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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, October 21, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Sitting as a Joint Body with the City Council during the Hearings on petitions for changes in Zoning Classifications were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, Mr. Jones, Mr. Stone, Mr. Toy and Mr. Turner.

ABSENT: Mr. Erwin, Mr. Hanks, Mr. Lakey, Mr. Suddreth and Mr. Ward.

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INVOCATION.

The invocation was given by the Reverend James Coleman, Pastor of St. Paul Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting of the Council on October 14th were approved as submitted.

HEARING ON PETITION NO. 63-61 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTHEAST CORNER OF THE PLAZA AND KILDARE DRIVE.

The public hearing was held on Petition No. 63-61 by Troy D. Wilson, for change in zoning from R-9 to B-1 of a tract of land 200 ft. x 200 ft. at the southeast corner of The Plaza and Kildare Drive.

Mr. McIntyre, Planning Director, advised the property is located at the intersection of The Plaza and Kildare Drive and is presently used for single family purposes and is surrounded by property similarly used, with the exception that the adjoining property on the east is developed with a Little General Store; that there is a large area zoned for business as the location for neighborhood business.

At the question of Councilman Whittington if the B-1 area was so zoned under the new zoning ordinance, Mr. McIntyre replied that some of it was and some under the old ordinance.

Mr. Basil M. Boyd, Attorney representing the petitioners, stated they are petitioning for a change in zoning from R-9 to B-1 of the property at the southeast corner of Plaza Road and Kildare Drive. That he understands all of the surrounding property prior to 1962, when the present overall zoning ordinance was adopted, was zoned Rural and in the overall zoning the petitioner's lot was changed from Rural to R-9; that all of the property from the petitioner's property line eastward up to the intersection of Plaza Road and Hickory Grove Road is zoned B-1, some 800 to 900 feet. Mr. Boyd stated further that the owner of the adjoining lot has erected a store building on

his lot which does not face Plaza Road, but faces east and the rear of his building backs up against the Petitioner's lot, right in their front door; that he has a refrigeration system in the building which runs constantly and emits a constant, loud noise to the extent it can be heard down to Kildare Drive; that the petitioner's yard is kept littered with beer cans, bottles, paper cups and similar debris from the store; that the store building has been erected within the last two or three years. He stated the rezoning of the petitioner's property cannot hurt anyone, and will not create spot zoning, if anything it is presently spot zoned in a block that is otherwise zoned for business. He pointed out that the natural and ideal dividing line between the Business and Residential zoning is Kildare Drive, which is a 60 foot wide right of way, and by rezoning the property of the petitioner, the long block between Kildare Drive and the intersection of Plaza Road and Hickory-Grove Road would have a uniform B-1 zoning classification.

Mr. Boyd stated he thinks the Council would be doing the fair and equitable and right thing to change the zoning of this property to B-1, as the present zoning, in effect, makes the Petitioner's lot, on which he has a nice brick veneer house in which he resides with his wife and children, a buffer to business, and with the adjacent store building, destroys the proper use of the property for a home. He stated further that they knew of no opposition to the change in zoning, and he asked that Council approve the petition of Mr. Wilson and rezone the property to B-1.

At the question of Councilman Albea if the store building has been erected since 1962, Mr. Boyd stated he does not know and Mr. McIntyre stated that it has been erected since that time.

Mr. Robert Burrows, 5712 Kildare Drive, stated he is the owner of the property adjoining that of the petitioner's on the Kildare Drive side and resides on his property and is opposed to the change in zoning. He filed a petition, signed by himself and his wife, opposing the change in zoning of said property, as it would put business on one side of his property and at the back of his property which is already business. That since his property is the only residential property adjoining the petitioner's property, they would like to invoke the 20% vote and call for the 3/4th vote rule before this change can be made. Mr. Burrows stated the General Store adjoining the petitioner's property has gone through two seasons already and he is sure it was erected prior to 1962.

Mr. Robert Powell, 5630 Kildare Drive, stated that Mr. Wilson, the petitioner, bought his property with the full knowledge that the property up to his property line was zoned Business, and if the zoning is changed for Mr. Wilson it will also affect him, although he lives further down at the corner of Kildare and Olinda, as the rezoning could be a continuous thing. Mr. Burrows would be forced to ask for a change to B-1 and on down the street until his property is reached, as all of them are backed up to B-1 zoning at present. That he would say go ahead and rezone Mr. Wilson's property if Council will come on down the block and rezone all of it to business - either do it all or none to be fair to everyone.

Council decision was deferred for two weeks.

COUNCILMAN BRYANT ABSENT FROM REMAINDER OF MEETING.

Councilman Bryant left the meeting at this time and was absent from the remainder of the session.

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HEARING ON PETITION NO. 63-62 FOR CONDITIONAL APPROVAL FOR USE AS AUTOMOBILE PARKING FOR THEATRE BUILDING PROPERTY ON THE NORTH SIDE OF HIDDENBROOK DRIVE.

The public hearing was held on Petition No. 63-62 by Tar Heel Theatres, Inc., for Conditional Approval for Use as Automobile Parking for Theatre building property now zoned R-9MF, fronting approximately 180 feet on the north side of Hiddenbrook Drive, beginning about 100 ft. east of Commonwealth Avenue.

The Planning Director advised the petition covers one tract of land one lot removed from the intersection of Hiddenbrook Drive and Commonwealth Avenue; that the rear line forms the common rear line of property that fronts on Independence Boulevard; the property is presently undeveloped and is adjoined on the Commonwealth Avenue side by houses facing Commonwealth; across Hiddenbrook Drive a portion of the land is vacant and the remainder developed with single family houses; on the easterly side of the property along Hiddenbrook the property is also developed with single family residences; behind the property in question toward Independence Boulevard there is a nursery, gas station and other business establishments. To the rear the property is adjoined by a Business zone along the Boulevard, otherwise the zoning is multi-family.

Mr. Frank Snapp, Attorney representing the petitioner, Tar Heel Theatres, stated his client owns not only the property that is asked to be rezoned but also the adjoining property fronting on Independence Boulevard and plans to erect on the Independence Boulevard frontage a theatre of the multiple or twin-auditorium type. In order to construct a theatre of a size that will be economically feasible, they must have additional space for parking; to meet the requirements of the City Code requires that a certain number of parking spaces be provided based on the ratio of the seats in the theatre, and because of the topography of the Independence Boulevard land it is impossible to get all of the parking spaces on this tract; therefore in order to construct the facility, which will cost within the neighborhood of a half million dollars, they need a small amount of land for parking and for that reason they have asked for the Conditional Use of the lot fronting on Hiddenbrook for parking; that there will be no entrance nor exit on Hiddenbrook Drive so there would be no increase in traffic on this street and the entrance and exit will be entirely from Independence Boulevard. He stated further that the lot is somewhat below the level of Hiddenbrook Drive, about 6 feet or so, and the property will be screened around the edges as the Code requires. Mr. Snapp presented a sketch of the proposed theatre and the surrounding property, and explained their plan for the parking area.

Mr. R. E. Goodman, 4205 Hiddenbrook Drive, stated his property is just north of the property requested rezoned and is at street level. That as Mr. Snapp has said, their lot is about 6 feet below the street level and a wall separating the parking lot from the residences would have to be very high to screen them from the parking lot; besides that they believe the parking lot would create disturbing noise at night to the residents; therefore they are opposed to the change in zoning.

Mr. Emerson Sharpe, stated he has the next lot to Mr. Goodman and he is opposed to the use of the lot for parking as he, and the other residents along there feel it would hurt their residential neighborhood.

Mrs. Banks Massey, stated she lives around the curve on Hiddenbrook Drive and it is a lovely street and she thinks the parking lot at this location would hurt their residential area.

Mr. Snapp called attention that the zoning ordinance requires a screen or wall adequate to screen them from the adjoining residential area, and it will be provided.

Council decision was deferred for two weeks.

HEARING ON PETITION NO. 63-63 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR CHANGE IN ZONING OF AN AREA ON THE WEST SIDE OF HIGHWAY #29 NORTH BEGINNING AT THE COUNTY HOME PROPERTY AND EXTENDING SOUTHWARD.

The public hearing was held on Petition No. 63-63 by Charlotte-Mecklenburg Planning Commission for change in zoning from I-2 to B-2 of an area on the west side of Highway 29-North, approximately 1000 ft. x 400 ft. beginning at the County Home property and extending southward.

Mr. McIntyre, Planning Director, advised that a request for the rezoning of a portion of this property owned by Mr. Harold R. Rimer, was heard recently, and on motion of the Planning Commission a larger area was included in this petition for change in zoning from Industrial-2 to Business-2. He advised this is property adjacent to the County Farm property and across from the State Highway Patrol Station, and the property is used for a variety of business purposes; that immediately behind the property there is a nursery and is adjoined on its rear property line by Industrial zoning and across the street the property is zoned R-12.

Mr. Harold R. Rimer stated he is here in behalf of himself and his neighbors. That this area consists of 9 residential lots, laid out and sold as residential lots 25 years ago; that on these lots there are already 6 residences, and in his opinion whoever laid this out as an Industrial zone overlooked the fact that the residences were there; that according to his understanding each of the lots are 100-ft. wide, nearly over to the highway and 400 feet deep, and it is his understanding that an industrial, manufacturing plant wishes to locate here. He asked what kind of a factory could you build on a lot 100 ft. wide and 400 ft. deep? And if you did get a factory on it, where would you park the employees cars? That the only thing he is asking for is that Council lift the zoning restrictions so that he can build and do those things he wishes to do on his lot which he bought without restrictions.

No objections were expressed to the proposed rezoning.

Council decision was deferred for two weeks.

AMENDMENT NO. 1 TO REDEVELOPMENT SECTION NO. 1 OF THE BROOKLYN URBAN RENEWAL PROJECT AREA APPROVED.

The public hearing was held on Amendment No. 1 to Redevelopment Section No. 1 of the Brooklyn Urban Renewal Project Area.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated this is a request to amend Redevelopment Section No. 1 to permit the A.M. E. Zion Publishing House to retain possession of their property and to rebuild on the property.

He stated further at the public hearing on the Project, the question was asked can a property owner retain possession of his property and rebuild on that property as long as he does so in accordance with the Redevelopment Plan? The question was not answered clearly at that time, but there was a general feeling within the Commission that this should be permitted, provided it met certain requirements, and later these requirements were established as a policy of the Commission and were primarily these: (1) the property must meet the minimum size required by the Plan, which is 15,000 square feet with at least a 100 foot frontage on a street, (2) it must not interfere with any of the major planning considerations for street realignment, street widening or new streets being formed or the land use or reuse of the property, (3) the owner of the property must be financially able to develop it in accordance with the Plan. The A. M. E. Zion Publishing

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House has met all of these requirements. They are going to rebuild a headquarters of the Church, which will be a private office building, additional space for private rental, as well as quarters for their publishing house. The changes to the Plan are these: (1) the Commission had to add Printing and Publishing Houses as a Permitted use in the Plan, which the Council approved doing. He stated further, they have a definite agreement with the A.M. E. Zion Publishing House that they will begin construction of the new building within a certain period after the Amendment presented today is approved by the Council; therefore, if the City Council approves the Amendment today, they will approve applying these same restrictions that apply to the Publishing House to any owner of property within Phase No.1 of the Project, and to anyone to whom the Commission may sell property. He advised this is not a matter that is incorporated within the Plan itself, but it is a policy established by the Commission to apply to everyone, and this is the only requirement they are recommending that Council now approve. He stated this merely adds the third exclusion to the two already approved - namely, the Y.W.C.A. Branch and Y.M.C.A. Branch. Mr. Sawyer stated the Commission has approved this, the Urban Renewal Administration has approved it and the Commission recommends it to the Council for approval. He stated also that the A.M.E. Zion Publishing House has agreed to demolish all of their own buildings at their own expense, and some of them have already been demolished.

Mr. John D. Shaw, Attorney for the A.M.E. Zion Publishing House, stated that on Page 13 of the Amendment before Council the conditions of the Agreement between the A.M.E. Zion Publishing House and the Commission are set out. That in the development of the Area the Commission will close and abandon certain streets, including East 2nd Street, and relocate them. That his client wishes to acquire a small piece of property between the Publishing House property and the new location of East 2nd Street, which piece of property lies within present East 2nd Street, which they will acquire from the Commission when it is sold at public auction. However, in checking the title to the property of his client, he found that the City is the owner of all streets and alleys within the area and it is necessary that the City convey to the Commission fee simple title to East 2nd Street, so that the Commission in turn may give them a clear deed to the small piece of property lying in East 2nd Street which they wish to acquire, and he suggested that this be done today. In other words, he is trying to get the title to the property his client wishes to acquire from the City to the Commission, so they can then get it from the Commission. He stated further that Urban Renewal #1 is practically accomplished and he, therefore, asks the Council to pass a resolution authorizing the execution of the proper deeds, with the approval of the City Attorney, to transfer title to such deeds to the Commission.

Councilman Dellinger expressed the opinion that Council should first act on the Amendment that is before them today.

No objections were expressed to the proposed amendment.

Councilman Dellinger moved approval of Amendment No. 1 to Redevelopment Section No. 1 of the Brooklyn Urban Renewal Project Area, which was seconded by Councilman Jordan, and unanimously carried.

Mr. Shaw asked the Council to consider passing a resolution authorizing the execution of the proper deeds with the approval of the City Attorney to transfer title to such deeds to the Commission.

Mr. Sawyer stated they had planned to include several streets in a petition for Council's approval of their closing and abandonment, including East 2nd Street, in which Mr. Shaw is interested and Mr. Shaw concurred in the handling of his request in this manner.

RESOLUTION OF OPPOSITION TO THE PROPOSED CONSTITUTIONAL AMENDMENT ON REAPPORTIONMENT TO BE SUBMITTED TO THE VOTERS ON JANUARY 14, 1964, SOMETIMES CALLED THE "LITTLE FEDERAL PLAN", ADOPTED.

The following resolution was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Jordan, was unanimously adopted:

A RESOLUTION OF OPPOSITION TO THE PROPOSED CONSTITUTIONAL AMENDMENT ON REAPPORTIONMENT TO BE SUBMITTED TO THE VOTERS ON JANUARY 14, 1964, SOMETIMES CALLED THE "LITTLE FEDERAL" PLAN.

WHEREAS, the General Assembly of North Carolina, in a special session, has authorized the submission of a proposed constitutional amendment to the voters of the State on January 14, 1964, relative to re-apportionment of representation in the General Assembly, and

WHEREAS, the proposed amendment provides for reducing the House of Representatives from 120 to 100 members, with each of the 100 counties having one Representative, and provides for increasing the Senate from 50 to 70 members to be allocated on a population basis, and

WHEREAS, the right to an equal vote is the most fundamental civil right an individual possesses in a democracy, and

WHEREAS, the effect of the proposed amendment would be unfair to the citizens and voters of Mecklenburg County, would perpetuate government by the minority, and would constitute invidious discrimination against the voters of the more densely populated areas of the State,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, North Carolina, that the City Council hereby declares its unanimous opposition to the proposed constitutional amendment on re-apportionment, sometimes called the "Little Federal" plan, and urges every qualified voter of Charlotte and Mecklenburg County, and every fair-minded citizen and voter of North Carolina to work against and vote against the proposed constitutional amendment on January 14, 1964.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the press, radio and television media.

PETITION NO. 63-60 BY DR. LAURA R. VENNING ET AL FOR CHANGE IN ZONING OF FOUR LOTS ON THE NORTHEAST SIDE OF EAST FIFTH STREET, BEGINNING AT CLEMENT AVENUE AND EXTENDING TOWARD CASWELL ROAD, DENIED.

Petition No. 63-60 by Dr. Laura R. Venning and Mr. N. D. Mamalis for change in zoning from O-6 to B-1 of four lots on the northeast side of East Fifth Street, beginning at Clement Avenue and extending toward Caswell Road to permit the operation of a beauty shop in the area, having been deferred on September 23rd at the request of the Planning Commission for their further study, and now recommended disapproved by them, was now considered.

Councilman Albea moved that the Petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 18TH ON PETITION NO. 63-70 TO AMEND ARTICLE III, DIVISION I, SECTION 23-31 TABLE OF PERMITTED USES, CATEGORY (B) TO PERMIT "BEAUTY SHOPS AND BARBER SHOPS" IN O-6 AND O-15 ZONING DISTRICTS.

Councilman Albea moved the adoption of a Resolution Providing for a Public Hearing on November 18th on Petition No. 63-70 to Amend Article III, Division I, Section 23-31 TABLE OF PERMITTED USES, Category (B) to Permit "Beauty Shops and Barber Shops" in O-6 and O-15 Zoning Districts and Amend Section 23-32.01 paragraph (g) to eliminate Beauty Shops and Barber Shops in Office Districts from the requirements of this Section. The motion was seconded by Councilman Whittington.

Councilman Smith stated he thinks it is misleading in the previous item to say this zoning request from O-6 to B-1 was so that a Beauty Shop could be put in the area, as this was not the primary reason but just one of the reasons, and these people right behind the Service Station across from the Florist wanted the zoning so they could utilize their property, not just to put a Beauty Shop in the area; that there were other petitioners who wanted to put in business, Mrs Cabell Young was one and across the street Mrs Belk has an old greenhouse, and George's Grill is also on that side of 5th Street, so the property in question is surrounded by business already.

Councilman Whittington stated he thinks the reason Beauty Shops are named is that the original petition was that the one piece of property belonging to Dr. Venning be changed to O-6 so that a Beauty Shop could be put in.

The vote was taken on the motion and unanimously carried.

LEASE OF AIRPORT BUILDING NO. 285 TO MR. BUCK BAKER APPROVED.

Councilman Dellinger moved approval of leasing Airport Building No. 285, together with an adjoining strip of land 20 feet in width around the building, to Mr. Buck Baker for a term of one year beginning October 1st, at a monthly rental of \$125.00. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AUTHORIZED WITH STATE BOARD OF HEALTH FOR STATE-FEDERAL FUNDS FOR PUBLIC HEALTH ACTIVITIES IN CHARLOTTE FISCAL YEAR 1963-64.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, contract was authorized with the State Board of Health for State-Federal funds for public health activities in Charlotte, for the fiscal year July 1, 1963 to June 30, 1964.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON NOVEMBER 4TH ON PETITION FOR LOCAL IMPROVEMENTS ON OLINDA STREET, FROM KILDARE DRIVE TO END OF CUL-DE-SAC, ADOPTED.

Councilman Thrower moved the adoption of a Resolution Fixing the Date of Public Hearing on November 4, 1963 on Petition for Local Improvements on Olinda Street, from Kildare Drive to end of Cul-de-sac, by installing storm drainage facilities, construction of roll type curb and gutter and paving with base and surface course, on petition of 100% of the abutting property owners, representing 100% of the lineal feet of frontage. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 341.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON NOVEMBER 4TH ON PETITION FOR LOCAL IMPROVEMENTS ON KILDARE DRIVE, FROM OLINDA STREET TO JOYCE DRIVE, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, Resolution was adopted Fixing the Date of Public Hearing on November 4, 1963 on Petition for Local Improvements on Kildare Drive, from Olinda Street to Joyce Drive, by installing storm drainage facilities, construction of roll type curb and gutter and paving with base and surface course, on petition of 50% of the abutting property owners, representing 90.77% of the lineal feet of frontage. The resolution is recorded in full in Resolutions Book 4, at Page 342.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON NOVEMBER 18TH ON PETITIONS NO. 63-64 THROUGH 63-69 FOR CHANGES IN ZONING CLASSIFICATIONS, ADOPTED.

Councilman Whittington moved the adoption of Resolution Providing for Public Hearings on November 18th on Petitions No. 63-64 through 63-69 for Changes in Zoning Classifications. The motion was seconded by Councilman Jordan, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 343.

APPLICATION OF WILLIAM J. JOHNSON FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR OPERATION OF CAB, WITHDRAWN.

Mr. Veeder, City Manager, stated that Police Chief John Hord notified his office this morning that the Johnson Brothers had called in and notified him that they were withdrawing their application for a Certificate of Public Convenience and Necessity for Mr. William J. Johnson to operate a cab which he wished to purchase from his brother, Mr. H. L. Johnson.

CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the construction of the following sanitary sewer trunks and mains, inside the city limits, was authorized:

- (a) Construction of 345 feet of sanitary sewer in Hyde Park, at the request of Ed Griffin Realty Company, at an estimated cost of \$960.00. All cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) Construction of 210-feet of sanitary sewer trunk in Fairground Avenue, at request of P & N Realty Company, at an estimated cost of \$1,670.00. All costs to be borne by the applicant, whose deposit will not be refunded.
- (c) Construction of 145 feet of sanitary sewer trunk in Carmine Street at the request of Nance-Trotter, Inc. at an estimated cost of \$670.00. All cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (d) Construction of 156 feet of sanitary sewer in Albemarle Road, at the request of Phillips 66 Oil Company, at an estimated cost of \$560.00. All costs to be borne by the applicant whose deposit will be refunded as per terms of the contract.

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- (e) Construction of 459 feet of sanitary sewer in Chippendale Road, at the request of the City Engineer, at an estimated cost of \$2,120.00. All costs to be borne by the City. This project was included in the Capital Improvement Budget, and recommend that funds for this work be approved from this Account, Code 633.4.

CONTRACTS AUTHORIZED FOR APPRAISAL OF ELEVEN TRACTS OF LAND IN CONNECTION WITH THE NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea, seconded by Councilman Thower, and unanimously carried, authorizing the execution of contracts as follows for the appraisal of 11 tracts of land in connection with the Northwest Expressway:

Stuart Elliott	10 tracts of land on Kendrick Street and Pharr Street.
Harry G. Brown	1 tract of land on Kendrick Street.

CONTRACT AUTHORIZED WITH EVANS CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN GREENBRIAR SUBDIVISION.

Councilman Whittington moved that contract be authorized with Evans Construction Company for the installation of 3,780 feet of water mains and two hydrants in Greenbriar Subdivision, inside the city limits, at an estimated cost of \$12,400.00. The City to finance all costs and applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Jordan, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with W. H. Trotter, for Graves 5, 8, 9 and 10, in Lot 85, Section 2, Evergreen Cemetery, at \$240.00.
- (b) Deed with G. R. Trotter, Jr., for Graves 1, 2, 3 and 4, in Lot 85, Section 2, Evergreen Cemetery, at \$240.00.
- (c) Deed with G. R. Trotter, Sr., for Graves 6 and 7, in Section 2, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED DEWEY BROS. INC. FOR VALVE BOXES.

Upon motion of Councilman Thower, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Dewey Bros., Inc for 400 Cast Iron Valve Boxes, as specified, at their bid price of \$1,693.20.

The following bids were received:

Dewey Bros., Inc.	\$ 1,693.20
Sumter Machinery Company	2,656.30

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CONTRACT AWARDED WINCHESTER SURGICAL SUPPLY COMPANY FOR AUTOCLAVE STERILIZERS.

Councilman Jordan moved that contract be awarded Winchester Surgical Supply Company, the low bidder, for Two Autoclave Sterilizers, as specified, at their bid price of \$2,873.70. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Winchester Surgical Supply Co.	\$ 2,873.70
American Hospital Supply Co.	3,258.92
Phipps & Bird, Inc.	3,258.92
Industrial Lab. Equipment Co.	3,258.92
Fisher Scientific Company	3,258.92
Aloe Scientific Company	3,258.92
E. H. Sargent & Company	3,258.92

CONTRACT AWARDED BELL & GOSSETT COMPANY, MARLOW PUMP DIVISION FOR PUMP PARTS.

Motion was made by Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, awarding contract to the only bidder, Bell & Gossett Company, Marlow Pump Division, for Marlow Pump Parts, as specified, at their bid price of \$1,685.75.

CONTRACT AWARDED UNDERWOOD CORP. FOR SEVEN TYPEWRITERS.

Councilman Albea moved that contract be awarded the low bidder, Underwood Corp. for Three Electric and Four Manual Typewriters, as specified, at their bid price of \$1,655.81. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Underwood Corporation	\$ 1,655.81
Royal McBee Corporation	1,983.53
Miller's Office Equipment Co.	2,146.99
Royal McBee Corporation	2,213.42
Smith-Corona Marchant, Inc.	2,241.88

CONTRACT AWARDED FOWLER'S FOR SIX IBM CARD FILES.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Fowler's, for Six IBM Card Files, as specified, at their bid price of \$1,064.07.

The following bids were received:

Fowler's	\$ 1,064.07
Clyde Rudd & Assoc. Inc	1,081.50
Funderburk Office Supply Co.	1,118.55
Bill Shaw Company, Inc.	1,139.10
Wright Line	1,158.75
Southern Business Systems, Inc.	1,223.64
Clyde Rudd & Assoc., Inc.	1,439.94
Kale Lawing Company	1,786.02

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CONTRACT AWARDED A. STEIERT & SON, INC. FOR GUTTER BROOM STEEL.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, A. Steiert & Son, Inc. for 14,000 pounds of Gutter Broom Steel, as specified, at their bid price of \$3,453.59.

The following bids were received:

A. S. Steiert & Son, Inc.	\$ 3,453.59
A. E. Finley & Associates, Inc.	3,756.41

CONTRACT AWARDED LAY MFG. COMPANY FOR HICKORY BROOM FIBRE.

Councilman Albea moved the award of contract to the low bidder, Lay Mfg. Company for 37,500 pounds of Hickory Broom Fibre, as specified, at their bid price of \$3,434.85. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Lay Mfg. Company	\$ 3,434.85
Smoky Mountain Fiber Company	3,808.43
A. E. Finley & Associates, Inc.	4,155.28

CONTRACT AWARDED D. W. FLOWE & SON FOR CONSTRUCTION OF STREET IMPROVEMENTS ON CHESTERFIELD AVENUE, ROLLINGHILL DRIVE, OLINDA STREET AND HOLLY STREET.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and carried, contract was awarded the low bidder, D. W. Flowe & Son for the construction of street improvements on Chesterfield Avenue, Rollinghill Drive, Olinda Street and Holly Street, as specified, at their bid price of \$24,454.50, by the following recorded vote:

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

The following bids were received:

D. W. Flowe & Son	\$24,454.50
Crowder Construction Company	26,603.00
Blythe Brothers Company	27,213.00
T. A. Sherrill Constr. Co.	28,242.00

ACQUISITION OF RIGHTS OF WAY FOR NORTHWEST EXPRESSWAY, STORM DRAINS IN MYERS PARK MANOR AND SANITARY SEWERS IN LOWER SUGAR CREEK OUTFALL.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the acquisition of the following rights of way was authorized:

- (a) Acquisition of house and lot at 525 Seigle Avenue from J. E. Quinn, at a total price of \$12,000.00 in right of way for the Northwest Expressway.
- (b) Acquisition of tract of land 5' wide by 145' long at 3224 Westfield Drive from Floyd A. Russell, Jr., at a total price of \$72.50 for Improvements to Storm Drain in Myers Park Manor.
- (c) Acquisition of tract of land 60' wide by 6,693.53' long on the east side of Sugaw Creek on both sides of Park Road, from Leitner Shirley Miller, at a total price of \$10,040.29, for construction of Sanitary Sewer in Lower Sugaw Creek Outfall.

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RESIGNATION OF HUGO HEIDENREICH, JR., FROM PARK & RECREATION COMMISSION
ACCEPTED WITH REGRET.

Councilman Albaea moved that the resignation of Mr. Hugo Heidenreich, Jr. from the Park and Recreation Commission be accepted with regrets. The motion was seconded by Councilman Whittington, and unanimously carried.

NOMINATION OF ROY MCKNIGHT TO FILL VACANCY ON THE PARK & RECREATION COMMISSION.

Councilman Thrower moved the nomination of Mr. Roy McKnight to fill the vacancy on the Park & Recreation Commission.

Mayor Brookshire stated the nomination would remain open, in the usual manner, for two weeks.

CONSTRUCTION OF STORM DRAINS AND CATCH BASINS IN ALTONDALE AVENUE AT THE CITY'S EXPENSE NOT TO EXCEED \$2,500.00 AND AMOUNT AUTHORIZED CHARGED TO CONTINGENCY FUND.

Councilman Smith called attention that the petition from residents of Altondale Avenue for new storm drains and catch basins has been deferred and recommended that some decision be made.

The City Manager advised that the Engineering Department estimates the total cost at \$2500.00, of which \$1,100.00 is for the pipe and catch basin material. That the Swimmer-Greenberg Company were contacted and the situation was reviewed with them on the grounds and they indicated a willingness to do whatever they were required to do by virtue of existing ordinances, but Mr. Birmingham of the Engineering Department who contacted the Company, could not point to a specific requirement in the Code that necessitated their participating in the cost.

Councilman Smith stated based on the fact that was brought out that the residents did not have any trouble with the drainage up until the time Providence Road was widened and this facility put in at the corner and since then they have had the trouble, which has been observed by some people, while others have not found it, our City Manager being one of those who said he did not find any water in the basements at the foot of the street; notwithstanding that, when we are already prepared to pay \$1,100.00 we must recognize some need for the storm drains, and these people have been living there for the past thirty years and evidentially this problem has arisen in the last few years and not to break precedent but because of the facts involved, he thinks this is one case that he would recommend that the City take care of the entire project, also in view of the amount of money the residents have spent in this connection. He moved that the City undertake to put the supplemental storm sewer line in at a cost not to exceed \$2,500.00 and charge it against the Contingency Fund. The motion was seconded by Councilman Dellinger.

Councilman Albaea stated if this is setting a precedent he will have to vote against it; that he is not opposed to it but just wonders if we will do this for other citizens.

Councilman Smith stated he thinks this is a border line case, and he is not going to fight one way or the other, but he feels that it should be done.

Councilman Thrower stated in view of the fact that these people have corrected the situation one time on their own, he feels it is right to vote in favor of the City doing the work if we have recreated a different situation.

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Councilman Jordan asked the City Manager if he is still negotiating with the Swimmer Company to participate in the payment or has he exhausted all efforts in that connection? Mr. Veeder advised that he thinks we have exhausted that as a possibility.

Councilman Smith remarked that the Swimmer Company broke no law, they simply constructed a building and put in drain pipes and asphalted the grounds that had previously absorbed some drainage water. Councilman Dellinger remarked that the City had no way to take care of the water had the Company wanted to pipe it into our line.

The vote was taken on the motion and carried by the following recorded vote:

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

CITY MANAGER REQUESTED TO MAKE REPORT ON COMPLAINT THAT RESIDENTS CANNOT USE DRIVEWAYS ON ORANGE STREET BECAUSE OF DIRT PILED IN THEM BY CONTRACTOR LAYING SIDEWALKS ON THE STREET.

Councilman Dellinger stated he has been advised that a contractor is putting in a sidewalk on Orange Street and leaving the dirt piled in driveways so the residents cannot get in them. He asked the City Manager to give him a report on this.

CITY MANAGER REQUESTED TO BRING COUNCIL REPORT AS TO NEED FOR REQUESTED SIDEWALK ON WESTFIELD ROAD, BETWEEN BRANDYWINE ROAD AND HILLSIDE AVENUE, FOR SAFETY OF SCHOOL CHILDREN.

Mr. Albert Pearson advised that Westfield Road between Brandywine Road and Hillside Avenue is being widened, and this area has always been bad for children walking to Park Road School and St. Ann's School, and with the wider street the speed of cars will be increased, and he would like to get something started towards getting a sidewalk laid, as it is very dangerous for these children. He stated he is not familiar with the procedure for obtaining sidewalks but he does not think it would be fair to ask the property owners on Westfield to bear the full cost of the sidewalk because the 15 to 20 school children are from the entire neighborhood.

The City Manager advised that on requests such as this we normally have the Traffic Engineering Department and Police Department check it in the terms of need for school children getting to and from school safely and if they determine there is a need for a sidewalk we then come back to Council with a request that a certain amount of money be allocated to put in a gravel walk for this purpose. Mayor Brookshire stated the owners can petition for the sidewalk construction and pay for the material and the City do the work.

Mr. Pearson asked what about a temporary sidewalk that the City would pay for, or the petitioners pay \$1.00 per foot and the City the balance, as the sidewalk would be beneficial to the City as well as the children. The City Manager advised if the property owners wish to petition for a concrete walk it is their privilege to do so.

Councilman Smith suggested that the City Manager first bring Council a report as to the need for the sidewalk.

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CITY MANAGER REQUESTED TO CHECK NEED FOR PAVING THE 4100 BLOCK OF TENNESSEE AVENUE.

Councilman Thrower advised that sometime ago the people on Tennessee Avenue requested that it be paved, and the residents of the 4100 block have called it to his attention and wish the work done. Councilman Dellinger advised that he is of the opinion that a part of the street was paved and the part that was not paved was not under city maintenance as it had not been annexed. He stated further that a former Council had ruled that nothing could be done to that type street.


Councilman Thrower requested the City Manager to check into the need for paving the 4100 block of the street and advise Council.

TEMPORARY SIDEWALKS AND A FOOTBRIDGE AUTHORIZED CONSTRUCTED ON MILTON ROAD FOR BENEFIT OF STUDENTS ATTENDING COCHRANE JUNIOR HIGH SCHOOL.

The City Manager advised a request has been received from the Safety Chairman of Cochrane Junior High School that we investigate the need for temporary sidewalks and a footbridge on a section of Milton Road near Tipperary Place for the benefit of students attending the school. He advised that something less than 200 feet of temporary sidewalk and a footbridge on the west side of Milton Road crossing a tributary of Briar Creek, is involved. That the Traffic Engineering and Police Departments have recommended that the work be done. He stated the cost is estimated by the Engineering Department at \$1,100.00. The question arose as to whether the area is inside the city limits, and Mr. Bobo, Administrative Assistant, stated it is. Councilman Dellinger moved that the temporary sidewalk and footbridge be constructed and \$1,100.00 be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned until Monday, November 4th.



Lillian R. Hoffman, City Clerk