

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, May 6, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith and Thrower present.

ABSENT: Councilman Whittington.

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INVOCATION.

The invocation was given by the Reverend Ernest T. Thompson, Jr., Pastor of Seigle Avenue Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on April 22nd were approved as submitted.

CONSIDERATION POSTPONED ON REQUEST FOR ACTION ON CORRECTION OF DENIAL OF UNEMPLOYMENT COMPENSATION TO NONSTRIKING EMPLOYEES OF EASTERN AIRLINES.

Mr. W. J. Elvin called to Council's attention that on April 16th he brought up the question of the Council correcting the injustice that was done the non-striking workers of Eastern Airlines, who were denied unemployment compensation by the State Supreme Court. The County Commissioners took action on the question but no action was taken by the Council and he would like it done or something be done to change the situation.

Mayor Brookshire asked what action the County Commissioners took? Mr. Elvin advised they wired the Legislature. Mayor Brookshire stated he was under the impression that neither the Council nor County Commissioners have any authority in this particular field. Mr. Elvin stated that is just a matter of opinion, that action was taken on the question of socialized medicine. Councilman Dellinger advised that when Mr. Elvin presented this question before, Council asked the City Manager and City Attorney to bring in a recommendation as they were not clear as to all the details involved. Councilman Smith stated Council action was that they were very sympathetic and wanted some relief given these employees but did not know what effect a request of this type would have on people in similar circumstances without further study. He asked the City Attorney if he has any recommendation on this particular issue without involving Council on other issues they are not acquainted with? Mr. Morrissey replied it might be well for Council to defer any action on it right now until we can get a copy of any legislation that has been proposed so we can study it to see what it will do.

Mayor Brookshire asked what action Council wished to take on Mr. Elvin's request, and Councilman Dellinger moved that it be postponed until the City Attorney gets a copy of the Bill and we then see what we should do about it. The motion was seconded by Councilman Jordan, and unanimously carried.

ORDINANCE NO. 173-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON NORTH SIDE OF MILLBROOK AVENUE, ADOPTED.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, adopting Ordinance No. 173-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to R-9MF of a lot on the north side of Millbrook Avenue, beginning 100 feet west of Walker Road, upon petition of William H. and Joan F. Chestnut, as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 409.

ORDINANCE NO. 174-Z AMENDING CHAPTER 23, SECTION 23-40 OF THE CITY CODE PERMITTING THE STORAGE OF PETROLEUM PRODUCTS ON TRACT OF LAND ON NORTHEAST SIDE OF SADLER ROAD, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, Ordinance No. 174-Z Amending Chapter 23, Section 23-40 of the City Code permitting the storage of petroleum products on a tract of land on the northeast side of Sadler Road, beginning 900 feet northwest of Mount Holly Road, on petition of Texaco, Inc., was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 410.

DECISION ON PETITION NO. 63-20 FOR CHANGE IN ZONING OF PROPERTY ON SOUTH SIDE OF CENTRAL AVENUE, FRONTING ON WEST SIDE OF ROSEHAVEN DRIVE, DEFERRED ONE WEEK.

Councilman Albea moved that Petition No. 63-20 by Southeastern Lane & Development Company to change the zoning from R-6MF to B-1 of a tract of land on the south side of Central Avenue, fronting 160 feet on the west side of Rosehaven Drive and 277 feet on the east side, be denied as recommended by the Planning Commission. The motion did not receive a second.

Councilman Smith stated he is sure there is a divided opinion on this question and in fairness to the petitioner he suggested that action be deferred until Councilman Whittington, who is absent, is present. The motion was seconded by Councilman Dellinger. Councilman Albea stated he has no objections to waiting until a full Council is present. The vote was taken on the motion and carried unanimously.

DECISION ON PETITION NO. 63-21 FOR CHANGE IN ZONING OF LOT ON SOUTHWEST SIDE OF CRAIG AVENUE, DEFERRED ONE WEEK.

Petition No. 63-21 by Mr. A. C. Moore, Jr. for a change in zoning from R-9 to R-6MF of a lot on the southwest side of Craig Avenue, beginning 200 feet southeast of McAlway Road and recommended approved by the Planning Commission, was presented for consideration.

Councilman Thrower advised he has a petition from residents of the area opposing this change, and Mr. Bryant of the Planning Commission says he would not have sufficient time to check it with regard to the 20% rule, for handling today; therefore, he moved that action be deferred for one week. The motion was seconded by Councilman Jordan, and unanimously carried.

Councilman Bryant asked that it be clearly understood the only reason action is being deferred is on a technicality to make sure whether the 20% rule applies.

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PETITION NO. 63-22 FOR CHANGE IN ZONING OF TRACT OF LAND ON PARK ROAD, BETWEEN MONTFORD DRIVE AND MOCKINGBIRD LANE, WITHDRAWN BY PETITIONER, MRS. JENNIE P. GRAHAM.

A letter from Mrs Jennie P. Graham dated April 24th was presented requesting the withdrawal of her Petition (No. 63-22) for a change in zoning from R-9 to R-9MF of a tract of land beginning 1000 feet west of Park Road, between Montford Drive and Mockingbird Lane, on which a public hearing was held April 22nd. Councilman Bryant moved that permission be granted for the withdrawal of the petition. The motion was seconded by Councilman Jordan, and unanimously carried.

DECISION DEFERRED ONE WEEK ON PETITION NO. 63-23 FOR CHANGE IN ZONING OF ENTIRE BLOCK ON THE WEST SIDE OF PARK ROAD, BETWEEN HOLMES DRIVE AND HEATHER LANE.

Petition No. 63-23 by Mrs G. P. Pendleton and three others was presented for decision, for change in zoning from R-6MF to O-6 of the entire block on the west side of Park Road, between Holmes Drive and Heather Lane, the Planning Board having recommended approval of the change in zoning. The City Clerk advised that a petition protesting the change, which was filed with her on May 3rd by Mr. A. W. Helms, 1421 Heather Lane, has been checked, and Mr. McIntyre, Planning Director, has advised it represents 83% of the property owners on one side of the adjoining property, whereas only 20% of any one side is needed to invoke the protest provision of the state law, a three-fourth vote of the Council to grant the change is required.

Councilman Dellinger advised that the Attorney for the petitioner is here and he would like to ask him a question. Mayor Brookshire stated the Council may ask him any questions but we will not have another presentation of the petition for rezoning. Councilman Dellinger then asked Mr. William Abernathy, Attorney, if it is not correct that according to law he would have to erect a fence on the back of the property and if his clients would be agreeable to having a setback of 15, 20 or 25 feet between the residential area and business section? Mr. Abernathy replied he does not know as he has not gone into that phase, that he just learned about the protest petition about 10 minutes ago, since it came in after the Hearing and not within the time required by the Advertisement, and all he knows is what he has heard about it. That he thinks his client would be agreeable to the things mentioned by Councilman Dellinger. Councilman Dellinger then asked if Mr. Abernathy represents Mr. Smith, and he stated he does, and Councilman Dellinger asked if he thought that Mr. Smith would be willing to leave a buffer between the residential area and the property he wants to develop, and Mr. Abernathy stated he thinks so, and he thinks there is plenty of room for it, however, he has been undecided as to whether he should ask Council to continue their decision on the request for rezoning until he can get a little more light on it since this opposing petition just came up.

Councilman Jordan moved that Council decision be deferred one week. The motion was seconded by Councilman Thrower.

Mr. Abernathy stated he is asking for deferment for one week so that they may look into the petition and present the Council the facts and circumstances about this and whether the neighborhood should be heard, as this was not raised nor discussed at the time the original petition was heard and has not been considered by anyone else, and he thinks when they are able to show Council the depth of the property and how far away these people are who are protesting, the matter will be presented in an entirely different light, that is if Council is going to consider the protesting petition.

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Councilman Bryant stated he thoroughly appreciates Mr. Abernathy's situation; however, he believes that we cannot hear anyone further on the matter, and as a result he feels, personally, that Council should vote on it today.

Councilman Thrower stated it will take six members for approval under the 20% rule which applies based on the protest petition, and as Councilman Whittington is absent through no fault of his own, we are one member shy and he, therefore, feels Council should grant the request for deferment for one week. Councilman Bryant stated in that case it could be only with the understanding there could be no further public discussion of the matter. Mayor Brookshire stated that is correct, and Mr. Abernathy will be welcome at the meeting next Monday, if the item is postponed, only to answer questions and that is all.

Councilman Dellinger stated he had a report on yesterday that the Sign posted on the property regarding the rezoning was small and only showed one piece of property to be rezoned. Mr. Fred Bryant of the Planning Commission Staff stated that only one Sign is posted on a property and stated "this property is being considered for rezoning" and the zoning classifications are stated and the date of Hearing. Councilman Dellinger stated he wonders if we could not clarify the Signs and if the land to be rezoned could not be specified and if the Signs are all the same size? Mr. Bryant replied that the Signs are of a uniform size.

Following the discussion, Mayor Brookshire stated as long as the 20% rule has been invoked, he thinks it is probably a little fairer to the petitioners themselves that all seven members of the Council are present, and there are only six present today.

The vote was taken on the motion for deferment for one week, and carried by the following recorded vote:

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

AT REQUEST OF PETITIONER, NO ACTION TAKEN ON PETITION NO. 63-24 FOR CHANGE IN ZONING OF 1.09 ACRE TRACT OF LAND ON NORTHEAST SIDE OF ALBEMARLE ROAD, BEGINNING 450 FEET NORTHEAST OF SHARON-AMITY ROAD.

Petition No. 63-24 for change in zoning from R-9 to B-1 of a 1.09-acre tract of land on the northeast side of Albemarle Road, beginning 450 feet northeast of Sharon-Amity Road, by Mr. E. T. Haney, recommended disapproved by the Planning Commission, was presented for Council decision. They were advised that Mr. Paul Ervin, Attorney for the petitioner, filed a letter dated April 29th requesting that no action be taken on the petition, as the petitioner understood many of the property owners in the immediate area wish to join in a petition for rezoning the entire area and it would be more appropriate to consider all of the requests at the same time.

Councilman Jordan moved that action be deferred. The motion was seconded by Councilman Thrower.

Councilman Dellinger asked Mr. Fred Bryant if a Hearing would not have to be held on the joint petition, and Mr. Bryant stated that is correct. Councilman Dellinger offered a substitute motion that the matter be deferred until the next Hearing date on May 27th. The motion did not receive a second.

Councilman Smith called attention that Mr. Ervin asked that no action be taken on the petition, and he asked the City Attorney for an opinion. Mr. Morrissey replied it will remain on the Docket; that he thinks it is apparent

from the nature of the item that the Attorney does not want his petition acted on until the Council has had the chance to consider the new petition.

Councilman Smith suggested that no action be taken and the City Manager have Mr. Paul Ervin come down next Monday and tell the Council what he wants to do.

Councilman Jordan then offered a substitute motion that no action be taken today, which was seconded by Councilman Smith, and unanimously carried.

PETITION NO. 63-14 FOR CHANGE IN ZONING OF FOUR LOTS ON WEST SIDE OF OAKDALE ROAD BEGINNING 75 FEET SOUTH OF CORA STREET AND EXTENDING BACK TO RONALD STREET DENIED.

Petition No. 63-14 by Mr. W. L. Byrum and wife and Mr. W. H. Hollingsworth for change in zoning from R-9 to B-1 of four lots 150 feet on the west side of Oakdale Road, beginning 75 feet south of Cora Street and extending back to Ronald Street, was presented for consideration. The Council was advised that the petition opposing the change filed at the hearing on March 18th was signed by 100% of the owners of adjoining property on one side, thereby invoking the 20% rule, requiring a three-fourth favorable vote of Council to change the zoning, and that the Planning Commission recommends that the petition be denied.

Councilman Alba moved that the petition be denied as recommended by the Planning Commission, which was seconded by Councilman Smith, and unanimously carried.

RESOLUTION STATING THE INTENTION OF CONCURRENT CONSTRUCTION FOR CERTAIN PORTIONS OF THE WATER POLLUTION CONTROL PROGRAM, ADOPTED.

A resolution entitled: "Resolution Stating the Intention of Concurrent Construction for Certain Portions of the Water Pollution Control Program" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 289.

RESOLUTION FIXING DATE OF PUBLIC HEARING AT 3 O'CLOCK P.M., ON MAY 27TH ON PETITION FOR LOCAL IMPROVEMENTS ON WESTFIELD ROAD, FROM HILLSIDE DRIVE TO TRANQUIL AVENUE, ADOPTED.

A resolution entitled: Resolution Fixing Date of Public Hearing on May 27, 1963, on Petition for Local Improvements on Westfield Road, from Hillside Drive to Tranquil Avenue, by installing storm drainage facilities and constructing standard curb and gutter, was presented, and upon motion of Councilman Bryant, seconded by Councilman Thrower, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 290.

RESOLUTION FIXING DATE OF PUBLIC HEARING AT 3 O'CLOCK P.M., ON MAY 27TH ON PETITION FOR LOCAL IMPROVEMENTS ON BAY STREET, FROM BASCOM STREET TO HANOVER STREET, ADOPTED.

A resolution entitled: Resolution Fixing Date of Public Hearing on May 27, 1963 on Petition for Local Improvements on Bay Street, from Bascom Street to Hanover Street, by installing storm drainage facilities and constructing standard curb and gutter, was presented, and upon motion of Councilman Thrower, seconded by Councilman Alba, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 291.

JACKSON-WINSTON CONTAINER COMPANY AUTHORIZED TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, Jackson-Winston Container Company was authorized to connect private sanitary sewer lines to the City's Sanitary Sewerage System in Morris Field Road, outside the city limits.

CONSTRUCTION OF SANITARY SEWER TRUNK AUTHORIZED IN DONCASTER DRIVE AT CITY'S EXPENSE.

Councilman Dellinger moved approval of the construction of 424 feet of sanitary sewer trunk in the 5600 block of Doncaster Drive at an estimated cost of \$1,920.00 to be paid by the City, as said property was annexed in January, 1960 and the owners are experiencing difficulty with their septic tanks. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS IN VARIOUS LOCATIONS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the construction of sanitary sewer mains was authorized at the following locations, all inside the city limits, and all costs to be borne by the Applicants whose deposits of the entire costs are to be refunded as per terms of the contracts:

- (a) Construction of 450-ft. of sewer mains in Craighead Road, at request of Ed Griffin Development Corp., at an estimated cost of \$1,485.00.
- (b) Construction of 150-ft. of sewer mains in Cummins Avenue, at request of Melvin Williams, Jr., at an estimated cost of \$465.00.
- (c) Construction of 2,061-ft. of sewer mains in Ponderosa Subdivision, at request of Ervin Construction Company, at an estimated cost of \$4,905.00.
- (d) Construction of 1,984-ft. of sewer mains in Ponderosa Subdivision at request of Ervin Construction Company, at an estimated cost of \$5,530.00.
- (e) Construction of 1,771-ft. of sewer mains in Ponderosa Subdivision, at request of Ervin Construction Company, at an estimated cost of \$9,985.00.
- (f) Construction of 505-ft. of sewer mains in Goshen Place, at request of Trotter & Allan Fine Homes Corp., at an estimated cost of \$1,755.00.
- (g) Construction of 362-ft. of sewer mains in Doggett Street, at request of Herald Realty Company, at an estimated cost of \$4,320.00.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS IN VARIOUS LOCATIONS AUTHORIZED.

Motion was made by Councilman Bryant, seconded by Councilman Jordan, and un-animously carried, authorizing contracts for the installation of water mains in various locations as follows:

- (a) Contract with Kavanagh-Smith-Weaver for the installation of 7,335-ft. of water mains and 6 hydrants in Rama Woods Subdivision, inside the city limits, at an estimated cost of \$27,000.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Contract with Norfolk-Southern Industrial Development Corp. for the installation of 1,300-ft. of water mains in Milton Road, inside the city limits, at an estimated cost of \$9,750.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

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- (c) Contract with Ervin Construction Company for the installation of 10,830-ft. of water mains and 7 hydrants in Ponderosa Subdivision, inside the city limits, at an estimated cost of \$33,700.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (d) Contract with John Crosland Company for the installation of 470-ft. of water mains in Pine Valley Road, outside the city limits, at an estimated cost of \$752.00. The Applicant to pay the entire cost and own the mains until the area is incorporated into the city, when the mains will become the property of the City without further agreement.
- (e) Contract with John Crosland Company for the installation of 11,328-ft. of water mains and 8 hydrants in Huntingtowne Farms Subdivision, outside the city limits, at an estimated cost of \$39,700.00. The Applicant to pay the entire cost and own the mains until the area is incorporated into the city, when the mains will become the property of the City without further agreement.
- (f) Contract with Norfolk-Southern Industrial Development Corp., for the installation of 4,226-ft. of water mains in Milton Road and Dillard Drive, outside the city limits, at an estimated cost of \$32,521.00. The Applicant to pay the entire cost and own the mains until the area is incorporated into the city, when the mains will become the property of the City without further agreement.

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR CONSTRUCTION OF STREET IMPROVEMENTS ON RUNNYMEDE LANE.

Councilman Smith moved the award of contract to Blythe Bros Company, the low bidder, for the construction of Street Improvements on Runnymede Lane, as specified, at their bid price of \$2,700.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Blythe Bros Company	\$2,700.00
Crowder Construction Co.	2,880.00
Liquid Asphalt Company	2,880.00
T. A. Sherrill Construction Co.	2,940.00

CLAIM OF J. L. JOHNSON FOR DAMAGES TO CAR DENIED.

Upon motion of Councilman Bryant, seconded by Councilman Albea, and unanimously carried, the claim of Mr. J. L. Johnson for damages to his car alleged to have occurred by backing into a fire hydrant in front of his residence at 525 Clement Avenue, was denied as recommended by the City Attorney who advised an investigation shows no negligence in the location or maintenance of the hydrant on the part of the City.

ISSUANCE OF SPECIAL OFFICER PERMIT TO WILLIAM GROSSI AND RENEWAL OF PERMIT TO JOHN W. KAY.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, authorizing the issuance of a Special Officer Permit to William Grossi, 4824 North Tryon Street for use on the premises of Charlotte-town Mall, and the renewal of permit for one year to John W. Kay, West 8th Street, for use on the premises of Domestic Laundry.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with C. F. Bennett and wife Virginia, for Lot 282, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with W. Edward Kissiah, for Lot 385, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with Mrs Karl E. Thies, Jr., for Lot 503, Section 6, Evergreen Cemetery, at \$240.00.
- (d) Deed with Mrs Evelyn S. Barksdale, for Lot 431, Section 6, Evergreen Cemetery, at \$240.00.

CONTRACT AWARDED C. W. GALLANT, INC. FOR RENOVATION TO ROOF ON DIGESTER NO. 4 IRWIN CREEK PLANT.

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, awarding contract to C. W. Gallant, Inc., the low bidder, for the renovation to roof on Digester No. 4, Irwin Creek Plant, as specified, at their bid price of \$5,370.00.

The following bids were received:

C. W. Gallant, Inc.	\$ 5,370.00
T. C. Construction Co., Inc.	6,493.90
Cecil B. Threadgill	6,859.60
G. G. Ray Company	7,273.00
Avrett & Ledbetter Rfg. & Htg. Co.	7,872.00

CONTRACT AWARDED BLYTHE BROS COMPANY FOR RESURFACING VARIOUS STREETS.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, contract was awarded Blythe Bros Company, the low bidder, for Asphalt Resurfacing Various Streets, as specified, on a unit price basis, at their bid price of \$108,809.00.

The following bids were received:

Blythe Bros. Company	\$108,809.00
Rea Construction Company	110,241.06
Crowder Construction Company	116,134.00

REAPPOINTMENT OF JERRY C. TUTTLE TO CIVIL SERVICE COMMISSION.

Councilman Albea nominated Mr. Jerry C. Tuttle to succeed himself on the Civil Service Commission. The motion was seconded by Councilman Smith.

Councilman Smith stated unless there are objections he would like to go ahead and appoint him today.

Councilman Bryant stated he thinks Mr. Tuttle is a fine gentleman but if we are going to continue our precedent, which has been insisted on two or three times the last few months, we should wait a week.

Councilman Smith moved that Mr. Tuttle be elected as a member of the Civil Service Commission for a three year term. The motion was seconded by Councilman Jordan, and unanimously carried.

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RESOLUTION PROVIDING FOR A PUBLIC HEARING AT 3 O'CLOCK P.M. ON MAY 27TH ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE, ADOPTED.

A resolution entitled: "Resolution Providing for a Public Hearing at 3 O'clock P.M. on May 27th on Proposed Amendments to the Zoning Ordinance of the City of Charlotte" was presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 292.

REQUEST FOR SECOND HEARING ON PETITION FOR CHANGE IN ZONING OF 23.349 ACRE TRACT OF LAND ON HUTCHINSON-MCDONALD ROAD DENIED ON RECOMMENDATION OF PLANNING COMMISSION BASED ON NO SUBSTANTIAL CHANGES IN CONDITIONS OR CIRCUMSTANCES BEARING ON THE PETITION HAVING BEEN MADE SINCE PETITION PREVIOUSLY HEARD ON JULY 18, 1962.

In conformity with Section 23-96(c) of the Zoning Ordinance, the Planning Commission recommended that the petition of Mr Michael G. Plumides et al for a second hearing on a petition to change the zoning from R-9 to B-2 on a 23.349 acre tract of land on the Hutchinson-McDonald Road be denied, as no substantital changes in conditions or circumstances bearing on the petition have been made since the previous public hearing on the petition on July 18, 1962, when the requested change in zoning was denied.

Councilman Smith moved that Council confirm the judgment of the Planning Director that no substantial change has been made. The motion was seconded by Councilman Albea, and unanimously carried.

C. H. TOUCHBERRY AUTHORIZED TO CONNECT PRIVATE SANITARY SEWERS TO CITY'S SANITARY SEWERAGE SYSTEM TO SERVE 22 ACRE SUBDIVISION OFF SARDIS ROAD, OUTSIDE THE CITY LIMITS.

Upon motion of Councilman Smith, seconded by Councilman Bryant, and unanimously carried, the request of Mr. C. H. Touchberry was granted to connect his private sanitary sewers to the City's Sanitary Sewerage System to serve his 22 acre subdivision off Sardis Road, outside the city limits, as outlined in the letter from the City Engineer dated May 2, 1963, and with the definite understanding that no general precedent is to be set by this connection and each application for such connection will be considered on the basis of the circumstance involved.

CITY MANAGER REQUESTED TO HAVE TRESEVANT AVENUE CHECKED WITH VIEW OF TAKING OVER FOR CITY MAINTENANCE.

Councilman Dellinger stated out where Nance & Trotter are developing an area off Tresevant, the street is maintained by the City with the exception of 100 to 200 feet and the people say this portion should be taken over. He requested the City Manager to have the Engineering Department check and see if there is anyway that we can open the street; it is being used by city equipment and the neighbors are having quarrels among themselves about it, and have blocked off part of it, and it should be looked into.

REQUEST THAT PROPER SIGN BE PLACED ON PROPERTY TO BE REZONED ON WALKER ROAD.

Councilman Dellinger stated a gentleman called him today relative to an advertisement in the paper regarding some zoning to be done in the 3000 block of Walker Road, and there is no sign to that effect in the block; he stated he does not know whether the hearing has been set or has been held but the man wants a sign put on the property that is to be zoned.

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NOMINATIONS OF ROY MCKNIGHT, JR AND CLARENCE WALKER FOR POSITIONS ON PARK & RECREATION COMMISSION TO REMAIN OPEN FOR AT LEAST ONE WEEK.

Councilman Bryant nominated Mr. Roy McKnight, Jr., to the Park & Recreation Commission to fill the vacancy, and stated if there are no further nominations he would like to move his appointment.

Councilman Smith nominated Mr. Clarence Walker to fill the vacancy.

Councilman Dellinger stated he thinks this is an important position and believes the Council should give it some consideration, and he does not think today is the day to make the appointment, but it should be postponed until next week.

Councilman Smith stated this is a new appointment and there might be other nominations and Mr. Whittington who is absent today might have one he wishes to make.

Councilman Bryant stated it is a little hard for him to distinguish between this and the other nomination and appointment made today, and Mr. Whittington might have had a nominee for the other position and he cannot see that they are too far unrelated.

Councilman Smith stated he would like to study the two men himself, that they both have strong support and he really hasn't made up his mind who he is going to actually vote for and thinks they should be put on the table so that Council can study the matter.

Councilman Dellinger moved that action be postponed at least one week. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

CONTRACT AWARDED FROEHLING AND ROBERTSON, INC. FOR SUBSURFACE INVESTIGATIONS ON THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, contract was awarded Froehling and Robertson, Inc., the low bidder, for Subsurface Investigations on the Northwest Expressway, at their bid price of \$31,090.00.

The following bids were received:

Froehling & Robertson, Inc.	\$ 31,090.00
Ezra Meir & Associates	40,755.00
Sprague & Henwood, Inc.	42,254 20
Walker Laboratories (Bid not complete)	10,028.75

MAYOR WISHES COUNCIL SUCCESS IN TOMORROW'S MUNICIPAL ELECTION.

Mayor Brookshire extended his best wishes to all of the Council members at the polls tomorrow in the Municipal Election, for the obvious good reason that they have done a good job this term and he hopes they will be back.

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HARMONY WITH WHICH COUNCIL MEMBERS HAVE WORKED TOGETHER OUTSTANDING FEATURE OF THEIR SUCCESS.

Councilman Smith stated he seriously thinks one of the outstanding features of the success of this Council is the harmony with which they have worked, that they have had small bickerings back and forth but when they have left the Council Chamber they are all good friends, which is rather unusual.

CITY MANAGER AUTHORIZED TO ATTEND IBM SCHOOL ON DATA PROCESSING EQUIPMENT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the City Manager was authorized to be away from the office next week attending a school put on by the IBM on Data Processing Equipment for City and County Managers only.

COUNCILMAN WHITTINGTON ABSENT DUE TO CONFLICTING BUSINESS.

Mr. Veeder, City Manager, advised that Councilman Whittington's absence today was brought on by business; that he was unable to attend funeral rites and this meeting at the same time.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk