

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, June 27, 1966, at 3 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Vernon T. Helms, Pastor of New Hope Baptist Church.

EMPLOYEE PLAQUE PRESENTED MISS LEILA J. FINLAYSON, CHIEF JOHN S. HORD, GEORGE B. LIVINGSTON, SR., HARRY G. PRICE AND HARRISON GORDON IN ACKNOWLEDGMENT OF THEIR SERVICE WITH THE CITY.

Mayor Brookshire requested members of Council to stand and formally acknowledge the many, many years of faithful service to our City on the eve of the retirement of the following employees:

Miss Leila J. Finlayson, Building Inspection Department, came to work at City Hall on the day City Hall opened, October 28, 1925, and is the only lady employee, at the moment, who was here at that time. Mayor Brookshire presented her with the Employee Plaque and a white orchid.

Chief John S. Hord, Police Department, came to work on December 12, 1934 and completes 32 years of service with the Department. Mayor Brookshire thanked him for the many, many years of service to the City, and invited him to visit often enough that he will not be missed. He then presented him with the Employee Plaque.

Mr. George Livingston, Sr., City Accountant, came to work on November 1, 1929. Mayor Brookshire presented him with the Employee Plaque and stated he hopes it will be hung on the wall of his den as a constant reminder of the service which he has rendered to the City, and of the friends he has in City Hall.

Mr. Harry G. Price, Engineering Street Department, Labor Foreman II, came to work on February 6, 1932.

Mr. Harrison Gordon, Engineering, Sewer and Maintenance Division, came to work on January 8, 1951. Mayor Brookshire presented him with the Employee Plaque and stated he hopes he will enjoy his retirement.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF LILLIAN R. HOFFMAN, CITY CLERK.

Mayor Brookshire requested the reading of the resolution Extending Sympathy and Honoring the Memory of Lillian R. Hoffman, who passed away suddenly. He stated that Mrs Hoffman served the City for many, many years, and was for some 23 years the City Clerk. That she was one of the finest persons any of us has ever had the opportunity to be associated with.

WHEREAS, it is with deep sadness and a feeling of great loss that the City Council of the City of Charlotte takes note of the passing of Lillian R. Hoffman on June 22, 1966; and

WHEREAS, Lillian R. Hoffman was a dedicated and devoted employee of the City of Charlotte for 33 years, during which time she served with efficiency and skill as a stenographer in the Engineering Department, as secretary to the Mayor and City Manager, and for more than 23 years, as City Clerk; and

WHEREAS, the conscientious and skilled performance of her duties, her wit and humor, earned for her the admiration and respect of her employers, her co-workers in City Government and the citizens of the City of Charlotte; and

WHEREAS, the sense of bereavement felt by the family is shared by the City Council and her many friends and associates in City Hall.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, in regular session assembled on this 27th day of June 1966, does hereby extend its deepest sympathy to the family of Lillian R. Hoffman, and that the name of Lillian R. Hoffman is hereby memorialized and honored; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of her family, and that this resolution be spread upon the minutes of this meeting.

The resolution was unanimously adopted as the Mayor, Members of Council and the audience stood in silent tribute to her memory.

ORDINANCE NO. 491 AMENDING CHAPTER 23, ARTICLE VII, DIVISION 3 OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO AMENDMENTS TO ZONING ORDINANCE.

The public hearing was held on an amendment to Chapter 23, Article VII, Division 3, Section 23-96(b) which reads as follows:

"A petitioner may amend or withdraw his petition only with approval of the City Council. Requests for permission to amend or withdraw petitions for rezoning must be filed with the City Council prior to the date established for the public hearing. A decision on the request will be made by the City Council on the day of the public hearing. The City Council shall not permit an amendment which would delete a portion of the land originally included in the petition for rezoning when the effect of such deletion would be to change the percentage of votes required for approval of the rezoning. The City Council shall not permit a withdrawal of a petition when protests in opposition to the proposed rezoning sufficient to invoke the three-fourths voting rule have been filed."

No opposition was expressed to the proposed change in the text of the ordinance.

Councilman Alba moved approval of Ordinance No. 491 Amending Chapter 23, Article VII, Division 3, Section 23-96(b) of the Code of the City of Charlotte with Respect to Amendments to the Zoning Ordinance. The motion was seconded by Councilman Whittington.

Councilman Short stated that Mr. Kiser gave Council a chart which shows what would be possible with reference to withdrawals and amendments at various stages of the progress of a petition, and Item 3 on the Chart reads "On the date of the public hearing but prior to the call of the item on the docket," and the second sentence of the ordinance itself - "Requests for permission to amend or withdraw petitions for rezoning must be filed with the City Council prior to the date established for the public hearing." That he believes it would be in order to delete the words "the date established for public hearing," and the chart would be square with the wording of the ordinance. That he believes it is intended that it be worded the way he has mentioned. He is merely asking that a petitioner be allowed to come in prior to the reading of the docket rather than having to come in on perhaps the night before.

Councilman Tuttle stated we would still be faced with the situation of having all these people to appear and then this request for the withdrawal made prior to the hearing itself and the people having to come down for nothing. Councilman Short replied that Council would not have acted on this request until the Council met; it is just a question of when the petitioner is going to make his request.

Mr. Kiser stated the language in the proposed amendment was inserted to require the petitioner who wanted to withdraw or amend his petition to file such a request no later than Friday before the date of the public hearing. In that way, it would be known by all on Monday that a request had been made. As it is set up no action could be taken upon the request until the date of the public hearing because it will not be known until that time whether or not protests have been filed sufficient to invoke the 3/4th Rule.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 345.

W. J. ELVIN COMMENTS ON ENDORSEMENT BY SUPERINTENDENT OF POLICE OF CHICAGO OF THE APPOINTMENT OF THE NEW CHIEF OF POLICE.

Mr. W. J. Elvin stated he made some comments about the appointment of the new Chief of Police, and Mr. Tuttle later presented a letter commending Council on its selection from the Superintendent of Police in Chicago. That since that time, he has been advised that the individual who wrote the letter was a Professor in Criminology and had instructed the new Chief of Police at the University of California. That this puts a different color on the recommendation.

Councilman Tuttle remarked that the very fact he was the Professor in California gave him ample opportunity to know this man and to be able to amply and adequately endorse him.

ORDINANCE NO. 492-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-9 TO R-9MF OF A 5.75 ACRE TRACT OF LAND FRONTING ON THE EAST SIDE OF PARK ROAD, BEGINNING NORTH OF TOWNES ROAD, ADOPTED.

Councilman Whittington moved that Petition No. 66-57 by Charles E. Hicks for change in zoning from R-9 to R-9MF of a 5.75 acre tract of land fronting on the east side of Park Road, beginning north of Townes Road, be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Albea.

Councilman Short made a substitute motion to rezone the tract R-9MF. The motion was seconded by Councilman Jordan.

Councilman Albea asked if this should go back to the Planning Commission, and Mr. Kiser, City Attorney, replied Council may approve a rezoning of a piece of property to a higher classification than which was requested in the petition.

Councilman Whittington stated that all members of Council have been out and looked at this property several times. That he has had a lot of telephone calls from people who were for the petition and has had many from people who were against it; that he has had two or three conferences with people who live on Marlwood and Yale Place and on Park Road. That Mr. & Mrs. Hicks are friends of his as well as many of their friends are also friends of his. That he is voting no for this reason - the Cimarron Apartment is across the street and the new church is also across the street; there is the parking problem now with the Cimarron and people not having

a place to park and are parking on Yale Place and any place they can; in many instances the people on Yale Place cannot get in and out of their own driveways without calling the police and having the car moved. About a year ago Council was requested to rezone some 23 acres on Park Road on the other side of the Church across the street; this property of Mr. and Mrs. Hicks also adjoins another parcel of property owned by another member of the Hick's family and it would then run all the way to Towns Avenue.

Councilman Whittington stated there is no way for traffic to get in and out of these apartments except on Park Road because of the restrictions Mr. Horack and Mr. Hicks have agreed to that cars could not get to the apartments from Marlwood Terrace. That this zoning, if you look at it fairly, would compare equally with anything that has been turned down recently on Providence Road as it is a residential neighborhood against a residential neighborhood; the same type of zoning which you have on Park Road, with the exception of the Cimarron, you have on Providence Road; this would be no different than the apartment which was turned down on Crosby Place and it is no different than the apartment project which was turned down across the street, and to be consistent he thinks this should be turned down and then the petitioners have the opportunity to come back with a schematic plan under R-20MF or R-15MF with a thorough study of the parking and the other restrictions, and then the objectors would have something to look at and Council would have something to look at before it is approved.

Councilman Whittington stated he regrets that he must take this position but he thinks it is the only fair way to approach it at this time and that is why he made the motion to deny it.

Councilman Albea stated he seconded the motion for the same reason which Mr. Whittington gave.

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

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

The ordinance is recorded in full in Ordinance Book 14, at Page 346.

ORDINANCE NO. 493-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM O-6 TO B-1 OF SIX LOTS LOCATED ON THE EAST SIDE OF GLENN STREET, BEGINNING NORTH OF CENTRAL AVENUE.

Councilman Whittington moved the adoption of the subject ordinance, changing the zoning from O-6 to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 347.

DECISION ON PETITION NO. 66-59 BY REECE S. KEESLER FOR CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT LOCATED AT 616 EASTWAY DRIVE, DEFERRED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, decision on the subject petition was deferred pending further study by the Planning Commission.

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DECISION ON PETITION NO. 66-60 BY AMERICAN LEGION WOODLAWN POST 68, INC. FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING ON THE SOUTH SIDE OF YORKWOOD DRIVE, BEGINNING WEST OF THE RIGHT OF WAY OF GENERAL YOUNTS EXPRESSWAY, AND EXTENDING SOUTHWARD TO THE CENTER LINE OF THE SOUTHERN RAILROAD, DEFERRED.

Councilman Albea moved that decision on the subject petition be deferred pending the further study by the Planning Commission. The motion was seconded by Councilman Thrower and carried unanimously.

DECISION ON PETITION NO. 66-61 BY R. D. MORGAN FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF THREE LOTS AT THE NORTHEAST CORNER OF NEVIN ROAD AND LAKE SHORE CIRCLE, FRONTING ON NEVIN ROAD AND ON LAKE SHORE CIRCLE, DEFERRED FOR TWO WEEKS.

Councilman Thrower moved that decision on the subject petition be deferred for two weeks as he was out of town and did not have the opportunity to see the property. The motion was seconded by Councilman Whittington, who stated he has not seen the property and would like to before it is voted on.

Councilman Short asked Mr. James L. Cole, Attorney, if he has any idea as to what the land will be used for.

Mr. Cole replied that at this point he cannot say specifically or definitely what Mr. Morgan would like to use the property for himself, if he intends to retain ownership, nor can he say what definitely would happen to the property and what would be built there under I-1 if he sold the property to a purchaser. That when he first met Mr. Morgan it was in his office at which time Mr. Morgan and Mr. Moreau were in the office discussing negotiations leading towards the purchase of this property by Mr. Gene Moreau, President of Atlantic Steel Company, to actually move the Atlantic Steel Supply Company across the street on the Morgan property because Atlantic Steel is boxed in completely and does not have any room for expansion. That he would like to firm that up within this two week period and try to bring before Council at its direction any additional concrete information.

The vote was taken on the motion and carried unanimously.

COUNCILMAN WHITTINGTON LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.

Councilman Whittington left the meeting at this time and was absent for the remainder of the Session.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JULY 25TH ON PETITIONS NUMBERED 66-63 THROUGH 66-68 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 5, at Page 282.

ENCROACHMENT AGREEMENT WITH SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY FOR CONSTRUCTION AND MAINTENANCE OF AN UNDERGROUND TRANSFORMER VAULT IN THE SIDEWALK AREA ON EAST FIFTH STREET, AUTHORIZED.

Councilman Alexander moved that the Mayor and City Clerk be authorized to execute an Encroachment Agreement with Southern Bell Telephone & Telegraph Company for the construction and maintenance of an underground transformer vault in the sidewalk area on East Fifth Street, between Caldwell Street and Davidson Street. The motion was seconded by Councilman Albea and carried unanimously.

CONTRACT WITH LAW ENGINEERING TESTING COMPANY FOR SUBSURFACE SOIL INVESTIGATION REPORT IN CONNECTION WITH THE LAW ENFORCEMENT CENTER, AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Albea and unanimously carried, authorizing approval of an agreement with Law Engineering Testing Company for providing the required subsurface soil investigation report in connection with the design of the Law Enforcement Center at a total price of \$1,435.00, on a unit price basis.

REQUEST OF ERVIN CONSTRUCTION COMPANY TO CONNECT PRIVATE SANITARY SEWER LINES TO THE CITY'S SANITARY SEWERAGE SYSTEM, APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, approval was granted to Ervin Construction Company to connect private sanitary sewer lines in a portion of Starmount No. 11 outside the city limits, to the City's Sanitary Sewerage System, with contract to stipulate that the lines will become the property of the City when the area is annexed.

CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan and unanimously carried, the construction of sanitary sewer mains, inside the city limits, was approved, as follows:

- (a) Construction of 60 feet of sewer main in Larchmont Drive, at the request of Ed Griffin Construction Company. The cost is estimated at \$585.00, and will be borne by the Applicant whose deposit has been received and will be refunded as per terms of the agreement.
- (b) Construction of 725 feet of main in Griers Grove Road, at the request of Nance-Trotter Realty, Inc. and McDaniel Jackson. The cost is estimated at \$4,780.00, and will be borne by the Applicant, whose deposit has been received and will be refunded as per terms of the agreement.
- (c) Construction of 664 feet of main in Westone Drive, at the request of Ervin Construction Company. The cost is estimated at \$3,370.00, and will be borne by the Applicant whose deposit has been received and will be refunded as per terms of the agreement.
- (d) Construction of 600 feet of main in Lookout Lane, at the request of Ed Griffin Construction Company. The cost estimated at \$3,190.00, and will be borne by the Applicant, whose deposit has been received and will be refunded as per terms of the agreement.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY AND N. C. STATE HIGHWAY COMMISSION FOR WATER MAIN CONNECTIONS ACROSS RAMA ROAD, AUTHORIZED.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a right-of-way agreement between the City of Charlotte and the N. C. State Highway Commission, for four 6-inch water main connections across Rama Road, between Sardis Road and Seaboard Railroad, in connection with the installation of water mains in Stonehaven No. 9 Subdivision. The motion was seconded by Councilman Alexander and carried unanimously.

CONTRACT WITH ALBERT H. CARRIER, JR. FOR APPRAISAL OF PROPERTY IN CONNECTION WITH THE PROPOSED NEW POLICE BUILDING, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower and unanimously carried, a contract with Albert H. Carrier, Jr. for the appraisal of six parcels of land at 824 East Trade Street, 100, 108, 112, 116 and 118 South McDowell Street, in connection with the proposed new Police Building, was authorized.

CONTRACTS FOR INSTALLATION OF WATER MAINS AND HYDRANTS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, approving contracts for the installation of water mains and hydrants as follows:

- (a) Supplementary Contract with Nance-Trotter Realty, Inc. to contract dated April 18, 1966, for the installation of 4,920 feet of water mains and two fire hydrants, in a portion of Garden Park Subdivision inside the city, at an estimated cost of \$19,000.00. The City to finance all construction cost and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.
- (b) Contract with Presidential Motor Inn of Charlotte, Inc. for the installation 540 feet of water main and one fire hydrant to serve the Holiday Inn on Waterman Avenue, inside the city, at an estimated cost of \$2,100.00. The City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.
- (c) Contract with John Crosland Company for the installation of 3,540 feet of water main and three fire hydrants, in Stonehaven No. 9 Subdivision, outside the city, at an estimated cost of \$11,100.00. The Applicant will pay the entire cost of the mains and will own same until such time as the area is incorporated into the City at which time the mains will become the property of the City without further agreement in connection therewith.
- (d) Contract with John Crosland Company for the installation of 1,370 feet of water main and three fire hydrants, in Stonehaven No. 9 Subdivision, inside the city, at an estimated cost of \$4,800.00. The City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.
- (e) Contract with Nance-Trotter Realty, Inc. and McDaniel Jackson, for the installation of 1,420 feet of water mains and two fire hydrants, on Griers Grove Road, inside the City, at an estimated cost of \$6,500.00. The City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, streets were taken over for continuous maintenance by the City as follows:

STREET	FROM	TO
Goneaway Drive	110' E. of Burnt Mill Rd.	180' E. of Starbrook Drive
Tall Oaks Trail	Burnt Mill Road	120' N. of Starbrook Drive
Pencoyd Lane	Tall Oaks Trail	210' W. of Tall Oaks Trail
Birmingham Dr.	Burnt Mill Road	170' N. of Burnt Mill Road
Burnt Mill Road	Goneaway Road	115' W. of Birmingham Drive
Tempsford Lane	Tall Oaks Trail	E. end of Cul-de-sac
Bridlespur Lane	Burnt Mill Road	Goneaway Road
Northampton Dr.	Burnt Mill Road	170' N. of Burnt Mill Road
Covert Lane	Goneaway Road	185' S. of Goneaway Road
Snow White Lane	295' W. of Jarmon Ct.	147' W. of Edgerton Drive
Jarmon Court	Snow White Lane	S. end of Cul-de-sac
Pondella Drive	251' S. of Snow White Ln.	131' N. of Snow White Lane
Edgerton Drive	Snow White Lane	115' S. of Snow White Lane
Castleton Road	Hazelhurst Avenue	Worcester Place
Worcester Place	500' W. of Castleton Rd.	380' E. of Castleton Road
Shady Bluff Dr.	Worcester Place	410' S. of Worcester Place

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 Spencer L. and Mary Anna Harrill for Lot No. 454, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with John B. Waldin and Elizabeth Eaves Waldin, for Lot No. 10, Section 2, Evergreen Cemetery, at \$744.00.
- (c) Deed with Mrs. Gertrude B. Hayes and Miss Marie A. Brooks, for Lot No. 512, Section 6, Evergreen Cemetery, at \$280.00.
- (d) Deed with Clifton E. Watson and wife, Madeliene H. Watson or survivor, for Lot No. 252, Section 3, Evergreen Cemetery, at \$283.50.

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH THE STATE HIGHWAY COMMISSION PROVIDING FOR TRAFFIC OPERATING CONTROLS FOR PROJECT W. O. 9.7100307, FIRST SECTION OF THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, a resolution entitled: Resolution Authorizing Execution of a Contract with the State Highway Commission Providing for Traffic Operating Controls for Project W. O. 9.7100307, First Section of the Northwest Expressway, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 283.

CONTRACT AWARDED ALMOND GRADING COMPANY FOR DEMOLITION OF STRUCTURES IN EASTWAY DRIVE, NORTHWEST EXPRESSWAY, AND URBAN REDEVELOPMENT AREAS NO. 2 AND 3.

Councilman Albae, moved award of contract to the low bidder, Almond Grading Company for the demolition of 97 structures within the Northwest Expressway, Eastway Drive and Urban Redevelopment Areas 2 and 3, in the amount of \$27,140.00, on a unit price basis. The motion was seconded by Councilman Short.

Councilman Alexander asked if this contract would require removing and clearing of the grounds in this period of time; or is it just for the demolition, and Mr. Veeder, City Manager, replied that demolition within our terms of the contract requires the clearing or else they have not finished the work.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Almond Grading Company	\$ 27,140.00
Cochran & Ross Const. Co.	28,730.00
Richland Wrecking Company	30,625.00
D. H. Griffin Wrecking Co.	32,955.00
Cleveland Wrecking Co.	41,330.00
S. E. Cooper Company	42,914.00
Suggs Wrecking Company	43,850.00

CONTRACT AWARDED WESTERN WATERPROOFING COMPANY FOR REPAIRS TO CONCRETE STRUCTURES AT VEST PUMPING STATION.

Councilman Thrower asked why is it advantageous to furnish wire reinforcement and use a pneumatic gun rather than the trowel method on the repairs to the concrete structures at Vest Pumping Station. Mr. Franklin, Water Department Superintendent, replied they are making a permanent improvement; the last time they added to the station they thought they would extend the building another 300 or 400 feet which was stucco on a temporary type brick wall. Now they either have to take the brick wall out and put in something permanent or make a permanent finish on this wall because it is falling apart and the rain is blowing through, and they want to do a permanent job with materials and the type of workmanship with which they are familiar. In order to put something on a wall of this kind you need to reinforce it for expansion and contraction as it is tied to the wall with pins. Then you shoot the concrete in which is a high pressure dense concrete and is much denser and more permanent than any kind of plastering.

Councilman Thrower stated Fairfinish Corporation employs latexing in their matrix and will give an unqualified bond as to the guarantee of the texture of the finish and bond themselves that you will receive the desired texture you want, in effect, the mesh reinforcement only services the part they will apply, it does not service any structural advantage in any other area.

Mr. Franklin replied they are probably good at waterproofing and working on floors, but the City is not familiar enough with what they were trying to do. They said they could have gunited but they did not bid that; they elected to bid an alternate which was not in the specifications. Councilman Thrower stated the gunite application does not serve any purpose other than getting it on the walls. As far as the misnomer that the extra pressure drives it in the concrete, you cannot drive concrete into concrete, you are merely trying to establish bond. Mr. Franklin replied it really bonds it and is dense enough that the moisture will not go through.

Councilman Thrower stated he knows a little something about this process and to the tune of more than a half of the total contract, it seems it would be worthwhile to experiment as there are so many areas in the city where this product could be applied; it would save money, and it should be from an experimental standpoint if nothing else. Mr. Franklin replied that there are some areas where he would like to try this, but he is a little afraid to try it on this one.

Mr. Veeder, City Manager, stated he thinks what we should do, recognizing that this is something that we have no experience with, is try this out on some other jobs. That as Mr. Franklin has said based on his review of what the Fairfinish Corporation has said, let's try it on something a little smaller than this. That he does not think the City can award the contract to the Fairfinish Company as it did not meet specifications; the only way would be to reject and readvertise for bids.

Councilman Tuttle moved award of contract to Western Waterproofing Company, the low bidder meeting specifications, for repairs to concrete structures at Vest Pumping Station, in the amount of \$3,881.06. The motion was seconded by Councilman Albea.

Councilman Thrower made a substitute motion to reject all bids and readvertise with an alternate specification. The motion did not receive a second.

Councilman Short stated the matter of waterproofing or repairs to concrete structures containing water will continue to come along, and he would suggest that it be tried on another occasion. Mr. Franklin replied they can do this and he would like to try their product but not on this particular building.

Councilman Thrower stated he does not know the Fairfinish people personally, he just happens to know their application, and cities, counties and states all over the country are saving millions of dollars a year, especially in the colder climate where there is a lot of expansion and contraction on concrete bridges and tunnels - where this seems to hold up under those applications, and it would seem to him where you do not have the varied temperature that the extreme climates have, the product would be more than suitable.

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

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

Councilman Thrower asked that the record show he is voting no as a matter of principle and not against Western Waterproofing Company.

The following bids were received:

Western Waterproofing Company	\$ 3,881.06
Fairfinish Corp. (Not on specifications)	1,706.00

BIDS REJECTED AND AUTHORIZED READVERTISE ON AUTOMOTIVE BATTERIES.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle and unanimously carried, rejecting all bids and authorizing readvertisement for automotive batteries.

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The following bids were received:

Battery Service Company	\$ 5,751.54
Dayton Tire Sales Company	7,486.05

ORDINANCE NO. 494-X AMENDING ORDINANCE NO. 366-X, THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT.

Upon motion of Councilman Tuttle, seconded by Councilman Albea, and unaniously carried, the subject ordinance to provide \$75,000 in the 1965-66 Budget for the Mint Museum, was adopted.

The ordinance is recorded in full in Ordinance Book 14, at Page 348.

CONTRACT AWARDED R. MARRET WHEELER COMPANY FOR GENERAL CONSTRUCTION OF MINT MUSEUM OF ART ADDITION.

Councilman Thrower moved award of contract to the low bidder, R. Marret Wheeler Company, in the amount of \$214,540.00, for the general construction of the Mint Museum of Art addition, as specified. The motion was seconded by Councilman Alexander and carried unanimously.

The following bids were received:

R. Marret Wheeler Company	\$214,540.00
Butler & Sidbury, Inc.	235,453.00
C. P. Street Const. Co.	236,300.00
J. L. Coe Const. Co.	238,863.00
Myers & Chapman, Inc.	244,102.00
Laxton Const. Company	259,041.00

CONTRACT AWARDED SHANKLIN A/C COMPANY FOR PLUMBING WORK ON THE MINT MUSEUM OF ART ADDITION.

Upon motion of Councilman Tuttle, seconded by Councilman Short and unaniously carried, contract was awarded the low bidder, Shanklin A/C Company in the amount of \$12,540.00, for the plumbing work on the Mint Museum of Art addition.

The following bids were received:

Shanklin A/C Company	\$ 12,540.00
W. H. Sullivan P & H Co.	14,750.00
Tompkins-Johnston Co.	14,756.00

CONTRACT AWARDED AIR MASTERS, INC. FOR MECHANICAL WORK ON THE MINT MUSEUM OF ART ADDITION.

Councilman Thrower moved award of contract to Air Masters, Inc., the low bidder, in the amount of \$38,593.00 for the mechanical work on the Mint Museum of Art addition. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Air Masters, Inc.	\$ 38,593.00
Shanklin A/C Company	39,250.00
A. Z. Price	40,370.00
Impac	40,449.00
Southern Comfort	45,150.00

CONTRACT AWARDED WATSON ELECTRIC COMPANY FOR ELECTRICAL WORK ON THE MINT MUSEUM OF ART ADDITION.

Motion was made by Councilman Albea, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Watson Electric Company, in the amount of \$34,186.00, for the electrical work on the Mint Museum of Art addition.

The following bids were received;

Watson Electric Company	\$ 34,186.00
Howard Electric Company	37,253.00
Power Electric Company	37,487.00

AGREEMENT AUTHORIZED WITH PIEDMONT NATURAL GAS COMPANY DEALING WITH MCALPINE CREEK SEWER OUTFALL.

Councilman Jordan moved approval of an agreement between the City and Piedmont Natural Gas Company dealing with the acquisition of rights of way for the extension of sanitary outfall lines and Piedmont Natural Gas Company's distribution system along McAlpine Creek. The motion was seconded by Councilman Alexander and carried unanimously.

PROPERTY TRANSACTIONS IN CONNECTION WITH THE WOODLAWN ROAD WIDENING PROJECT, SHARON-AMITY ROAD WIDENING, TAGGART CREEK OUTFALL EASEMENTS AND NORTHWEST EXPRESSWAY, AUTHORIZED.

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

- (a) Acquisition of Construction easement 1,280 sq. ft., at 700 Woodlawn Road, from Dr. Wilford M. Smith, at \$400.00 in connection with the Woodlawn Road Widening Project.
- (b) Acquisition of Construction easement 700 sq. ft. at 2500 N. Sharon-Amity Road, from Roy R. McAlpine and wife, at \$250.00, in connection with the Sharon-Amity Road Widening Project.
- (c) Acquisition of Construction easement at 1432 Sharon-Amity Road, from George A. Wallace and wife, at \$250.00, in connection with the Sharon-Amity Road Widening Project.
- (d) Acquisition of right of way 25' x 470' off Wilmont Road at Taggart Creek, from E. R. Hefner, at \$1,500.00 for sanitary sewer easement to Taggart Creek Outfall.
- (e) Acquisition of 21,300 sq. ft. easement between Wilmont Road and West Boulevard, from Georgia S. Grey, at \$425.00, for Taggart Creek Outfall sanitary sewer.
- (f) Acquisition of 81,437 sq. ft. of property at 831 Seigle Avenue, from Housing Authority of the City of Charlotte, at \$22,000.00, for the Northwest Expressway.

NEWS MEDIA REQUESTED TO INFORM PUBLIC THAT MOTOR TRANSPORT DEPARTMENT IS DOING EVERYTHING POSSIBLE TO PICK UP TRASH AND GARBAGE, AS SCHEDULED.

Councilman Jordan requested the News Media to let the public know that Mr. Davis, Superintendent of Motor Transport Department, is doing everything that he can to pick up the trash and garbage; but when you have from 40 to 60 men out a day it makes it rather difficult to be able to get all the equipment on the road, and he would like very much for the public to know this. That with the shortage of labor and absenteeism, Mr. Davis is doing the best he can, and they hope this will improve in the near future.

CITY MANAGER REQUESTED TO HAVE ENFORCEMENT DIVISION TO LOOK AT AREA OF PENNSYLVANIA OFF BELHAVEN BOULEVARD TO SEE WHAT CAN BE DONE WITH THE SITUATION THAT EXISTS.

Councilman Alexander requested the City Manager to look at the area off Belhaven Boulevard at Pennsylvania Avenue and the other streets which branch off this area and have a report made as to which streets are in the city and which are not and if there are any dwellings out there where they are using outside privies; what can be done from the enforcement division to get the situation straighten out.

CITY MANAGER REQUESTED TO HAVE BUS COMPANY MAKE A STUDY OF SMALLWOOD AREA AS TO NEED FOR BETTER BUS SERVICE.

Councilman Alexander requested the City Manager to ask the Bus Company to make a study of the Smallwood Area, at the lower end of West Trade Street, opposite the Belvedere Homes, and see if they can give some improved bus service.

CITY MANAGER AND TRAFFIC ENGINEERING DEPARTMENT REQUESTED TO MAKE A STUDY OF ALL RAILROAD GRADE CROSSINGS AND MAKE AND PRESENT CHART SHOWING NECESSARY BLOCKAGE TIME THAT RAILROAD MUST HAVE.

Councilman Short moved that the City Manager and the Traffic Engineering Department be instructed to make a study of all the railroad grade crossings in Charlotte, and to make and present a chart showing what they find to be the necessary blockage time that the railroads realistically have to have at each of the crossings, and that the information be given Council before September 1st. The motion was seconded by Councilman Alexander. Councilman Short stated for example, the crossings might be rated as A, B, and C and where the legitimate operations of the railroad would regularly require a blockage time for non-moving trains up to five minutes would be rated as an A crossing, and those where the blockage would be from five to eight minutes would be a B crossing, and those where the blockage time would be from eight to twelve minutes would be a C crossing. That he understands the Department has much of this information and it is not unreasonable or out of order to ask them to present this to Council.

Councilman Alexander stated he thinks this is timely, and he cannot feel that the Southern Railway continues to block off these streets intentionally, and it could be by this motion Council can get some information that would clear up some of these things. It may be the ordinance to fine an engineer \$5 is stupid, and if the ordinance is unenforceable, then he sees no point in holding it in a situation like this.

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Mayor Brookshire asked if he means major and minor streets, and Councilman Short replied that he believes this information is available.

Councilman Short stated he thinks this might help rewrite realistically Section 15-11 of the Code which is the five-minute time crossing blockage limitations, and it might help to write an ordinance with variable periods which could be enforced. By having a study like this and an ordinance that is more up-to-date, the City can crack down immediately and rather severely on railroad personnel who do block crossings longer than they need. That the type of study he is asking for will help in assessing some sort of grade separation program.

Councilman Tuttle asked how much the study will cost? Mr. Veeder replied they would get it in perspective in keeping with Mr. Short's objectives, and if there are some problems they would bring them back to Council; that there are scores of crossings and problems involved in assessing the problem of blockage at each of the crossings, and it may be something they can cope with without too much difficulty; and on the hand, there may be some real problems.

The vote was taken on the motion and carried unanimously.

PLANNING COMMISSION AND STAFF REQUESTED TO MAKE STUDY OF POSSIBILITY OF ESTABLISHING ADDITIONAL ZONES OF I-1 CONDITIONAL AND I-2 CONDITIONAL.

Councilman Short stated he has in mind a zoning classification of I-1 Conditional and I-2 Conditional as he thinks Council has been inclined to turn down a number of petitioners who have asked for Industrial zoning when they did not layout exactly what they would do on the property. That presently petitioners are being encouraged to spend their \$100, plus legal expenses, wastefully as their petitions are not being granted in most cases unless they give the exact usage information.

Councilman Short moved that the Planning Commission and staff study the possibility of these additional zones and report back when they can. Councilman Thrower seconded the motion on the condition that it just be a study, rather than a proposal.

Councilman Alexander remarked one problem is that the petitioner comes in and requests a rezoning without stating what is to be done with it. That we should attempt to see if we cannot get some information in all these cases so we will know in each case if they are going to far.

Mayor Brookshire replied he does not think this would be a reasonable restriction as someone may own a piece of property and feel that it could be logically rezoned for some specific purpose in order that he might sale it to better advantages.

Councilman Short stated a petitioner could make a choice. He could come in and ask for an I-1 zoning, and he would have to state what he is going to do, but if he wants to increase his chances of getting his petition approved then he can petition for I-1 Conditional zoning in which case he would have to state the use.

Councilman Tuttle stated they can make this statement now without any conditional and in most case do when they want to; they are in that position. That he frowns on this because zoning is going to be so complicated we will never understand it.

Councilman Alexander asked if we are not on the verge of adopting a new high powered zoning regulations which will require the petitioner to submit a plan of what they are going to do on the property in the proposal of the new classification of R-2OMF. Mr. Kiser replied that classification and the B-1 S.C.D. classification permits different things than the present classifications permit; they contain different restrictions. With respect to that, these conditional classifications are set up to require the submission of a schematic design by the petitioner to show what he intends to do with the property as that is the only thing he can use the property for in that zoning classification. Councilman Alexander stated the petitioner still has to tell us what he is going to do with the property. Mr. Kiser replied that is different from the zoning classification where he may have any of a number of usages to which he could put the property in B-1 or B-2. The difference is in the R-2OMF or the B-1 S.C.D., the only thing he can put the property to use for is that for which he must show the design.

Councilman Tuttle stated we keep on adding exceptions to our zoning and are not doing anything but inviting those with power to build anything they want to, whenever they want to build it.

Councilman Short stated he does not designate this as an exception; that there has been some discussion with the personnel of the Planning Commission, and he thinks they would like to make this study and will not regard this as a request they would disfavor.

The vote was taken on the motion and carried as follows:

YEAS: Councilmen Short, Thrower, Alexander and Jordan.

NAYS: Councilmen Albea and Tuttle.

COUNCIL REQUESTED TO LOOK AT INTERSECTIONS OF EASTEAY DRIVE AND PLAZA AND EASTWAY DRIVE AND SHAMROCK.

Councilman Tuttle stated if Council has not heard rumblings, they are going to about the intersections at Eastway and The Plaza, and Eastway and Shamrock. That the merchants are showing deep concern over the medians proposed by Mr. Hoose, Traffic Engineer, which will be up some 280 feet. These medians will make it necessary, in a number of instances, for automobiles to actually go to the corner and wait for a traffic light and turn left into a store. It has been argued that it is going to hurt these merchants, that economics are bad, and these long medians will cost the taxpayers money, and there is also a question as to their safety value. He requested members of Council to go out and look at the situation.

COUNCIL MEETINGS SCHEDULED FOR EVERY OTHER WEEK DURING JULY AND AUGUST.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, Council meetings were scheduled for July 11th and 25th and August 8th and 22nd.

RESOLUTION AUTHORIZING PRIOR SERVICE CONTRIBUTIONS TO QUALIFIED MEMBERS OF THE LAW ENFORCEMENT OFFICER'S BENEFIT AND RETIREMENT FUND.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander and unanimously carried, the subject resolution was adopted and recorded in full in Resolutions Book 5, at Page 284.

ORDINANCE NO. 495-X TO AMEND ORDINANCE NO. 360-X, THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF \$11,500 OF THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT, TO BE USED FOR THE PURPOSE OF CONTRIBUTING TO THE LAW ENFORCEMENT OFFICERS BENEFIT AND RETIREMENT FUND.

Councilman Thrower moved the adoption of the subject ordinance, which was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 349.

ORDINANCE NO. 496-X APPROPRIATING FUNDS FOR PAYING USUAL EXPENSES OF THE CITY PENDING ADOPTION OF THE 1966-67 BUDGET ORDINANCE.

Councilman Jordan moved the adoption of the subject ordinance, which was seconded by Councilman Thrower and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 350.

ORDINANCE NO. 497-X AMENDING ORDINANCE NO. 360-X, THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE GENERAL FUND.

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

The ordinance is recorded in full in Ordinance Book 14, at Page 351.

ADJOURNMENT.

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

Ruth Armstrong

Ruth Armstrong, Deputy City Clerk