

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 30, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Arthur W. Lilley, Minister of Eastway Christian Church.

MINUTES APPROVED AS AMENDED.

Councilman Short moved that the minutes of the recessed meeting on October 18 and of the regular meeting on October 23rd be approved as submitted. The motion was seconded by Councilman Stegall.

Councilman Whittington stated he would like the privilege of changing his vote on the Resolution authorizing permanent improvements on Barclay Downs Drive. That he was confused and thought the motion of Councilman Smith, which he seconded, was to get the information back and in the discussion, he lost the train of thought and voted against the resolution, and he would like his vote to be changed to "yes" rather than "no", if Council will agree.

Councilman Whittington moved that the minutes be changed to show his vote as "yes" on Page 277. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Tuttle asked that the record show that he asked for the same privilege several weeks ago and did not get it.

The vote was taken on the motion to approve the minutes of October 18 and minutes of October 23, as amended, and carried unanimously.

HEARING ON PETITION OF NORTH DAVIDSON CORPORATION AND GENERAL LATEX AND CHEMICAL CORPORATION FOR THE CLOSING AND ABANDONMENT OF A PORTION OF EAST 27TH STREET LYING BETWEEN NORTH DAVIDSON STREET AND NORTH BREVARD STREET, CONTINUED TO NOVEMBER 20.

The public hearing was held on the subject petition.

Mr. La Fontine Odom, Attorney for the petitioners, stated this is a street that has never been open; it was dedicated in the early 1900's by the Wadsworth Company; the portion to be closed lies on the west side of North Davidson Street and extends back about 440 feet; the old street right-of-way is 45 feet wide; at the present time there is city sewer right-of-way going through and a drainage ditch that carries some water all the time. He stated they amended the petition after filing so that the sewer easement would be included and the City would have a 15-foot easement. He stated the purpose for the closing of the street is two-fold - to allow improvements on the property for additional parking space between the two buildings and for enlargements of the two buildings.

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Mr. Odom stated he mailed notices to all property owners abutting this particular street and the property involved; that he personally employed someone to hand deliver to all the businesses in that particular block, between 26th and 28th Streets, a letter stating there would be a public hearing and enclosing a copy of the Council's resolution setting the public hearing. To his knowledge there has been only one objection, and a representative is present. As he understands it, they are not objecting to the closing of this portion of 27th Street at this time; they have some difficulty with two of the owners not being able to check into certain aspects of the closing, and they want the hearing, insofar as they are concerned, continued for a week or two to allow them an opportunity, if they wish, to object. Mr. Odom stated he has no objection to that, but would like the hearing today to be conducted and if there is anyone else who wishes to object to be heard.

Mayor Brookshire asked if under the terms of the amendments, they will be able to build over the right-of-way? Mr. Odom replied not unless there was some agreement reached with the Engineering Department about a relocation at the property owners expense; at the present time they do not anticipate having to relocate the line.

Mr. Hugh Campbell, Jr., Attorney representing Southern Wipers, stated they are not posing an objection at this time. Mr. W. F. McKinnon, the owner of Southern Wipers, is in the hospital and has not decided whether he wants to object or not. That they ask the Council to reserve this decision, as to whether or not to close the street, for two weeks so that they will have the opportunity, if they so desire, to object at that meeting. That he has no objection to actually holding the hearing today so if anyone else does object, it can be done at this time and the only thing left open would be their possible objection.

Mr. Campbell stated Southern Wipers Company owns property which abuts the street for 100 feet between Sugar Creek and Davidson Street, and it would be also between the Creek and the portion sought to be closed, so that if the street is closed, Southern Wipers Company would not have access to Davidson Street and would not have access to Brevard Street because there is no bridge across the creek at this point.

Mr. Kiser, City Attorney, stated Council should not think of this in terms of a continuation of the hearing except for Mr. McKinnon to come in and state whatever he would like to state; that it is proper for Council to hold the public hearing today, but instead of closing the hearing today to allow the public hearing to be continued for a date certain as specified today and at the meeting set on that date the same rules would apply with respect to anyone who cared to object to come in and make a statement regarding the closing of the street.

Councilman Tuttle moved that the hearing be continued to November 20, 1967. The motion was seconded by Councilman Stegall; and carried unanimously.

TRAFFIC ENGINEER REQUESTED TO SURVEY INTERSECTION OF EASTWAY DRIVE AND KILBORNE DRIVE ON REQUESTED NEED FOR TRAFFIC LIGHT.

Mrs. Barbara Kimbrell, 1951 Windham Place, presented copies of a petition to Council members stating the need for a traffic light at the corner of Eastway Drive and Kilborne Drive. She stated they feel they must have a traffic light out there; and the Traffic Engineer has stated three accidents have been reported in the last three years. But they in the neighborhood know better; there was an accident two Sundays ago involving two people; one of the boys is still in the hospital. The traffic is getting heavier everyday and she asked the Council to look at the section and see if they cannot get a light on behalf of the 470 petitioners who signed the petition.

Mrs. Kimbrell presented the petition containing the 470 signatures.

Mr. Hoose, Traffic Engineer, advised his office has not conducted a survey due to the detours and the construction work on Eastway Drive. He stated the intersection will be channelized with a left turn slot. After the completion of the construction, a survey will be run at the intersection.

Mrs. Kimbrell stated from Arnold Drive down to Kilborne Drive, the work is complete; the other morning when taking her daughter to school at ten minutes of eight, there were 32 cars going one way before anyone could cross the intersection; that she did not bother counting them going towards Garinger High School; the detour signs are still up but the street is heavily traveled.

Mayor Brookshire stated as soon as the detour is eliminated, Mr. Hoose will have a traffic count made and it will be surveyed carefully.

Councilman Tuttle asked Mrs. Kimbrell if she is primarily concerned with the crossing during the school hours? Mrs. Kimbrell replied mainly from 7 to 9 in the morning and 3 to 7 in the evening; she stated they have had to use the Minute Market and Texaco Station for their convenience which they know is illegal; there are three lanes there and there is no way over the blind curve to warn the people to get into a left hand turn. The letter she received from Mr. Corbett stated a light would not warn the cars, but she says it would. If there is a light, they will stop; and when they get around the corner, they do not see the traffic coming and they just turn around the corner and meet a car.

Councilman Whittington stated this is a blind intersection coming from Kilborne into Eastway Drive and going from Eastway Drive towards Central Avenue. He requested that Mr. Hoose make whatever surveys are necessary, and as soon as possible to come back to Council with a recommendation on what needs to be done; the road is almost opened; the only detours are where they are resurfacing; the road is opened all the way from Tryon to Independence Boulevard.

Councilman Tuttle asked how feasible it would be to put a school crossing guard there temporarily? Mr. Hoose replied he would not recommend anything until a survey is made.

Councilman Smith stated a light would have a double benefit as it would slow down some of the speed. When the belt road is put in with a 35 MPH speed, he guarantees the speed will be 65 MPH; so it is beneficial.

Mayor Brookshire thanked Mrs. Kimbrell for bringing the matter to the City's attention and stated it will receive Mr. Hoose's prompt attention.

MAYOR REQUESTED TO DISCUSS WITH CHAIRMAN OF THE COUNTY COMMISSIONERS
APPOINTING A COMMITTEE TO INVESTIGATE THE QUESTION OF PROVIDING AN ATTORNEY
FOR THE MECKLENBURG LEGISLATIVE DELEGATION.

Councilman Short stated Mr. Jim Vogler, head of our legislative delegation, is present and will make a comment about the City providing an attorney for our legislative delegation. Members of Council will recall that the delegation passed a resolution asking for this and he has had the privilege of talking to Mr. Vogler about.

Mr. James Vogler stated the Delegation unanimously passed a resolution at the last session of the Legislature that it might be wise to have an attorney to act as liaison between the City Council and the County Board, the Town Councils in the County and members of the Legislature regarding legislature affecting the City of Charlotte, Mecklenburg County and towns within the County. He stated Council might want to appoint a committee to look into the feasibility and talk with the County Board on how this would be shared between the City and County, and not wait until the next election.

Mayor Brookshire asked if any of the other counties or principal cities in the State furnish their delegations with this service. Mr. Vogler replied a city attorney for a city or county will come down on a special occasion; this would be an entirely new problem, if we had one in Mecklenburg County.

Councilman Smith asked if this would be a full time or part time position? Mr. Vogler replied it would be full time during the Legislature because the minute a man is elected to public office and especially a month before Legislature convenes there is a deluge of requests, and a thousand different things comes before them. An Attorney would be able to investigate every Bill that is put in. He would be there all the time and could investigate every state wide bill. His question would be how would this bill affect Mecklenburg County or the City of Charlotte, where a member of the General Assembly does not have all that time to go into all the various angles of the various bills. The City Council and County Board could talk with him on the week-end about not only the local bills but the state-wide bills.

Councilman Smith asked if he would be given quarters in the State House? Mr. Vogler replied they have no authority to say that he would have quarters in the State House; however, there are many committee rooms that he could meet in; but that part will be worked out by the Delegation as to where he shall maintain his headquarters, whether it be in the office of one of the members of the Delegation or whether it will be in a separate place.

Councilman Short stated this matter deserves looking into; this attorney would serve in some respects the same role to the Delegation as Mr. Veeder, serves to the City Council; the attorney would be a great help to both the city and county governments as well as to the Delegation. That he understands the secretarial pool provided for the legislative delegation would perhaps be available to this attorney. The expense involved as to pay and such things as lodging and meals could be fairly considerable and this should be looked into carefully by a joint group representing both the City and County.

Councilman Short moved that the Mayor be asked to bring this matter up with the County Chairman and see if a joint committee can be appointed to look into this matter. The motion was seconded by Councilman Tuttle.

Councilman Whittington stated he would hope that this would be brought up at the next meeting of the County Commissioners and Council for discussion.

Mayor Brookshire stated the cost would be considerable because it would be employing an attorney for six or seven months continuous service every two years and any good attorney capable of doing the job it is assumed would have a private practice at home. Councilman Smith stated perhaps it could be worked out where he would be a city-county employee doing work for the city or county government in the interim. Councilman Short stated this would have to be investigated and this is what the committee is needed for.

The vote was taken on the motion and carried unanimously.

CITY ATTORNEY REQUESTED TO REPORT TO COUNCIL AT NEXT MEETING WHETHER OR NOT THERE HAS BEEN AN UPSET BID ON THE PAWAY CORPORATION PROJECT ON KINGS DRIVE.

Mr. Faison M. Berry, President of the Harding Place-Greenwood Cliff Community Association, stated he appeared before Council last May in reference to the semi-completed Paway Corporation Project. At the last meeting of the Association, they decided enough time had elapsed, and it was time to approach the city again and see whether or not they could get some relief.

Mr. Veeder, City Manager, stated title on the property has been in the process of passing for a considerable period of time. Back in August the first high bidder had an upset bid in the ten day period allowed and apparently this process has been continuing. Each time the property has been purchased there has been an upset bid. He stated there is some reason to believe that the First Atlantic Corporation will have title to the property within a week. That the City has some assurance from a representative of that Company if title does pass to it within this week's period that they will complete the job of cleaning up Greenwood Cliff. At the moment the City has no one to deal with.

Councilman Jordan stated he has been over there week in and week out and seen the condition they are living under; that he has brought it before Mr. Veeder and the Council numerous times and it is a bad situation they have had to put up with these many months. He stated if the upset bid does not materialize in a week, then the City should work under the same process as it does when it has someone's grass to cut and charge it against the property as a lien. That he would like to see this done if this has not been consummated within a week. That these people have been very patient with the City for over a year.

Mr. Kiser, City Attorney, stated one of the difficulties of doing as Mr. Jordan says is that the City has to have parties to serve; it has to know who the property owners are and we cannot effectuate a lien simply by doing the work, and recording it; notice has to be given to the property owners. If it is not completed within the period of time specified by information obtained from the First Atlantic Corporation, he will endeavor to do as Mr. Jordan has asked. It would take a considerable longer time to accomplish legal steps that need to be taken than it would if First Atlantic obtains title to the property and completes the cleaning up of the property in the weeks time which they said they would do; that is the earliest and quickest way of getting it done.

Councilman Jordan requested that the City Attorney be instructed to do whatever is possible if this is not taken care of in the next bid.

Councilman Tuttle stated that Council is as concerned about this situation as the people are and is in as much of a dilemma as they are.

He stated there is an owner to the extent that it is in the hands of the receiver; could it not be served on the defunct corporation? Mr. Kiser replied there has to be a period of time given and a notice given; it could be served on whoever the owner is at the moment; by the time the notice is served and the notice given within which to reply, the property supposedly will be transferred to First Atlantic Corporation. Councilman Tuttle stated suppose it is not, would this not put us a few weeks ahead.

Councilman Smith asked that Mr. Kiser inform Council next week what has happened to this bid.

Councilman Stegall asked if through an ordinance or through various departments we can preclude this re-occurring. That he can think of three instances we have had recently - this one of Kings Drive, the situation on Queens Road and Morehead Street where a building was begun and one out close to Mr. Tuttle where excavation was done and it lay there for months and months - we have grass problems and construction materials just lying there. Mr. Kiser replied there is a problem involved where the contractor takes the permit to demolish; he perhaps over extends himself on work to be done and does not complete the demolition work as quickly as he should. This is the case in the Greenwood Cliff situation - the contractor dragged out the period of demolition to a point that it was longer than should have been required, and about that time litigation came into the picture. To this end, he has discussed with the staff of the Building Inspection Department the possibility of an ordinance imposing some reasonable time limitation on the demolition permits, so that the demolition should be completed within a specified time; failure to do that would require the contractor to obtain a new permit at perhaps a penalized price. This avenue is being explored to attempt to prevent this sort of thing from occurring again.

Councilman Stegall stated he is not thinking totally in terms of demolition but also in terms of new construction - when new construction begins and it fails. Mr. Kiser replied he does not know much the City government can do when parties become bankrupt; the city cannot complete the project itself; it does not have any control over the finances of the parties involved; it cannot force them to sell at a loss to someone else in order to complete the project; the city just has to wait until matters put themselves out to litigation in the courts.

Councilman Whittington asked if there is an upset bid on the Atlantic Corporation can the city go in there and level off the land and take care of the holes, stumps and debris at the back of this property? Mr. Kiser replied he does not believe that the city has the authority specified to do what is necessary to clean this property. Councilman Whittington asked if on the J. B. Ivey property on Morehead Street the city can fill that hole up? The problem is the city and the people adjacent to these properties are caught in the middle. If the Atlantic Corporation does not go through with the bid, he thinks it is the responsibility of the city to do something about the lot.

Councilman Jordan stated on the three different items Mr. Stegall mentioned - the one on Providence Road was where some people were trying to get in under a particular zoning, and Council stopped them from going ahead with the apartments; the J. B. Ivey property was planned for an office building and they spent about five to eight thousand dollars moving the dirt and it would cost that much or more to fill it up again; they have put a fence around it now for protection; but the building plans fell through on that project. He stated there is no comparison between these two and the project on Greenwood Cliff where the company has gone bankrupt. He stated he would go along with seeing what the Atlantic Corporation is going to do within

the week and if it still continues to be an upset bid; then it should be brought back at the next Council Meeting and let Council take some action to get it cleaned off. Mayor Brookshire asked if he is referring to the weeds or the construction that is standing there? Councilman Jordan replied he is talking about the vacant lots where they have gotten most of the rubble off, and the other lots where portions of the houses were moved and the remainder is left standing.

Mr. Berry stated the houses have been demolished but the debris was left on the ground, and this could be loaded on a front-end loader onto a dump truck and hauled away without too much of a problem. Tree limbs are also there which were cut down; and weeds are growing about the size of his head. A lady living nearby had her purse stolen from her car while she was carrying groceries out of her car when a man appeared out of these weeds, snatched her purse and ran back into the weeds. People who live in the immediate neighborhood are afraid to walk in that area; in addition, it is a breeding ground for rats, mice and things of that nature. That they feel it is a health hazard and an eyesore. It is on a main thoroughfare and is not in keeping with the Mayor's beautification plan for the City of Charlotte.

Councilman Tuttle stated he thinks Mr. Berry has hit upon the answer. These rats and rodents are a health hazard and this would be the city's out. Mayor Brookshire stated Mr. Kiser will keep Council advised as to what it can do legally.

Councilman Short stated the State Statutes might have something on this matter with reference to the duties of the trustees of bankruptcy which might be looked into; or if not, it might be that the attorney for the delegation which has been discussed might want to think of such a possibility for inclusion in the next Legislative package.

DECISION ON PETITION NO. 67-55 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING ON BOTH SIDES OF NEW I-85 EXTENDING FROM MALLARD CREEK ROAD ON THE WEST TO HIGHWAY 29 ON THE EAST, AND FROM MALLARD CREEK ON THE NORTH TO MINERAL SPRINGS ROAD ON THE SOUTH, POSTPONED UNTIL NOVEMBER 20.

Councilman Whittington moved that decision on the subject petition be postponed until the Council Meeting of November 20. The motion was seconded by Councilman Tuttle, and carried unanimously.

AMENDMENT TO DOBBS HOUSE LEASE AT AIRPORT, AUTHORIZED.

Councilman Smith moved approval of an amendment to the lease of Dobbs House at the Airport to incorporate the non-discrimination clause into the lease. The motion was seconded by Councilman Whittington, and carried unanimously.

DISPOSITION OF RECORDS AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, disposition of records as authorized under General Statutes Sections 121-5, 132-3 and 132-8, were authorized as follows:

- Park and Recreation Commission vouchers and purchase orders;
- Auditorium-Coliseum Authority vouchers and purchase orders;
- Park and Recreation Commission cancelled checks;
- Auditorium-Coliseum Authority cancelled checks.

APPRAISAL CONTRACT AUTHORIZED.

Councilman Tuttle moved approval of a contract with William L. Frickhoeffler for appraisal of ten parcels of land for the East 30th Street Project. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACTS FOR INSTALLATION OF WATER MAINS, AUTHORIZED.

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

- (a) Contract with L. J. Spiers for the installation of 950 feet of water main and one fire hydrant in East Independence Boulevard, inside the city, at an estimated cost of \$3,900.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (b) Contract with Ed Griffin Development Corporation for the installation of 5,012 feet of 6" water main and 250 feet of 2" main and four fire hydrants in Whispering Pines Subdivision, outside the city limits, at an estimated cost of \$21,400.00. The mains will be installed under the terms of Paragraph "D" of the water and sewer extension policy wherein the applicant is installing mains which are all 6" in diameter or less and therefore all mains will be financed by the Development Corporation, and no reimbursement will be made to the Corporation. All water mains and appurtenances will become the property of the City.

CONTRACT AGREEMENT AUTHORIZED BETWEEN CITY OF CHARLOTTE, INLAND BRIDGE COMPANY, INC. AND ROAD BUILDERS, INC. FOR INSTALLATION OF WATER MAIN TO SERVE MECKLENBURG COUNTY AND WESTINGHOUSE AREA IN WHICH THE CITY AGREES TO HOLD THE CONTRACTORS HARMLESS AS RELATED TO THEIR WORK IN THE AREA FOR THE STATE HIGHWAY COMMISSION.

Councilman Whittington asked why the City should render the subject contractors harmless? Mr. Veeder, City Manager, replied it is the City who wants to go under the Expressway; the State already has its work underway. Mr. Kiser, City Attorney, advised this does not hold them harmless if they mess up something in the event they are delayed in the completion of their contract with the State Highway Commission.

Councilman Whittington moved approval of the subject contract, which was seconded by Councilman Tuttle.

Councilman Tuttle asked the City Manager to check to see if this point is covered in the present coverage or whether they are aware of the fact there are situations maybe involving insurance when we should issue hold harmless agreements. In ordinary policies, unless amended, you cannot hold harmless without new coverage for the particular contract.

The vote was taken on the motion and carried unanimously.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY AND STATE HIGHWAY COMMISSION AUTHORIZED.

Councilman Whittington moved approval of a right-of-way agreement between the City and the State Highway Commission for the installation of a water main across N. C. Highway 49 at the entrance to College Downs. The motion was seconded by Councilman Jordan, and carried unanimously.

RIGHT OF WAY AGREEMENT BETWEEN CITY AND STATE HIGHWAY COMMISSION FOR WATER MAIN TO SERVE L. J. SPIERS AUTHORIZED.

Motion was made by Councilman Whittington authorizing a right-of-way agreement between the City and the State Highway Commission for the installation of a 6" C.I. water main to serve the property of L. J. Spiers, fronting on East Independence Boulevard, between Westchester Boulevard and Woodland Drive. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION CORRECTING ASSESSMENT FOR LOCAL IMPROVEMENTS ON BAY STREET, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted correcting the assessment on Lot 18, Block 482, owned by T. H. Weir, changing the amount from \$394.46 to \$326.00.

The resolution is recorded in full in Resolutions Book 6, at Page 14.

ORDINANCE NO. 721-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING AT 2317-19 BLANTON STREET, PURSUANT TO THE HOUSING CODE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 133.

ORDINANCE NO. 722-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Jordan adopting the subject ordinance authorizing the transfer of \$1,750 to Capital Improvements-Public Housing Street Improvements to be used to remodel the west end of Jones Electric Repair Company as per the City's contract, dated June 1, 1967. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 134.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Emily M. Pohmer for Graves No. 5 and 6, in Lot No. 163, Section 2, Evergreen Cemetery, at \$120.00.

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CONTRACT AWARDED MILLER'S OFFICE EQUIPMENT COMPANY FOR OFFICE FURNITURE.

Councilman Jordan moved award of contract to the low bidder meeting specifications, Miller Office Equipment Company, in the amount of \$5,030.52 on a unit price basis for 29 desks and two storage units. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Miller's Office Equipment Co.	\$ 5,030.52
Fowler's Office Supply Company	5,286.54
Pound & Moore Company	5,392.04
Office Supply Company	5,530.73

Bids received not meeting specifications:

Modern Office Supply Co., Inc.	\$ 4,658.35
Kale Lawing Company	5,030.26

CONTRACT AWARDED MILLER'S OFFICE EQUIPMENT COMPANY FOR OFFICE FURNITURE.

Motion was made by Councilman Jordan awarding contract to the low bidder meeting specifications, Miller's Office Equipment Company, in the amount of \$2,461.70 on a unit price basis for 54 chairs. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Miller's Office Equipment Co.	\$ 2,461.70
Modern Office Supply Co.	2,626.06
Fowler's Office Supply Co.	2,888.68

Bids received not meeting specifications:

Pound & Moore Co.	\$ 2,215.12
Kale Lawing Co.	3,059.31

CONTRACT AWARDED MODERN OFFICE SUPPLY COMPANY FOR FILING CABINETS.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder meeting specifications, Modern Office Supply Company in the amount of \$1,504.59 on a unit price basis for 19 filing cabinets.

The following bids were received:

Modern Office Supply Co., Inc.	\$ 1,504.59
Kale Lawing Co.	1,603.97
Miller's Office Equip. Co.	1,656.24
Fowler's Office Supply Co.	1,772.61
Pound & Moore Co.	1,892.32

The bid of Office Supply Company, Inc., in the amount of \$1,473.17, did not meet specifications.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the following property transactions were authorized.

- (a) Acquisition of 121 sq. ft. of property at 307-09 East Sixth Street, from Mrs. C. E. Lambeth (widow), in the amount of \$248.05, for the Sixth Street Widening Project;
- (b) Acquisition of 256.72 sq. ft. of property on South Boulevard next to the SE corner of Hartford Avenue, from Sophia Leventis Trakas, Andy Leventis, and Pota J. Leventis, at \$500.00, for the South Boulevard Intersections;
- (c) Acquisition of right-of-way 10' x 574.88' near Sardis Road between Sharon Amity and Rama Road, from Alben Development Company, at \$1.00 for sanitary sewer easement to serve Stonehaven No. 10;
- (d) Acquisition of approximately 4 acres at 3720 Harlee Avenue, from William W. McGinn and wife, Ruth F., at \$25,000, for Airport Clear Zone.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF J. LYNWOOD KING AND WIFE, LUCY JEAN KING, GIBSON L. SMITH AND WIFE, ELIZABETH B. SMITH, ROBERT F. CAMERON AND WIFE, ELIZABETH CAMERON AND GEORGE W. URWICK (WIDOWER), LOCATED IN BERRYHILL TOWNSHIP FOR THE EXPANSION OF TERMINAL AREA FACILITIES.

Motion was made by Councilman Stegall, and seconded by Councilman Jordan, to adopt the subject resolution, and carried by the following votes:

YEAS: Councilmen Stegall, Jordan, Alexander, Short, Tuttle and Whittington.
NAYS: None.

Councilman Smith abstained from voting.

The resolution is recorded in full in Resolutions Book 6, at Page 15.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF J. LYNWOOD KING AND WIFE, LUCY JEAN KING, GIBSON L. SMITH AND WIFE, ELIZABETH B. SMITH, ROBERT F. CAMERON AND WIFE, ELIZABETH CAMERON, AND GEORGE W. URWICK (WIDOWER), LOCATED IN BERRYHILL TOWNSHIP FOR THE EXPANSION OF TERMINAL AREA FACILITIES.

Councilman Stegall moved adoption of the subject resolution, which was seconded by Councilman Jordan, and carried by the following vote:

YEAS: Councilmen Stegall, Jordan, Alexander, Short, Tuttle and Whittington.
NAYS: None.

Councilman Smith abstained from voting.

The resolution is recorded in full in Resolutions Book 6, at Page 16.

PLANNING COMMISSION STAFF REQUESTED TO MAKE STUDY OF ZONING CLASSIFICATIONS WHERE RACE TRACKS AND THINGS OF THAT NATURE ARE PERMITTED WITH RECOMMENDATIONS TO COUNCIL.

Councilman Jordan stated he would like to know the status of the race track on West Boulevard near the Airport; also he would like for the Planning Board to consider making a special class or conditional zoning so that things of this nature will not occur in the future. That it would be well if the Planning Board would go through these different classifications and pick out such things as race tracks and other businesses that might be objectionable; this would give the Council and Planning Board a chance to decide whether they should be in a particular area. That he would like to suggest that the City Manager and City Attorney ask the Planning Board to look into either a special class where the City might have a chance to do something about these zoning matters when they come up in the future.

Mr. Bobo, Administrative Assistant, advised the Planning Commission has been requested to study this. That he contacted Mr. Gaskey last week and he reported he had six tracts of land suggested to him; that he expects to hear from him very soon on this.

Mayor Brookshire asked if he is aware that the Directors of the Mecklenburg Fair plan to build a race track up there, and they would be interested in talking with Mr. Gaskey about building one track rather than two. Councilman Jordan stated this is what he was thinking of when he mentioned the special classification. Under the present zoning they can put in as many race tracks as they want, and Council can do nothing about it.

REPORT ON LEAGUE OF MUNICIPALITIES MEETING IN RALEIGH.

Councilman Whittington stated he would like to report to Council on the League of Municipalities Meeting held in Raleigh on Thursday, Friday and Saturday of last week.

Panel meetings were held all day on Friday and some of the best discussions he has had an opportunity to be a part of were brought out. Friday morning's panel by the City Attorney from Morganton, Mayor Denton of Winston-Salem, and Mr. David Coltrane, the Community Relations Chairman, and Mr. Leigh Wilson. They mentioned several things this City has been doing for some time in the area of Community Relations. It was suggested that each city have a full time director for human or community relations; creating a better image of the policemen through community service programs; programs to acquaint the public with the police department - Charlotte has had such programs through Motorola, street dances and police department going to the schools and community centers to try and build a different image; Colonel Speed had a personal commendation for Mr. Stegall while he was a Captain in the Charlotte Police Department for his selective enforcement of violators whose licenses had been revoked. Colonel Speed said last year there were some 146,000 people whose licenses were revoked, and pointed out that the police department should get these lists from the highway patrol and check on these people and make sure they were not driving after their license had been revoked.

He stated Mayor Brookshire introduced Mayor Theodore R. McKeldin Thursday night and made some very interesting comments on Thursday morning. That Mr. Veeder was Chairman of the panel on Friday afternoon in which Chief Ingersoll spoke for about 40 minutes on the image of the policeman.

On Saturday morning the League adopted a resolution in memory of the late Herbert H. Baxter.

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RESOLUTION IN MEMORIAM OF HERBERT H. BAXTER.

Councilman Whittington introduced and read the following resolution:

WHEREAS, it is with deep sadness and a feeling of great loss that the City Council takes note of the passing of Herbert H. Baxter on October 26, 1967; and

WHEREAS, Herbert H. Baxter was a dedicated and devoted civic leader having served his community in numerous positions; as a member of the City Council from 1935 to 1939 and again from 1951 to 1959; as Mayor from 1943 to 1949; as Vice-Chairman of the Charlotte Re-development Commission, as a volunteer worker in behalf of the Downtown Master Plan; and as a member of various civic committees charged with the responsibility of determining and meeting the needs of Charlotte and Mecklenburg County; and

WHEREAS, he served Charlotte, his adopted City, long and faithfully with an unusual dedication to public service carrying out his duties and responsibilities in such a manner that his talents were clearly reflected in constructive and lasting achievement in the growth and progress of Charlotte.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that this Council does hereby declare its deepest regret at the passing of Herbert H. Baxter and does convey its sincere sympathy and condolences to his family; and

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

Councilman Whittington moved the adoption of the resolution, which was seconded by Councilman Stegall, and adopted unanimously as the Council and members of the audience stood in a moment of silent tribute to the late Herbert H. Baxter.

TRAFFIC ENGINEER REQUESTED TO CHECK PARKING ON DORCHESTER DRIVE OFF POINDEXTER DRIVE DURING THE CONSTRUCTION OF THE APARTMENT COMPLEX.

Councilman Whittington stated on Dorchester Drive off Poindexter Drive, a construction company is building the Elmhurst Apartments. This is a cul-de-sac street from Poindexter into Sedgefield Junior High School, and the only way the teachers, students and parents can get to the school. The parking of the laborers and trucks bringing in supplies is all along the street. He requested the City Manager to have Mr. Hoose, Traffic Engineer, to go out there and see if something can be worked out about clearing the street while the construction is going on.

RAMA ROAD REQUESTED PLACED ON LIST OF STREETS TO BE RESURFACED.

Councilman Whittington stated he has a request from the people in Stonehaven Subdivision requesting that Rama Road be put on the list of streets to be resurfaced either by the City or the State.

CITY MANAGER AND STAFF TO STUDY FEASIBILITY AND POSSIBLE LOCATIONS FOR HOLDING QUARTERLY MEETINGS IN FOUR QUADRANTS OF CITY DURING BICENTENNIAL YEAR.

Councilman Tuttle stated during the bicentennial beginning January 1st everyone is taking some part and he believes Council should take an active part with some planned program. He stated he would leave the feasibility of the following suggestion to the City Manager and his staff to work out - he is suggesting that Council take city government to the people during 1968 to the extent that quarterly meetings are held in the four quadrants of the city - north, south, east and west - and that the meetings be highly publicized and held at night. That every effort be made to get the people there. That it has been suggested that the meetings be made as public as possible, and that the times be carefully planned; that in the period of time the audience is given a chance to speak that the line be held to a certain hour and promise they will be out at a certain time. Beyond this perhaps during the year at least on a monthly basis that particular delegations such as the Parents League, PTA representatives and delegations from all over the city be invited to attend Council meetings; that government be sold to the people during 1968 as part of the Bicentennial and that government be taken to the people in a dramatic way for these four meetings.

Councilman Tuttle stated in view of the fact this might require some planning he moved that Mr. Veeder and his staff study the feasibility and possible locations for such meetings. The motion was seconded by Councilman Whittington, and carried unanimously.

REQUEST THAT EMPLOYMENT BE FOUND FOR HANDICAPPED PEOPLE WITHIN THEIR LIMITATIONS.

Councilman Tuttle stated he would like to comment on the remarks made by Mayor Brookshire in Raleigh last week. That he believes it was an off-hand remark but it was well said. He said "All work is honorable. One of the problems in unemployment is to persuade the unemployed to take advantage of job opportunities". This statement is very timely and he concurs one hundred per cent. Several months ago while in Montreal on the way in from the airport, they saw what seemed to be men too elderly for heavy work, and in one instance a man limping, with sacks over their back picking up trash, paper and such from along the thoroughfare. That he would guess these were people who would otherwise be on relief, working and accepting what responsibility their limitations would allow. That he believes we would do well in this State and County to explore our needs in relations to the capabilities of some of the less fortunate and try and place them in task within their limits to try to restore their self respect which he believes most of them would prefer. He asked if it would not be cheaper to pay some of these handicapped people than to hand out a dole to them. While this Council is not responsible for welfare work he would hope that someone would hear this plea.

REPORT ON OUTER BELT ROAD.

Councilman Tuttle asked for a report on the outer belt road? The City Manager replied the Federal, State and Local technical coordinating committee meets periodically on developing the basic data.

REPORT ON DOWNTOWN STREET PROJECTS TO BE GIVEN AT NEXT COUNCIL MEETING.

Councilman Whittington stated the City is working on the two blocks of Sixth Street and one block of Fifth Street. When this started back in April, Council said as a block was acquired bids would be let. That because of the Christmas rush perhaps you would want to wait on Fifth and Sixth Streets, but why wait on Pine and South Poplar Streets to tie in? That he knows of no negotiations the City has had on these; they are streets that can be worked on at any time; and it was Council's intent to move posthaste as a block came available to let the contract.

Mr. Veeder advised the report will be scheduled for next Monday.

REQUEST THAT BURTON STREET BETWEEN SEABOARD STREET AND OAKLAWN AVENUE BE DECLARED A SCHOOL ZONE POSTPONED UNTIL COUNCIL MEMBERS CAN GO OUT AND SEE THE SITUATION.

Councilman Alexander moved that the speed limit on Burton Street, between Seaboard Street and Oaklawn Avenue, be set at 25MPH during the school hours. The motion was seconded by Councilman Short.

Mayor Brookshire stated during school hours there is an area on the street where the speed is set for 25MPH as in other sections of the city. The City Manager stated in effect this would make a school zone out of Burton Street.

Councilman Alexander reworded his motion to read that Burton Street between Seaboard Street and Oaklawn Avenue be declared a school zone. He stated he wants the motion to cover that period when children are going back and forth to school.

Councilman Stegall stated he agrees to a point about the speed limit; however he does not think placing a sign will solve the problem; Burton Street is nothing more than a good wide alleyway with 16 feet of pavement and banks and walls which make it very difficult for children to walk. To put a speed limit sign there is one thing, to enforce it another. That he thinks it would be more in keeping to look at the street and the possibility of a widening program where sidewalks can be built.

Councilman Tuttle stated on Providence Road there is a 25 MPH speed limit for a school zone at St. Gabriel School; that he turns into Providence at Trinity and the cars come around the curve at 50 MPH and by the time they see the school sign and slow down they are doing 40; they will not pay any attention to the signs; you can slow some people down but you will not slow all of them down.

Councilman Alexander stated you may never be able to enforce the speed but he knows that some drivers will see the 25 MPH limit if enough are put up and down the street. That he would be interested in asking the Police Department to patrol it sometime and see that it is enforced. If you go through there often enough, around the curves where you do not see a child and then you jump into a bunch of them, you can understand what the people who live out there think about when they ask that it be done.

Mr. Hoose, Traffic Engineer, stated the street is too long. When you put in a 25 MPH speed limit, you have to enforce the pedestrian ordinance also.

Councilman Smith stated he would like to look at this and he made a substitute motion that the matter be postponed. The motion was seconded by Councilman Stegall, and carried unanimously.

REPORT ON ELIMINATION OF PARKING ON ONE SIDE OF STREETS IN FAIRVIEW HOMES AREA AND COUNCIL MEMBERS TO VIEW OAKLAWN AVENUE WITH VIEW OF ELIMINATION OF PARKING ON SOUTH SIDE BETWEEN STATESVILLE AVENUE ALL THE WAY TO THE CREEK.

Councilman Alexander stated he has met with three groups of citizens representing people who live in the Fairview Homes vicinity. When Fairview Homes were built, no one envisioned the traffic problem that is there today. The streets are just about the size of alleys; Wyatt, Edwin, Earle and Lloyd Streets begin from Oaklawn Avenue going north into the development. Coming out of these streets into Oaklawn Avenue, you cannot see traffic in either direction because of the cars parked up to the corner. Earle Street is the only street where there are signs saying "No parking, from here to the corner", so you get some sight there. He asked that the Traffic Engineer look at the other streets - Wyatt, Edwin and Lloyd - and see if anything can be done to make it possible to see to the right and to the left coming into Oaklawn Avenue without having to come into Oaklawn Avenue to do it.

Councilman Alexander asked the Traffic Engineer to investigate whether or not a one-way street system could be put on these streets into Fairview Homes. They have problems with cars trying to move in the streets all day long.

Mr. Hoose, Traffic Engineer, replied they have the surveys on parking on all the streets mentioned; work orders have been issued to take the parking off one side of all the streets - Earle, Lloyd, Edwin and Wyatt. That they did have corner restrictions signs but they were torn down and they will be replaced. They are taking the parking off, but it is impossible to set up as a one-way street system because Earle and Lloyd do not go back any distance.

Mr. Hoose stated they tried to take the parking off one side of Oaklawn Avenue to increase the visibility but the signs had to be taken down because the merchants hollered so loud. Councilman Alexander stated on one side of Oaklawn Avenue, some parking will have to be taken off if you want free movement and less accidents. Mr. Hoose stated there should be ample parking on the north side with the strip in there. Councilman Alexander stated even with parking on the north side and cars parked on the south side, Oaklawn Avenue becomes an alley with two lanes of traffic going at breakneck speed.

Councilman Alexander moved that parking be removed on the south side of Oaklawn Avenue, from Statesville Avenue all the way to the creek. The motion was seconded by Councilman Stegall.

Mr. Veeder stated he is in agreement with this but he thinks the merchants would have a problem because there is no curb and gutter section along that side and there has been angle parking permitted, and to eliminate the parking will make things very difficult for the merchants as there is no other way for their customers to get in there. He suggested when Council is looking at Burton Street they drive on around and look at Oaklawn Avenue.

Councilman Whittington made a substitute motion to delay any decision on Oaklawn Avenue. The motion was seconded by Councilman Tuttle, and carried unanimously.

NEWS ROOM IN BASEMENT REQUESTED PAINTED.

Councilman Stegall asked, in the interest of beautifying City Hall, if the walls in the news room can be painted, and if possible, he would like to see some of the antiquated furniture that the City is throwing away put in there for them to sit on.

Mr. Veeder, City Manager, advised that all the furniture in the room belongs to the News; the City just rents them space. If they will remove all the distractions from the walls, he will be happy to have them painted.

RESOLUTION APPROVING SUPPLEMENTAL MUNICIPAL AGREEMENT - NORTHWEST EXPRESSWAY - PROJECT NO. 8.1654801.

Councilman Whittington moved adoption of the subject resolution, which was seconded by Councilman Jordan.

The City Attorney advised the agreement relates to two culverts in the Northwest Expressway; it provides that the City will effect the changing, adjusting or relocating of utility lines, and will be reimbursed in accordance with the State policy.

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

The resolution is recorded in Resolutions Book 6, beginning at Page 17.

COPIES OF FINANCE OFFICERS REPORT PRESENTED TO COUNCIL MEMBERS.

Mr. Veeder, City Manager, stated Mr. Fennell, Finance Director, has prepared a report for the Finance Officers Association on the City's cash management program and he has copies of the report for members of Council.

MAYOR AND COUNCIL INVITED TO MEETING WITH ABC BOARD ON MONDAY, NOVEMBER 27.

The City Manager stated the ABC Board invites Mayor Brookshire and members of Council to a meeting on Monday, November 27, at 7:30 P.M. at the ABC Board Offices.

CITY MANAGER TO ARRANGE JOINT MEETING BETWEEN BOARD OF COUNTY COMMISSIONERS AND CITY COUNCIL.


Mr. Veeder, City Manager, stated he has tried to get a date set that suits the County for a meeting to discuss flood control program and they have not been in a position to give a date. As an alternative, he suggests that Council pick a date and see if the County can meet it.

Mayor Brookshire asked if we should not wait until we see what results they get from their inquiries on the free right-of-way. Councilman Whittington stated he would like to go ahead and set a date now; there was a meeting last week between the Corps of Engineers and people in the south end of the county and the City of Pineville to widen the drainage basin of the creek all the way to the Catawba River in South Carolina.

Mr. Veeder stated he would continue trying to set up the joint meeting.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk