charlotte Tractor Sales Inc.	2,495.08
International Harvester Co.	2,665.84
Goin Equipment Sales, Inc.	2,688.30
Carolina Yazoo Co.	2,872.87

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR PORTABLE AIR COMPRESSORS.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Spartan Equipment Company, in the amount of \$21,372.50 on a unit price basis for five portable air compressors.

The following bids were received:

Spartan Equipment Co.	\$21,372.50
Arrow Equipment Sales, Inc.	23,374.82
Southland Equipment Co.	23,631.97
A. E. Finley & Assoc., Inc.	27,176.55
H. B. Owsley & Son, Inc.	27,411.39
Mitchell Distributing Co.	34,776.92

The bid of Contractors Service & Rental, Inc. in the amount of \$4,377.50 did not meet specifications.

BID ON PORTABLE AIR COMPRESSOR REJECTED.

Councilman Jordan moved that the only bid received which was from H. B. Owsley & Son, Inc., on portable air compressor be rejected. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

H. B. Owsley & Son, Inc.	\$ 5,455.91
Arrow Equipment Sales, Inc.	4,835.85
A. E. Finley & Associates	5,685.60

CONTRACT AWARDED ARROW EQUIPMENT SALES, INC., FOR SOIL TAMPS.

Motion was made by Councilman Alexander awarding contract to the low bidder, Arrow Equipment Sales, Inc., in the amount of \$4,655.60 on a unit price basis for six soil tamps. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Arrow Equipment Sales, Inc.	\$ 4,655.60
Mitchell Distributing Co.	4,922.37
Spartan Equipment Co.	5,304.50

The bid of Contractors Service & Rentals, Inc., in the amount of \$2,471.59 did not meet specifications.

CONTRACT AWARDED MINNESOTA MINING AND MFG. COMPANY FOR SCOTCHLITE REFLECTIVE SIGN MATERIAL.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, contract was awarded the only bidder, Minnesota Mining and Mfg. Company, in the amount of \$5,405.34 on a unit price basis for 14 rolls of reflective scotchlite material.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS.

Councilman Tuttle moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$349,063.75 on a unit price basis for street improvements on Third Street and Connector and Sixth Street and Independence Boulevard. The motion was seconded by Councilman Short.

The City Manager asked the City Engineer to talk to the point of the bids, and show Council what is involved and what is to be bid in the Downtown Streets.

Mr. Cheek stated the work involves five blocks of Sixth Street running from Pine Street to the Southern Railroad. The sequence is such that they have right of way available for the contract to begin at Pine Street and work toward the railroad. Also included in the contract is about fifteen or sixteen thousand dollars for curb and gutter work on Independence Boulevard, between Waterman Avenue and the city limits. In return for this investment the State Highway Department will widen all pavement throughout this section and repave what will be six lanes of Independence Boulevard, from the city limits to Waterman Avenue.

The other portion of the contract involves the extension of East Third Street, from its present terminus at Independence Boulevard, on a new alignment down to Kings Drive. Also included is the Third and Fourth Street Connector which runs from a point near Cherry Street up to Third Street near the intersection of Independence Boulevard.

He advised the City does not have all the right of way in hand, but has enough of it to feel justified in going ahead with this contract. As an example, the block between Pine and Poplar is free and clear for action, and all the next block is free and clear except for one structure where agreement has been reached but property is not vacated. The block from Church up to Tryon Street is clear except for one condemnation. The block from Pine over to College is a major consideration as it involves the Robinson Building at the corner of Tryon and Sixth Streets. It has been approved for condemnation and the lessee has been placed on notice that he has 30 days to vacate; the City does not know the position the owner will take. On the remaining portion of College over to the railroad the City has already reached an agreement with Pittsburgh Plate Glass, and they are set for bid on the 20th, and will do their own revising and construction. The City has already reached an agreement on the other building which is owned by Griffin.

Councilman Smith asked Mr. Cheek what he does to protect himself on condemnations? Mr. Cheek replied in this particular case he knows the areas that are free and clear to work in and designated these in the specifications to the contractor. In the case of this particular contractor, they are requiring him to do the work on Independence first so the State Highway Department can complete their work this season before December; then he will proceed to this project between Pine and

Poplar Streets; the time limit on the contract is specified in such a way that he must complete all work in all phases and all portions of this contract within 90 days after the last parcel of right of way becomes available, or not later than May 30.

Councilman Short asked if the City did not get the arrangement from the legislature which would allow us to expedite condemnation proceedings and pay later? Mr. Cheek replied this has been utilized in this project.

Councilman Short stated if they start at the west end on Sixth Street and move east, what will be the time on the extension of Third Street for several blocks; will that be the last thing? Mr. Cheek stated the contractor can work concurrently in this area; he can fill in here between work or at the same time.

Councilman Smith asked if Thompson Orphanage has given any time on their property? Mr. Cheek replied the architect is working and has plans to relocate the dormitory facilities, and is hoping for a dead-line of about December 1968.

Councilman Stegall asked when the State is going to pave Independence Boulevard? Mr. Cheek replied they have indicated they will do this between now and the cutoff time for paving about December 15; they are working on some of the widening now; they are doing this in advance of the city's contract on curb and gutter work; they are also doing some drainage work. Councilman Stegall stated at the intersection going into the coliseum is a low place in the highway which has been there and when a hard rain comes, water stands, and the area needs to be raised; it is on the right hand side going out. Unless something is done, he understands someone will be before Council about the median strip across from the Dobbs House. The median strip will have to be moved when it is paved; there is a lot of opposition to the left-turn going into the Holiday Inn and the Dobbs House. Several requests have been made to the Traffic Engineering Department and they have some studies on it. He stated this could all work together when the work gets down to this point. Mr. Cheek replied if there is any question about the median he would hope it would be worked out before they get around to this. The State has the contract now to do some paving on 74 outside the city.

Councilman Smith asked if the clover-leaf at Eastway and Independence is any closer to a solution? Mr. Veeder replied the City will have to come up with about a half million dollars to fund the north side of the intersection in which the city is involved; it is the city's lot to acquire the necessary property on that side of the intersection, and the State will acquire it on the opposite side; it is something that had to go out of the Capital Improvement budget. Councilman Smith asked if the Church will be affected, and Mr. Veeder replied Mr. Cheek is working that out with the Highway Department so that the church will have access. Mr. Cheek replied it is access to the church in and out of their property, and this information has been sent to them. The schematic design of the entire interchange has been pretty well agreed upon by the State and this has been sent to the church. Councilman Smith asked about the timing and Mr. Veeder replied there is \$900,000 in the 1968-69 Budget for land acquisition. At this point he does not know how it will be finance.

Councilman Smith asked if it is the idea on the balance of the belt road to wait until the interchange is started? Mr. Veeder replied no, the State is going ahead on the other side. Mr. Cheek stated the design of

the entire section includes the interchange. Mr. Veeder stated they should be in the right of way acquisition phase. Councilman Smith asked if that means construction sometime in 1968? Mr. Veeder replied he cannot comment on that until he knows about the right of way acquisition. Councilman Smith asked if they will begin at Independence and go west? Mr. Veeder replied it is his understanding they intend to acquire right of way in that section, but where they might start he does not know.

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

The following bids were received:

Crowder Construction Co.	\$349,063.75
Blythe Brothers Company	377,796.00
Rea Construction Company	395,122.25

ORDINANCE NO. 695-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE AIRPORT FUND-UNAPPROPRIATED FUNDS TO FINANCE THE AIRPORT MASTER PLAN STUDY.

Councilman Smith moved approval of an agreement with J. E. Griener Company to make a comprehensive airport planning study for the Charlotte-Mecklenburg County area, in an amount not to exceed \$36,000, as recommended by the Airport Advisory Committee and the Airport Manager, and the adoption of an ordinance transferring \$36,000 of the Airport Fund-Unappropriated Funds to Airport Fund Non Departmental Expense. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 100.

ORDINANCE NO. 696-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$5,000.00 of the General Fund Contingency Appropriation to the General Fund Non-Departmental Expenses to be used for the purpose of financing an organizational and function study by the Public Administration Service.

The ordinance is recorded in full in Ordinance Book 15, at Page 101.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Stegall, seconded by Councilman Smith, and unanimously carried, property transactions were authorized as follows:

- (a) Acquisition of 148.55 sq. ft. of property at the northwest quadrant of Westbrook and Walnut Avenue, from Paul Anderson Bailey, in the amount of \$200 for the West Fourth Street Extension.
- (b) Acquisition of 4,446.76 sq. ft. of property at 400 Walnut Avenue, from Ethel N. Foard and husband, at \$13,000, for the West Fourth Street Extension.

- (c) Acquisition of 6,178.93 sq. ft. of property at 419 Tuckaseegee Road, from Grace Anderson (widow), at \$12,000, for the West Fourth Street Extension.
- (d) Resolution authorizing condemnation proceedings for acquisition of property of John D. Shaw, located at the northwest corner of Sixth and Tryon Streets for the Sixth Street Widening Project, at a purchase price of \$36,250.00.
- (e) Acquisition of easement of approximately 460 sq. ft. at 127 Kings Drive South, from Three C, Inc., in the amount of \$1.00, for East Third Street.
- (f) Acquisition of easement 5.15' x 238.54' on Freedom Drive, from Shoney's of Charlotte, Inc., at \$1.00 for sanitary sewer to serve Freedom Drive.
- (g) Acquisition of easement 10' x 15.0' adjoining Starmount No. 3 from Bordeaux Investment Company, at \$1.00 for sanitary sewer to serve Bordeaux Investment Company.
- (h) Acquisition of easement 10' x 164' at the corner of Commonwealth Avenue and Green Oaks Lane, from Ja-Va, Inc., at \$289.00, for sanitary sewer relocation near Briar Creek and Commonwealth Avenue.

RESOLUTION OF CITY COUNCIL AGREEING TO ROLL BACK OF TAX RATE IF ONE PER CENT SALES TAX REFERENDUM IS APPROVED.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimously carried, the following resolution was adopted by the Council:

The Council agrees and states that it will roll back next year's property tax rate to at least the 1966-67 fiscal year level if the one per cent sales tax referendum is approved by the voters on November 13, and the revenues from sales tax become available.

CITY MANAGER REQUESTED TO GIVE REPORTS ON VARIOUS REQUESTS OF COUNCILMAN ALEXANDER.

Councilman Alexander asked the City Manager to give consideration to the parking on the south side of Keller Drive, between Beatties Ford Road and Senior Drive, and requested that street lights be installed on the same block of Keller Drive as there are no lights in that block. He stated it is being used at night for racing from Senior Drive up to Beatties Ford Road.

He requested the City Manager to follow through on his previous request for better bus service from the Square out Beatties Ford Road; and to make a report on whether or not there is any legal requirement as to the number of people who can ride on a bus at one time, especially where the school children are being packed on buses.

He stated the speed limit on Burton Street in front of Fairview School is 25 MPH for about a block. Because of the curves and the narrowness of the street, between Seaboard and Oaklawn Avenue, the speed limit should be reduced to 25 MPH along the whole length.

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MATTER OF HOUSING PROBLEMS TO BE PLACED ON AGENDA FOR NEXT REGULAR COUNCIL MEETING.

Councilman Alexander made the following statement:

"I feel that the strain upon the housing needs of the City of Charlotte, especially as the condition exists among our Negro citizens, is of such seriousness that it calls for more than just a passing comment. We are now in the process of clearance what is the last phase of the Brooklyn project, with no houses available for the relocation of these families, who are being displaced, not to speak of the impossibility of finding places suitable for occupancy 'within the ability of these displaced persons to pay'. Already there are cases where families have been hurriedly relocated into dwellings renting far beyond their ability to pay, only to have the same people evicted, within a three-week period, for non-payment of rent, leaving them with no place to go.

I question, with all seriousness, the policy being administered by our Urban Redevelopment Relocation Department, in many of these cases, as being implemented without proper regard for the true welfare of these citizens, who are engulfed in this program growing out of the progress of our city. I say that the City of Charlotte has no current, planned program for its housing problem, other than the knowledge that we hold approval for 1,000 public housing units, and the hope we hold for the approval of Charlotte as a city to be included as a 'Model City'. I say that there are no documented facts, for current use, as to the actual number of housing units the city needs to take care of families of various compositions, as to sizes and economic classification. I further say that our short-sighted approach to realities, in our housing problem, will make it impossible for the city to move ahead with any degree of speed, on many of our plans for present highway construction and other needed community improvements. We are faced with having no place to go for the many families, who fall victims to this progress.

Our public housing program will and is to some extent, defeating its purpose by having to operate within the confines of regulations, federal and local, that keep out of public housing many family compositions whose housing needs are most acute. I know of no planned approach to call upon the builders and real estate developers of this city in an attempt to place this most acute housing need before them for the purpose of soliciting their aid in helping solve this problem, and, we must have the assistance of private enterprise. Public housing cannot do the entire job. The housing problem of the City of Charlotte is too acute and complex, and no longer can the solution be left to chance.

During the past 24 months, we have read of the announcement of plans for various housing developments to meet the community needs, but as yet, not a spade of ground has been turned in consummation of these plans.

I am firm in my stand that Charlotte is committed 'to death', if I may use such a term, yet, I call upon this Council to support my request for the setting up of a Housing Board to work with the present Housing Authority, composed of not less than 5 persons, whose responsibility it will be to give study to our overall housing problems, on a city-wide basis, as to need, methods, and plans for coordinating city-wide housing efforts leading towards an organized system of implementation of the housing problem."

Councilman Alexander stated he has not had an opportunity to discuss this

with all the members of Council, and he therefore moved that action on this proposal be deferred until the next regular meeting of Council. The motion was seconded by Councilman Short.

Councilman Smith asked what is presently constituted as the authority of the Housing Authority? Mayor Brookshire asked the City Attorney to explain its legally constituted authority. Mr. Kiser stated he did not have this before him at present, and Councilman Stegall requested that a copy of the regulations be sent to each member of Council during the next week.

Councilman Alexander stated he does not think the Council has the privilege of dictating to the Housing Authority, but Council can suggest. Our housing problems are more complex than just a public housing problem, and we need a board that is wholly responsible to the Council, who can put together our whole housing problem so that we can come together with some facts that will give us a community-wide planned program on housing. If we should have to resort to statistics now, the latest thing we have is in a report put together in 1960. With the problems we have now, it is completely out of character. If we are not careful the city will have to stop highway developments and urban renewal because we cannot move these people. This is the thing that makes it important. We need a board to deal with these things quickly; to put together our whole problem; that can enumerate its needs, and we can come together on consummating some plans that will give us direct action in housing.

Mayor Brookshire stated this Council authorized the public housing authority to construct an additional 1,000 public housing units, plans for which are underway. The FHA office in Greensboro has authorized 1,000 units here under 221 D-3.

Councilman Alexander stated the problem of location can throw it out of kilter. Mayor Brookshire stated both the public housing and 221 D-3 are out of the hands of the Council. Councilman Alexander stated Council has the authority to call together public minded citizens to lend some assistance as to the whole problem, when they know what it is, to where we can come up with some land.

Mayor Brookshire stated a week or two ago a request was made of our real estate department to see if the city had any inventory in land that might be used for the 221 D-3, public housing, or private developed housing. The City Manager stated the city has made available to the Board of Realtors and anyone who has any interest, a list of some 62 parcels of land that someone might have some interest in. The City hopes they will look at these parcels and express some interest in buying and turning the locations into housing sites if possible.

Councilman Tuttle stated in these meeting, Council gets down to a point like this where a councilman says in the interest of time he has some items to present but will talk to Mr. Veeder later. That he thinks communication among ourselves is part of the problem. He is not too sure we need an outside committee to make this study that Mr. Alexander is talking about; this Council is capable of doing this. That he thinks both these operations operate directly under the Council - the Housing Authority operates under Council to the extent that Council appoints the Board. That we need to sit down among ourselves and talk about some of these acute situations and these acute situations only - if it takes a special meeting or several special meetings. That he thinks Council should delve deeply into what Mr. Alexander is talking about; not just come next week and name a committee. This is a subject that would warrant a special meeting. Councilman Tuttle stated he would ask and urge that Council have a meeting on just what Mr. Alexander is talking about.

Mayor Brookshire stated a meeting is appropriately suggested and it might include members of the Housing Authority, the Redevelopment Commission and our local realtors. That Mr. Alexander's motion is to defer a matter that has no pending action before Council, and he does not think it is necessary to vote on it; that his suggestions have received a great deal of comment already and Council will want to give further thought to the particular reference to finding out what authority is delegated to the Housing Authority itself.

Councilman Jordan stated private enterprise and various people are interested and plan to move ahead on the 221 D-3 Housing. Councilman Tuttle stated 221 D-3 does not mean that you simply find someone to proceed with such a project as you have to get approval out of Greensboro. He stated one real estate man is ready to build over 200 now and cannot get approval because of the thousand limit. He asked if Council should not get together and decide what it can do to get this raised.

Councilman Alexander stated he is not only concerned with public housing; he is not concerned wholly with 221 D-3; he is concerned with the entire housing problem which involves our position in public housing, and also our overall position in housing that public housing will not even meet. That he is concerned with getting the entire housing problem before us and getting documented facts that we can move on. That we may find we do not need 221 D-3 and only need public housing; but we need to find out how we can make public housing work to suit our needs. Councilman Tuttle asked if he knows of anyone more capable of making this decision than the city staff, the Redevelopment Commission, Housing Authority, and this Council? Councilman Alexander replied if anything is needed, it is that this Council sit down and come together as to where it wants to go on this. Council needs to do this before it sits down with the Housing Authority or the Redevelopment Commission. Councilman Tuttle stated this is what he is saying, a special meeting is needed.

Councilman Short stated the essential question is where the blue ribbon committee would attack this problem or whether we would proceed with the existing organizational structure. That Mr. Alexander's original motion which was seconded was in order; this was a motion that Council in effect would not try to decide this question about the existing organizational structure versus the blue ribbon committee this afternoon but that this be placed on the agenda for next week.

Mayor Brookshire stated all this discussion leads to the conclusion that it would be well to make an agenda item out of this for next week, or as quickly as it can be placed on the agenda, and give an adequate amount of time for its discussion. In the meantime, the staff can put together some information that will be helpful in the discussion.

Councilman Short stated the motion still stands and he thinks it should be voted on. Mayor Brookshire stated the motion was to defer a matter that was not before Council for consideration.

Councilman Alexander restated his motion to read that the matter of housing as presented this afternoon be placed on the agenda of the next regular council meeting. The motion was seconded by Councilman Short, and carried unanimously.

POLICE DEPARTMENT COMMENDED FOR WORK AT BUS STATION.

Councilman Tuttle stated he wants to commend the police department for the work they have done at the Bus Station. They have done a marvelous job, and he hopes that it will be a permanent program.

CITY MANAGER REQUESTED TO INVESTIGATE WATER STANDING AT CURB IN FRONT OF AMERICAN BUILDING.

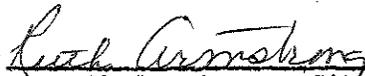
Councilman Tuttle stated in front of the American Building oily water is standing in holes from the last rain, and it has been splashed all over several people walking by. Cars drive up to park in front of the building and cause the water to splash back six feet on the sidewalk, and he requested the City Manager to have something done to clear up the situation.

COUNCIL NOTIFIED OF NORTH CAROLINA LEAGUE OF MUNICIPALITIES MEETING IN RALEIGH, OCTOBER 26 THROUGH OCTOBER 28.

Mr. Veeder, City Manager, reminded Council that the North Carolina League of Municipalities is scheduled in Raleigh, October 26 through October 28. That hotel reservations have been made for Council, and if anyone will not be able to attend to let his office know so that the reservation can be cancelled.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk