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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, August 26, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Gibson L. Smith.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, Commissioners Albea, Sibley, Tate, Turner and Wilmer.

ABSENT: Commissioners Ashcraft, Gamble, Godley and Stone.

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#### INVOCATION.

The invocation was given by Councilman Milton Short.

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on August 12, were approved as submitted.

PETITION NO. 68-64 BY JEFFERSON-CAROLINA CORPORATION FOR A CHANGE IN ZONING FROM R-15 TO O-6 OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF SHARON AMITY ROAD AND SEABOARD AIRLINE RAILROAD, DENIED.

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

Mr. Ross Smith, Attorney for the petitioner, stated due to a recent business decision which was made subsequent to the filing of the petition, his client does not wish to press this petition at this time; that Jefferson-Carolina Corporation has deferred plans to erect a building on this site which would call for a change in the zoning. That they would have withdrawn the petition except the ordinance does not allow it at this time.

At the request of Mayor Brookshire, the Planning Commission conferred and Chairman Toy advised Council that the Planning Commission recommends the petition be denied.

Councilman Whittington moved the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle.

Mr. Fred Bryant, Assistant Planning Director, stated in his conversation with the petitioner, he understands that action would be taken and he will be faced with a two year waiting period.

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

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HEARING ON PETITION NO. 68-58 BY SOLOMON SHAPIRO AND SANFORD ROSENTHAL FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF THREE LOTS 60' x 144' EACH AT 2601, 2605 AND 2609 EAST INDEPENDENCE BOULEVARD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject petition involves three lots in the block between Briar Creek Road and Waterman Street which have single family residences on them. On the in-town side it is bordered by a converted residence which is being used for a beauty shop and adjoining that is the Pancake House Restaurant. Directly behind the subject lots, the property is used entirely for single family purposes. On the out-of-town side, the property immediately adjoins two residences, a small motel, a new Toddle House and then several motels on out Independence. The subject property is in the same block as the Merchandise Mart directly across the street. The property is zoned B-1; from Waterman outward it is zoned B-2; office zoning is located from Briar Creek Road towards town. Along Shenandoah Avenue, it is zoned single family.

Mr. Sol Levine, Attorney for the Petitioner, advised they wish to build a drive-in type restaurant which would require a B-2 zoning. That the three houses are not conducive for any type of business and this request is a natural change.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-59 BY CHARLES W. MCCLURE FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A PARCEL OF LAND 100' X 145' AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND B AVENUE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the property is located on the east side of Beatties Ford Road north of I-85; that it consists of four 25-foot lots making a total of 100 foot frontage along Beatties Ford Road and is primarily vacant. Mr. Bryant stated there is a scattering of single family residential structures along the east side of Beatties Ford Road and continuing to the rear of the property. There is a church one block removed to the east of Beatties Ford Road. Along Beatties Ford Road there is a service station just under construction at Hoskins Road and Beatties Ford Road; there is a new Lutheran church constructed on Beatties Ford Road and existing business usages at the corner. That Piedmont Natural Gas Company pressure station is located at Hoskins Road and Beatties Ford Road. Otherwise the area contains a great deal of vacant property. In the block north of the subject property is a new apartment project.

The subject property as well as property for several blocks on the east side of Beatties Ford Road is zoned O-6; across on the west side it is zoned B-1 from Hoskins Road continuing northward; to the south of the block in which the subject property is located there is B-1 zoning continuing down to the intersection of I-85; to the rear of the frontage it is zoned R-9 and a small area of multi-family.

Mr. Joseph L. Barrier, representing the petitioner, stated Beatties Ford Road is already spot zoned, and the more realistic zoning for the subject area is B-1 as it will conform closer to the uses of the property along Beatties Ford Road and because of the expansion of Johnson C. Smith

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University and the building of I-77 and the expansion of the residential areas in this general vicinity and the existing businesses. He stated the petitioner wants to build a small neighborhood grocery store; that the petitioner now operates a similar type store closer to Johnson C. Smith University on Beatties Ford Road at present. Just across the street from the subject property is the pressure station of Piedmont Natural Gas; approximately a block and half north of the property on the other side of the street is an apartment unit under construction.

Mr. Barrier stated the area is expanding and additional people are moving into the neighborhood. That his client and petitioner is a Negro businessman in the City of Charlotte and has operated a prosperous business serving his community and neighborhood and he seeks an opportunity to expand this business into this area.

No one spoke in opposition to the requested rezoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-60 BY WILLIS E. HOPPER FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT 100' X 180' AT 2131 EASTWAY DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on the east side of Eastway Drive adjacent to vacant property to the north which in turn leads up to the intersection of Kilborne where there is a Little General Store, a service station and a new dry cleaning facility facing on Kilborne Drive. The subject property is occupied by a single family residential structure and single family houses to the south as well as across Eastway Drive from it.

Mr. Bryant stated there is B-1 zoning from Kilborne Drive down to the subject property; there is office zoning across Eastway Drive from the business zoning and from the business zoning south there is R-6MF on both sides of Eastway Drive.

Mr. Charles Henderson, Attorney for the petitioner, stated there is an embankment between the property that Mr. Hopper resides in and the property that is zoned for business. He stated originally a shopping center had been planned for the corner a short distance from Mr. Hopper; when the original zoning went in, the business zoning was cut off so there was a buffer strip between Mr. Hopper and the existing business. That the owner of the corner property came in and suggested because the zoning split his property that the buffer should be done away with and he should have all his property in one classification; so what was intended as a buffer strip was done away with and now the entire corner property coming directly up against Mr. Hopper's property is zoned B-1. It is used to a considerable hour in the night by a convenience store. There is a buffer of O-6 on one side of the business area; there is a buffer of O-6 across the street from the business area and Mr. Hopper is next to the business area on the other side.

Mr. Henderson stated in the immediate vicinity there are two large apartment projects underway - the Fountain Square Project and the Dutch Village Project. That the traffic is tremendous; it is not really residential property. That Mr. Hopper discussed the matter with his neighbor on the side beyond and his neighbor indicated that it would protect both of them and seemed to be in agreement.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-61 BY ED GRIFFIN DEVELOPMENT COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 34.26 ACRE TRACT OF LAND ON THE NORTH SIDE OF IDLEWILD ROAD BEGINNING 1,037 FEET EAST OF INDEPENDENCE BOULEVARD CENTERLINE AND EXTENDING EASTWARD ALONG IDLEWILD ROAD 1,058 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is a fairly large tract of land located on the north side of Idlewild Road, east of Independence Boulevard. The property is vacant as is the property immediately adjacent to it on all sides. The property along Independence at the intersection has on it an electrical contractor's facility and service stations on the other corners. The area to the north is a part of the Idlewild Subdivision area that has been developed with single family homes. That a single family residential subdivision is in the process of being developed on the adjoining property which is owned by the petitioner to the east and to the north.

Mr. Bryant stated the property along Independence Boulevard is zoned B-2 on both sides near the subject property for a depth of 400 feet and the remaining portion including the subject property is zoned R-9.

Mr. Joe Griffin, Attorney representing the petitioner, stated there are no large apartment projects in the vicinity and the property on two sides of the subject property are under the control of the developer. On the north of the property is a planned buffer zone of some 360 feet and to the west is planned a single family development. On the south side is the buffer of Idlewild Road itself, and there is vacant property across Idlewild Road. Back towards Independence Boulevard is a large trucking company between the subject property and the intersection, and there is only some 300 or 400 feet between the subject property and the trucking company itself.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-62 BY MARSH REALTY COMPANY TO GRANT CONDITIONAL APPROVAL FOR OFF-STREET PARKING FOR OFFICE PURPOSES ON A TRACT OF LAND 100' X 150' NOW ZONED R-6MF BEGINNING 200 FEET EAST OF THE OLD RIGHT OF WAY FOR EASTWAY DRIVE AND ABOUT 830 FEET NORTH OF BISCAIYNE DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is a request to grant conditional approval to provide office parking space in an area that is presently zoned for residential purposes. The property is located to the east of Eastway Drive, south of Medford Drive and removed from Eastway Drive by a depth of 200 feet. The property is vacant; all the property to the east, south and west is also vacant; the only occupied adjacent property is facing on Medford Drive and Belrose Drive to the north of the property which is completely built up with single family structures. On the west side of Eastway Drive is the Eastway Shopping Center.

He stated the subject property is zoned R-6MF as is all the property between Eastway Junior High School property and the office zoning in existence along Eastway Drive. The office zoning extends back a depth

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of 195 feet from Eastway Drive right of way. That he understands the petitioner anticipates building an office structure on the office zoned portion and then extending the parking into the portion he is requesting for conditional approval.

Mr. Bryant stated all the property on the west side of Eastway Drive is zoned B-2 and is occupied by the shopping center; except for the office zoning along Eastway and the business zoning along Eastway, the entire area is zoned for residential purposes.

Mr. Lewis Parham, Attorney for the petitioner, stated the property has been sold and plans are underway to erect an office building containing approximately 6,000 square feet for an Insurance Company; the property as presently zoned is 195 feet from Eastway Drive as office usages and this depth would not permit uncrowded parking in connection with the requirements. He stated the area is very heavily wooded and they have discussed their plans with the adjoining property owners, and they have no objections to granting the parking there. If the parking lot is constructed, because of the woods it would not be visible to any property owner in the single family zoned area. They feel the parking lot is more consistent with the single family adjoining residences than would be the R-6MF zoning - that it would be less objectionable. There will be no parking at night.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-63 BY DELTA REALTY CORPORATION AND AMERICAN LEGION POST 400 FOR A CHANGE IN ZONING FROM R-12 TO B-2 OF A TRACT OF LAND 2,193' X 430' ON THE EAST SIDE OF DELTA ROAD BETWEEN ALBEMARLE ROAD AND HICKORY GROVE ROAD.

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

The Assistant Planning Director stated the property is on the east side of Delta Road and is a long strip of land 430 feet in depth back from the centerline of the road extending for almost 2,200 feet along Delta Road. A portion of the property is occupied by the Charlotte Aircraft Company which deals in aircraft parts; there is a landing facility available, part of which is on leased land and in addition there is a large stock pile of aircraft parts in the area. Mr. Bryant stated the American Legion building is also on Delta Road. Other than that a good portion of the property is vacant. Across Delta Road from the subject property are several scattered single family residential structures; to the south is a mixture of vacant and some single family usage; the development along Delta Road is of a scattered variety. To the north is the property of the Hickory Grove Baptist Church at the corner of Delta Road and Hickory Grove Road; the only other use of significance is an area south of the property on the west side of Delta Road that is used for some type of heavy equipment storage purposes. Other than that there is a great deal of vacant property through the area, to the east of the property utilized by Charlotte Aircraft Company is a residential single family subdivision.

The zoning in the immediate area is R-12; there is multi-family on the southern edge leading down to Albemarle Road, and there is some business zoning at the intersection of Albemarle and Delta Road.

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Mr. Porter Byrum, Attorney representing Delta Realty Corporation and Charlotte Aircraft Corporation, stated Delta Realty Corporation is owned 100% by Mr. Harold J. Caldwell and his wife, Charlotte Aircraft Corporation was founded by Mr. Caldwell and at the present time he owns 78% of it. Mr. Byrum reviewed the history of Charlotte Aircraft Corporation and stated Mr. Caldwell purchased the property in 1953 - this was a 72½ acre tract of land. He bought it as business property and paid for it based on the value of business property. Between 1953 and 1962, the time of the initial zoning, Mr. Caldwell constructed some 19 permanent buildings - 10 shed-type buildings and a pressure fire ground furnace that cost somewhere in the vicinity of \$25,000.00. His gross area under roof was approximately 100,000 square feet at the time perimeter zoning came into being on this property. An appraisal was made immediately before the zoning and the buildings were valued at \$222,000.00. He stated the families employed have grown from 70 to some 240 families; it has not been a small business. He stated not one building has been built since the perimeter zoning came into effect zoning the property R-12. That the first Mr. Caldwell knew that anything had been done was when he applied for a permit to build an office building and found he could not build a commercial type building.

Mr. Byrum stated they contend it is a breach of faith with the commercial type enterprise to wait almost 20 years after a man has built his business on a location and then zone him out of business. They appreciate the fact that there are homes surrounding this business and that it is not a pretty picture as such; this is the type of business that hires people and the type that Charlotte needs. Today if they had been free to do what they could there would have been a line of executive offices along Delta Drive; but there were not free so they decided to leave things status quo and go to Douglas Municipal Airport and build a nice facility; they bought a 94 acre tract of land on Warren Road and they took an option and paid \$300 or \$400 a month for an additional 50 acre tract; they hired an architect to design the facility and then the City said they could not build as it is needed to expand Douglas Municipal Airport. They then decided to go back to Delta Airbase and try to build their office facilities along the perimeter of Delta Drive.

Mr. Byrum stated they would like to take the minimum with which they can get along and have it rezoned, maintain their storage facilities where they are and continue to operate.

He stated for 28 years this has been used for an airport, an industrial type operation; millions of dollars have been poured out and then it was zoned residential. That the city must protect its residential areas but it also must protect its commercial areas; that people cannot build homes unless there are jobs. That they were there first; that people have built their homes in sight of their operations.

Mr. Byrum asked that consideration be given to the fact that this business has been out there for 14 years and the property has been used for commercial use for 28 years, and they feel they are entitled to a zoning so they can build on Delta Road.

Councilman Short asked why they need B-2 zoning for what has been described as executive offices? Mr. Byrum stated they need the executive offices and they have a commercial type operation where they sell to the public. Mr. Fred Bryant stated B-1 zoning would permit the retail sales and B-2 would cover wholesale operations.

Mr. Herman Brown stated he is representing the employees of the Charlotte Aircraft; that they wonder what will happen to their families if this zoning is not allowed and the company is blocked in every endeavor to continue its business. Everyone here recognizes the importance that aviation will play in their future; it has become a dominant public utility; it is a powerful tool. That the employees ask that the request for rezoning be allowed so they can continue their successful business at Delta Airbase.

Mr. J. E. Long, 5808 Delta Road, presented a petition containing 50 names, 32 of which are property owners on Delta Road, all opposed to the rezoning from residential to business. He stated Delta Road is a little over one mile long and the request is in the center, and takes in a little over 1/3 of Delta Road. He stated he is sitting on the edge of the area requested rezoned; that he built his home in 1960 and put everything he has into it; that he is concerned if this rezoning is allowed, why not give him the right and rezone it all because sooner or later they will have to move. He asked that he be given a fair chance so he can make arrangements to sell his property and rebuild somewhere else.

Mr. James L. Irby stated he bought a home in Lake Forest, a subdivision which is adjacent to the Aircraft Company. When he purchased the land the zoning was R-12 and he was familiar with the fact there was an airport there. That they were told that this company was attempting to move their facilities out to Douglas Airport and would not be there. He stated they have invested their money in their homes and there are fine homes running from \$25,000 to \$40,000.

Mr. Irby filed a petition in protest signed by 74 residents in Lake Forest Subdivision. He stated he understands that Rollinghills Road will be extended and there will be homes built in there and he cannot understand how airplanes will be able to land over the top of these homes.

Mr. Bryant stated the primary considerations in not making this a conforming use when this was zoned in 1962 was because of the heavy amount of landings and take-offs which would have required a heavy industrial zoning; and it was not the opinion of the Planning Commission at that time that it would be an appropriate situation to introduce I-2 zoning. This decision was made over six years ago and since that time this has been considered a non-conforming situation. Basically, the original decision was relating it to an overall planned development in which the I-2 zoning would not fit.

Mr. Long asked if the zoning is allowed will they be allowed to land airplanes? Mr. Bryant replied the change to B-2 would have no effect on the actual landing and take off operations that have been carried on as this has been established as a non-conforming use; this portion would continue to be non-conforming.

Mr. Byrum stated Charlotte Aircraft has never had any idea since 1954 of moving away from this location; when he said moving the facility he is talking about establishing executive offices at one place and maintaining the storage at another location; they have too big of an investment and cannot take a bulldozer and wreck it; they can operate under the grandfather clause and this is what is going to happen.

Councilman Short asked if the landing strip is dangerously small? Mr. Byrum replied he does not think so; that the landing strip is not essential to their operations; they use it because it is convenient and people who come to see them can fly in; they have flown in aircraft and dismantled them there. If this were cut off then they would go back to the only use they had for many years of refurbishing parts, overhauling

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them and their sales operations.

Also speaking in opposition were Mrs. Jan Dombrowski and Mrs. W. A. Cook.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-65 BY WILLIE B. EDWARDS, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF THE ENTIRE BLOCK ON THE SOUTHEAST SIDE OF THE PLAZA BETWEEN SUGAR CREEK AND SWEETBRIAR STREET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the property consists of the entire block on one side of The Plaza extending from Sugar Creek Road to Jensen Street - about 900 feet in length. The property is entirely utilized by single family residential structures throughout not only the petitioned portion but the rear portion facing on McMillan Street. Across The Plaza from the subject property it is used predominately for single family purposes with a few vacant lots in the area. The headquarters of the State Highway Commission for Mecklenburg County is located on the portion of the property on the out of town side of Sugar Creek Road. There is industrial uses along Sugar Creek Road and across the railroad towards North Tryon Street.

The subject property, as is all the property along The Plaza, from Sugar Creek Road back for several blocks, is zoned R-6MF; there is I-2 zoning along the railroad to the rear of The Plaza frontage and across the railroad. The area occupied by the State Highway Commission office and the property on the out of town side at Sugar Creek Road is zoned I-1. Property to the rear of the subject property not fronting on The Plaza is zoned R-6.

Mr. Tom Mullens, Attorney, stated he represents approximately 24 property owners - husband and wife - who are occupants of the dwellings along The Plaza. He stated two corners are zoned I-1 and a third is I-2. That the triangle has been cut off and there is a large overpass over the Norfolk-Southern Railway, and a warehouse and terminal has been recently constructed on Sugar Creek Road which is less than a quarter of a mile from the subject property. This property is now located in a traffic net in the middle of two shopping centers - Tryon Mall and the Eastway Shopping Center - and receives the blunt of the traffic. That what was once a quiet and peaceful residential neighborhood set up 20 years ago as Plaza Forest Subdivision is now a business and commercial area. That the houses are in the \$8,000 bracket and on the tax books at about \$3,500.00. They are now living in an area where once a man could sleep and it now has become uninhabitable mostly because of the tremendous growth in traffic. He presented statistics of the traffic compiled by the State Highway and the City.

Mr. Mullens introduced each of the petitioners.

Mr. T. W. Taylor, Sr., resident of the area for 17 years, spoke in support of the petition stating 10 feet has been taken from the front of his yard twice, and he now has only 30 feet from house to the curb, and he cannot get in and out of his driveway.

Councilman Short stated he is sure there have been at least three other petitions from this area and this would make about 17 lots, and he thinks the Planning Commission might want to confer as to whether some



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comprehensive planning is needed between Anderson Street and Sugar Creek; the realities may not be in accord with the zoning.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

**RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF MITCHELL L. HUGGINS FOR TRANSFER OF A CERTIFICATE HELD BY WILLIAM FRANK KING.**

The public hearing was held on the petition of Mitchell L. Huggins requesting the transfer of a Certificate of Necessity from William Frank King for the operation of a taxicab in the City of Charlotte.

Mr. William Robinson, Attorney with Strickland and Robinson, stated this is not a new taxicab; it is simply a taxicab being transferred from William Frank King to Mitchell Huggins so that Mr. Huggins can own and operate his own business and work with Victory Cab Company. It is a moving cab and has been operated under Victory Cab Company and will be operated by Mr. Huggins if it is approved.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 6, at Page 188.

**PETITION FOR STREET IMPROVEMENTS ON DRUID CIRCLE, FROM MORETZ AVENUE TO STATESVILLE AVENUE, DEFERRED.**

The scheduled hearing was held on the petition for street improvements on Druid Circle, from Moretz Avenue to Statesville Avenue, to determine if the improvements should be made by constructing roll type curb and gutter and installing storm drainage facilities for a total distance of 3,475 front feet with the total project cost estimated at \$35,886.00 of which the city's share is estimated at \$22,957.00, and the cost to be assessed against the owners of property abutting upon the improvements estimated at \$12,929.00, at an estimated \$3.85 per front foot.

Mr. R. P. Boulding stated he is the owner of a house and lot on Druid Circle. That on Druid Circle are two storm drains, one is in front of his property and one directly across the street; it catches water from Statesville Avenue and water from Moreta Avenue and several other streets. That the drainage chamber fills up and overflows onto his lot; when it rains it backs up 75 to 100 feet on his lot. Mr. Boulding stated he was not available when the petition was circulated but he is in favor of it. He asked if the installation of the storm drainage facilities will mean that it will take this water off or will it continue to flow on his lot? Mr. L. C. Cheek, City Engineer, replied at least a portion of the water will be taken off at each end, but some of the water will still have to follow the natural course which crosses the street and continues across private property; that it will be an improvement to get the water off the street and away from the frontage of the property and this will provide an adequate size pipe throughout the public right-of-way for the transportation of the water.

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Mr. Frank Wilkins stated he has two lists of names of people who are against this petition; there are 22 names on the list; that he was not approached about the petition, and there are three people in the back of the room who were not approached; that he has lived on Druid Circle for 17 years and has not had any water problems.

Mr. Henry Alexander, 929 Druid Circle, stated the people who signed the petition did not know they would have to pay for the improvements; that he has 21 names against the petition. They would not have signed the petition if they had known they would have to pay. That he did not sign the petition for the assessment.

Mr. S. L. Wright, 1025 Druid Circle, stated he really believes that some did not know they would have to pay and he is one of them, and several others did not know they would have to pay for the improvements. That he did not sign the petition for the improvements.

Mr. Gary Ballard stated he started the petition. That he explained to everyone who signed the petition the cost and gave them the information he had from the Engineering Department.

Mrs. John Lyles stated in the beginning she signed the petition, and she was given an estimate of what it would cost, but now it is more than the estimate; that she was given an estimate of around \$140.00 but now it is three something a foot.

Councilman Short asked if we would have 51% if Mrs. Lyles property is not included, and Mr. Veeder, City Manager, replied we would.

Councilman Alexander asked if anyone who signed the petition has a right to withdraw their name from the petition? Mr. Underhill, Acting City Attorney, replied they have the right to withdraw their name until the time Council authorizes the resolution ordering the improvements to be made.

Councilman Whittington stated there seems to be a misunderstanding by a portion of the people who live on the street, and moved that any decision be delayed until such time as the Engineering Department and the people on the street can bring a point of clarity back to Council. The motion was seconded by Councilman Stegall, and carried unanimously.

COUNCIL MEETING RECESSED AND RECONVENED.

The Mayor called a ten minute recess at 4:30 o'clock p.m., and reconvened the meeting at 4:40 o'clock p.m.

DOUGHBOY STATUTE REQUESTED PLACED ON THE LAWN OF CITY HALL.

Mr. Walter J. Black stated he represents the Mecklenburg County Council of the American Legion which council is composed of 16 American Legion Posts and coordinate organizations throughout the city and county.

He stated they understand the World War I American Doughboy statute will have to be moved from its present location at North Kings Drive and Park Drive in the near future due to new street construction. That the statute was originally erected through the efforts of the late Mr. Clarence Kuester, Sr., members of the Chamber of Commerce, and Hornet's Nest Post of American Legion in the early '20s.

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Mr. Black stated that all the interested parties agree the statute should be placed in a prominent place where it will be seen by the most people and free from possible vandalism. That several locations have been mentioned with a varying degree of interest. That his committee requests that Council consider placing the statute in the center of the front lawn of the City Hall Building.

Mr. M. J. Cook, representing the Department of North Carolina World War I Veterans, Inc., stated they have heard the suggestion that the statute be placed in a cemetery but these veterans are not ready to be buried, they are still marching forward. That his organization requests that the Doughboy be placed in front of the City Hall or some appropriate place.

Mr. E. E. White, Commander of American Legion Post 466, stated he concurs with the suggestion that the Doughboy be placed at City Hall or at the new plaza that is to be built in the future so that it can be properly seen.

#### DOG LEASH LAW REQUESTED REPEALED BY CITIZENS.

Dr. Dan Mabel stated he is present representing the people who are opposed to the dog leash law. That he has petitions that represent all voters; none of the signatures are from anyone less than 21 years of age. Some are write-in votes; there were call-in votes and people who came to his office. That the signatures total approximately 4,500 with another 1,000 being called in on the phone today that have not been received in the mail. He stated he was under the impression that the city was going to have a referendum on this law; and he believes the people of Charlotte thought there would be a referendum and that is why he is here today. That people in the main are not in favor of the law. That he started the petitions because of the number of calls he received and the petitions started coming in. He stated he cannot see tying up an animal making it suffer the consequences of something that we are making for him. This animal has been with our families for years and has never been on a chain and all of a sudden it is confined. This is cruel and unreal for the animals. He stated a lot of dogs have been lost who have been maimed or injured, suffered heat strokes, and just dying from being left alone.

Dr. Mabel stated he is asking that consideration be given to temporarily repealing the leash law until the people can have a referendum.

Councilman Alexander asked if some of the signatures on the petition were called in on the telephone, and Dr. Mabel replied they were called in by people, some of whom were in wheel chairs who could not get out to his office; that 12 of the votes are in favor of the leash law.

Mr. Underhill, Acting City Attorney, advised that referendums are not provided for in the Plan D type of government Charlotte has; all legislative powers are vested solely in the City Council, and any referendum held on the question would be only a straw vote and would not be binding.

Dr. Mabel stated the first article in the newspapers stated there would be a referendum; whether this was an error, he does not know; that he may be using the wrong word. He stated the people should be given a chance to show Council they do not want the leash law and he hopes Council will correct this situation.

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Mr. Richard Bettiger, past president of the SPCA and a member of the Board, stated his organization is against the leash law; that he came before Council at its hearing and re-iterated this; they feel this is cruelty to animals and we are punishing the animals when they are not at fault - it is the owner that needs to be punished. Since the law has been in effect, there have been a considerable number of dogs picked up and destroyed and the SPCA objects to this.

Mr. Bettiger stated his organization feels the law is unjust and they would like to see it repealed or some restrictions placed in it where it would not be so severe on the animals.

Mr. Veeder, City Manager, stated the leash law has only been in effect 26 days and as a comparison he has figures for August 1967 and the first 25 days of August, 1968. During August 1967, there were 71 cases of dog bites reported; during the first 25 days of August, 1968, there were 19 cases of dog bites. August 1967, there were 21 reports of dog attacks and August 1968, only three reports were made. Barking Complaints during August 1967 were 32; during the first 25 days of August, 1968, there were 20 complaints. There were 52 injured dogs picked up from the street in August 1967; there were 15 injured dogs taken off the street during first 25 days of August 1968. That the Motor Transport Department reports the number of dead dogs picked up on the street during August of this year is about 2/3 less than the number picked up during August 1967.

Also speaking for the repeal of the leash law were Mrs. Dan Mabel, Mrs. Howie of Sharon Road, Mr. Izzie Pittle, Mr. H. B. Hudson, Mr. W. K. Wilson, Mr. H. W. Byrd and Miss Lexie Turner.

#### RESIDENTS OF LOUISE AVENUE REQUEST REMOVAL OF TRUCK ROUTE FROM LOUISE AVENUE.

Mrs. Annie Steele, 616 Louise Avenue, stated she and others accompanying her today are present to request Council to please take the bus route and truck route off their two block section of Louise Avenue. The trucks from Highway 74 come up Central Avenue, stop and turn on Louise Avenue; the trucks from Independence Boulevard come up Louise Avenue, stop and turn, and this two block section of Louise from Central over to Independence Boulevard is a continual truck changing gear street - everyday and night, every hour of the day and night these trucks make this turn, stop and change gears and the houses shake and it is a terrible situation.

Mr. T. F. Newton, 635 Louise Avenue, stated back in 1952 a truck route was established down Hawthorne Lane to carry the trucks down Hawthorne Lane, down Central, Tenth Street, up Eleventh Street to North Tryon Street. That he understands a lot of pressure was put on the Traffic Engineering Department and the truck route was put on Louise Avenue. He stated Hawthorne Lane is a 42 foot street and Louise Avenue is a 36 foot street. The situation became so intolerable that he got up a petition and presented it to Council in July 1952; Council was to take it into consideration and after 16 years he has not heard anything from it. Mr. Newton stated in 1963 his property was reappraised and the tax rate was increased several hundred dollars; that he complained because of the truck route and they reappraised his property and took off several hundred dollars.

Councilman Whittington asked if Council has the authority to instruct the Traffic Engineer to remove the trucks from Louise Avenue, and Mr. Underhill, Acting City Attorney, replied the Traffic Engineer could be instructed by Council to remove the truck route.

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Councilman Whittington stated he is not going to make a motion but Council will concur in this statement that these two blocks of Louise Avenue have tolerated the truck routes for a long time, and perhaps too long; most of the residents are retired and in this type of weather they have to keep their front doors and all their windows closed because of the noise and fumes; that Council wants this truck route changed and he requested that the City Manager have this done immediately as far as the Traffic Engineer is concerned.

Mr. Veeder stated the Traffic Engineering Department this month has taken a hard look at this problem and has started several things to help alleviate these problems - not do away with them - but to alleviate it to some degree. He stated they propose to shift the centerline of Louise Avenue to increase the lane width for easier movement on Louise by trucks turning on Louise; they plan to change the radius on the southeast corner to 33 feet to ease the right turning movement from Independence into Louise (which will take about 30 days to finish); that as soon as this work is completed, the Traffic Engineer feels the present situation will be lessened; that it will not be done away with but will be lessened.

Mayor Brookshire stated this will not lessen the traffic or the objections the people have; as he sees it Louise would be eliminated as a truck route and trucks will simply have to drive a little further down Seventh Street to Central Avenue and make the turn there.

Councilman Whittington stated he cannot accept this as a correction because as the Mayor as stated the trucks would still be on Louise, and there is no reason why the trucks cannot be moved down to Seigle Avenue which is now industrial property primarily and then turn them on Tenth Street or take them down Seventh Street, which is primarily industrial, and turn them on Tenth Street or to the Northwest Expressway. That if this cannot be done, then he will make a motion that it be removed. Councilman Stegall stated he concurs, but for a practical matter when you look at these streets, Council would compound the problem rather than solve the problem if this is moved to Seigle Avenue because of the complexity of the street situation. Councilman Stegall requested that the City Manager come back to Council at the next meeting, before any construction is started on Louise Avenue, as to where the Traffic Engineer can more feasibly move the trucks, rather than doing it arbitrarily and creating a greater problem.

Mr. Veeder stated he would bring back a report to Council; that he gets the sense of Council's views on this.

Councilman Short stated when these people call you on the telephone you can hardly talk with them; they do not have to tell you anything, they just hold the phone and you can hear the noise, and he is sure they have a serious problem.

**MR. WALTER R. MARTIN REQUESTS DAY CARE CENTER LAW FOR CITY OF CHARLOTTE.**

Mr. Walter R. Martin, First Vice President of the North Carolina Nursery School Association, stated in the near future Council will consider laws that will govern our most precious thing - our child. As a nursery operator in Charlotte, he feels it is badly needed; that he feels the Fire Department, Health Department and Building Inspection Department are the proper people to rule it. He stated that a floor space requirement should be included in the law and he suggested the same requirements for floor space that schools require, which is 20 square feet of space per child. Also he would like for Council to consider the after

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school children - those who are in the Center for only several hours; that his organization recommends a two hour or one and a half hour lap-over period. Mr. Martin requested that the law include provisions about the use of nervine or other drugs used to keep a child asleep; also he feels a fine should be set for anyone failing to register or applying for a license and he would recommend \$300 or 90 days in jail.

Councilman Short stated he will suggest to Mr. Underhill, Acting City Attorney, to include a provision prohibiting the use of sleeping portions; also the city is limited in what it is allowed to do and the Legislature has applied a limitation on how much fine Council can impose and it is a great deal less than what Mr. Martin mentioned.

W. J. ELVIN ASKED WHY MAYOR RELEASED STATEMENT TO NEWSPAPERS ON CIVIC CENTER AND CONVENTION BOULEVARD WHEN COUNCIL MEMBERS WERE NOT AWARE OF ARRANGEMENTS.

Mr. W. J. Elvin stated Mayor Brookshire was quoted in the Charlotte Observer last Thursday with the following statement: "Charlotte will have its downtown civic center and convention boulevard within the next three years. The exact location within the 25 acres now under development by a private corporation has not been pinpointed but Charlotte will have a civic center very definitely without a doubt." Mr. Elvin asked the Mayor why he made such a statement when he has been informed that no member of the Council was aware of the arrangements made with Southern Railroad and the Charlotte Development Associates? Mayor Brookshire replied the agreement with Southern Railroad has not yet been put in writing; members of Council have been briefed on the negotiations and if and when the agreement is completed Council has the prerogative to approve it. Also Council had copies of the press release before the conference.

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 7, SECTIONS 8, 15, AND 19 OF THE CITY CODE PERTAINING TO CEMETERY CHARGES.

Councilman Short stated he was the one who asked that consideration of the subject ordinance be delayed at the last meeting, and during the period of delay he has had some interesting conversations with the city administration along the lines of making the current active cemeteries self-sustaining and this is being pursued further, and he moved that consideration of the ordinance be delayed again. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, SEPTEMBER 16, ON PETITION NO. 68-66 THROUGH 68-70 FOR ZONING CHANGES.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution setting date of hearings on Monday, September 16, 1968.

The resolution is recorded in full in Resolutions Book 6, at Page 189.

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AMENDMENT TO ADMINISTRATIVE REGULATIONS RELATING TO CAR ALLOWANCE  
REVISIONS DEFERRED.

Councilman Stegall asked why the subject revisions were not considered at budget time? Mr. Veeder, City Manager, replied this had been under study but the work was not completed until last week.

Councilman Whittington moved the consideration of the amendments to administrative regulations be deferred until Council can confer with the City Manager to get his and the Finance Director's thoughts on the subject. The motion was seconded by Councilman Stegall, and carried unanimously.

Councilman Stegall stated he seconded the motion not based on the fact that he disagrees with these recommendations but he would like more information on it; Councilman Whittington stated he is disappointed that this comes right after Council has adopted a budget and he wants to know why, and that is all. Councilman Stegall stated he did not want the city employees to think Council is opposed to the recommendations, he just wants more information.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES LEVIED AND COLLECTED  
IN ERROR.

Councilman Tuttle moved the adoption of the subject resolution authorizing the refund of taxes in the total amount of \$412.35 which were levied and collected in error, and which the City-County Tax Collector has certified that the proper written demand has been made for the refunds and the taxes in question were paid in error. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 190.

ORDINANCE NO. 984-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING  
AT 823-25 EAST TRADE STREET PURSUANT TO THE HOUSING CODE OF THE CITY  
OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF  
NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance. The ordinance is recorded in full in Ordinance Book 15, at Page 419.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF BUILDINGS PURSUANT  
TO THE BUILDING CODE OF THE CITY OF CHARLOTTE AND SECTION 6.61,  
ARTICLE IV, CHAPTER 6 OF THE CHARTER OF THE CITY.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting ordinances ordering the demolition and removal of buildings pursuant to the Building Code of the City of Charlotte and Section 6.61, Article IV, Chapter 6, of the Charter of the City, as follows:

- (a) Ordinance No. 985-X ordering the demolition and removal of building located at 1230 East Seventh Street.
- (b) Ordinance No. 986-X ordering the demolition and removal of building located at 1410 Argosy Street.

The ordinances are recorded in full in Ordinance Book 15, beginning at Page 420.

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ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, the subject ordinances were adopted as follows:

- (a) Ordinance No. 987-X ordering the removal of weeds and grass at the rear of 3439 Washburn Avenue.
- (b) Ordinance No. 988-X ordering the removal of weeds and grass adjacent to 3600 Denson Place.
- (c) Ordinance No. 989-X ordering the removal of weeds and grass at corner of Circle Avenue and Providence Road.
- (d) Ordinance No. 990-X ordering the removal of weeds and grass at corner of Manhasett and Kenlough Street.
- (e) Ordinance No. 991-X ordering the removal of weeds and grass adjacent to 416 West 7th Street.
- (f) Ordinance No. 992-X ordering the removal of weeds and grass adjacent to 3609 Corbett Street.
- (g) Ordinance No. 993-X ordering the removal of weeds and grass at corner of Midland Avenue and Louisiana Avenue.
- (h) Ordinance No. 994-X ordering the removal of weeds and grass at 3312 Markland Drive.
- (i) Ordinance No. 995-X ordering the removal of weeds and grass adjacent to 2813 Clyde Drive.
- (j) Ordinance No. 996-X ordering the removal of weeds and grass adjacent to 1929 Beatties Ford Road.

The ordinances are recorded in full in Ordinance Book 15, beginning at Page 422.

CHANGE ORDER NO. E-2 IN CONTRACT WITH INDUSTRIAL ELECTRIC COMPANY FOR ELECTRICAL WORK IN THE LAW ENFORCEMENT CENTER, DEFERRED.

Councilman Stegall moved that consideration of the subject change order be deferred until Council can meet with the City Manager for further information. The motion was seconded by Councilman Whittington, and carried unanimously.

INSTALLATION OF WATER MAINS AUTHORIZED.

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

- (a) Contract with Damron C. Owen, Jr. for the installation of 800 feet of water main to serve property abutting on Tuckaseegee Road, inside the city, at an estimated cost of \$1,540.00. The City will finance all construction costs and the applicants will guarantee an annual gross water revenue equal to 10% of the total construction cost.



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- (b) Contract with James R. Little for the installation of 950 feet of water main to serve property abutting on Manley Street, inside the city limits, at an estimated cost of \$1,829.00. 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.
- (c) Contract with S & T Development Company, Inc. for the installation of 10,473 feet of water main, and nine fire hydrants to serve a portion of Montibello Subdivision, outside the city, at an estimated cost of \$41,291.14. The applicant has made the request for the installation of mains in accordance with Paragraphs A, B, C, D-2, E, H and I of the Water and Sewer Extension Policy adopted by Council on April 17, 1967.
- (d) Contract with John Crosland Company for the installation of 6,180 feet of water main and five fire hydrants to serve Huntington Farms Subdivision, outside the city limits, at an estimated cost of \$25,000.00. The applicant has made the request for the installation of the mains in accordance with Paragraphs A, B, C, D-2, H and I of the Water and Sewer Extension Policy adopted by Council on April 17, 1967.

**RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN TUCKASEEGEE ROAD.**

Councilman Alexander moved that the Mayor and City Clerk be authorized to execute a right of way agreement with State Highway Commission for the installation of a 2-inch water main in Tuckaseegee Road, between Cheshire Avenue and Browns Avenue to serve residential property. The motion was seconded by Councilman Stegall, and carried unanimously.

**CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.**

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, construction of sanitary sewer mains were authorized as follows:

- (a) Construction of 110 feet of 8-inch main in Freedom Drive, inside the city, at the request of Pic N Pay Stores, Inc. at an estimated cost of \$1,015.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Construction of 3,865 feet of 8-inch main and 200 feet of 8-inch trunk in Coventry Woods III, inside the city, at the request of Howard Nance Development Company, at an estimated cost of \$21,625.00, with all cost to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

**CONSTRUCTION OF SANITARY SEWER MAIN OUTSIDE THE CITY, AUTHORIZED.**

Councilman Short moved approval of the construction of 960 feet of 8-inch sanitary sewer main, outside the city, under the city's new sewer extension policy, beginning at an existing manhole near

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Glendora Drive, running in an easterly direction 960 feet to a proposed manhole at 5210 East Independence Boulevard, at the request of Spartan Investment Corporation at an estimated cost of \$5,445.00 with all cost of construction to be borne by the applicant whose deposit in the amount of \$5,445.00 covering the preparation of engineering plans, specifications and construction has been made and will be refunded in accordance with the terms of the contract. The motion was seconded by Councilman Jordan, and carried unanimously.

REQUEST FOR ASSISTANCE IN ERECTING AND DISMANTLING PHYSICAL FACILITIES FOR FESTIVAL IN THE PARK AUTHORIZED.

Mayor Brookshire stated Mr. Grant Whitney, Director of the Festival in the Park, phoned him about assistance from the City in erecting and dismantling the physical facilities for the Festival. That Mr. Whitney stated money would not do him any good because the kind of labor he would use is not available. Mayor Brookshire stated the Festival is a very fine event in the city and an asset to our city; that he thinks it is worth what it will cost the city. That all the equipment has been installed in previous years and no new equipment will be installed and the amount of labor will be much less; that he will need eight men eight days before the festival and eight men for five days to remove the equipment.

Councilman Stegall stated he thinks the Festival is a fine thing, but apparently there are some people who do not feel this way because of the comments Council has received in the past. He suggested that the men might be paid and the work be done during off-duty days on a volunteer basis.

Mr. Veeder, City Manager, stated part of the problem has been in the scheduling; there has been little, or no notice of what has been required, and this has made a difficult situation for the departments. He stated he shares everyone views that this is a desirable activity and a lot of people have given a lot of themselves to make the Festival a success. But this has been a problem for the operating departments in the way it has been handled in the past, and he would hope there is some way this can be changed.

Councilman Jordan stated from what he has heard, the city people themselves object to this. He stated he is sure there are some employees who would like to go out and spend the days doing whatever the Festival requires, but there are some who are not interested in doing this. He suggested that the work be done by volunteers.

Councilman Alexander asked if Mr. Veeder and the Director of the Festival, and whatever departments are involved, can sit down and work out a system where there would be a little more coordination about getting the job done; that some of the employees feel they should not be moved across town to do a job that someone close by could do. That there are many things that should be worked out.

Councilman Whittington stated his personal opinion is that the City should support the Festival; that he does not know how best to do it, but it seems the only way to do it is for the City Manager to have meetings with the department heads and ask those who will to go on their time as volunteers and not be forced to go. That he wants no part of what happened in the Fire Department last year, but at the same time he feels this is a project that benefits those on the Council and those employed by the City and benefits the City as a whole, as well

as many thousands who come from other areas, and it is the city's responsibility to help with the project. Councilman Whittington moved that the city do this and that it be done by volunteers while men are on duty and the burden not be put on one department, and that monies be spent if necessary to supplement the volunteer group. The motion was seconded by Councilman Stegall.

Councilman Jordan stated the reason Mr. Whitney wants the city to supply the labor is because the city has been doing this since its inception and the employees are familiar with it and he does not have to instruct them in what to do as most of them know the jobs and go ahead with them. If you put a lot of untrained people on the job who did not know what they are supposed to do it would be a problem; that he feels if we are going to supply the manpower that it should be on a volunteer basis and he would not want to see our people forced to do something they are not hired to do.

Councilman Alexander stated suppose no one volunteers and there are not enough people to get the job done, then they will have to wait for Council to meet again; that the Festival is important enough in Charlotte's life and development that we should do what we can to support it, especially in this Bi-Centennial year.

Councilman Stegall stated what they are saying now is if necessary and they have to get men off duty, they will be paid. Councilman Whittington stated if necessary that they go outside to Robinson Electric Company as an example, to get someone.

Councilman Alexander stated he still thinks that the City Manager and department heads can work it out with Mr. Whitney where there will not be the grumbling we have heard in the past.

Councilman Stegall stated for the Festival next year, Council should meet with Mr. Whitney, or whoever the director will be, and resolve it perhaps a month after this Festival is over so that Council will know where to go next year.

The vote was taken on the motion and carried unanimously.

UTILITY RELOCATION AGREEMENT WITH STATE HIGHWAY COMMISSION AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, approving the subject agreement to cover the cost of relocating or adjusting sanitary sewer lines in conflict with the Northwest Expressway from Tenth Street to Independence Boulevard, and from Tenth Street to Fourth Street with the city's share of the total cost of \$311,603.88 to be \$261,515.95 and the Highway Commission's share \$49,603.88.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION TO CONSTRUCT SANITARY SEWER LINES WITHIN THE RIGHT OF WAY OF INDEPENDENCE BOULEVARD.

Councilman Short moved approval of an encroachment agreement with the State Highway Commission permitting the city to construct an 8-inch sanitary sewer line with three manholes within the right of way of Independence Boulevard, near Glendora Drive, a distance of 960 feet. The motion was seconded by Councilman Jordan, and carried unanimously.

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ASSIGNMENT OF LEASE OF AIRPORT MOTEL FROM MR. AND MRS. N. L. RUFF TO MR. AND MRS. L. P. WRENN, JR., APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, approval of a consent to assignment of lease of the Airport Motel enabling the current lessees, Mr. and Mrs. N. L. Ruff to assign their lease to Mr. and Mrs. L. P. Wrenn, Jr., was authorized.

OPTIONS FOR PURCHASE OF PROPERTY FOR AIRPORT TERMINAL EXPANSION (20 YEAR PROGRAM), DEFERRED.

Councilman Alexander moved that decision on the two agreements to acquire options for purchase of property for the Airport Terminal Expansion (20 Year Program) be deferred until the next Council Meeting. The motion was seconded by Councilman Whittington, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 40,481.40 square feet of property along Minuet Lane, near South Boulevard, from Bruce W. Griffith and wife, Elizabeth F., at \$1.00 for Tyvola Road Extension.
- (b) Acquisition of 1,200 square feet and 6,015 square feet of property at the northwest corner of Mathieson Avenue and The Plaza, from Plaza Corporation, at \$17,000.00, for the East Thirtieth Street Project.
- (c) Acquisition of 637.44 square feet of property off Brevard Street, adjoining Highland Park Mfg. Company, from Standard Warehouse, Inc. at \$24,000 for the East Thirtieth Street Project.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Sam T. Atkinson, Jr. for appraisal of two parcels of land for the Airport Terminal Expansion (20 Year Program).
- (b) Contract with B. Brevard Brookshire for appraisal of two parcels of land for the Northwest Expressway.
- (c) Contract with G. A. Hutchison for appraisal of two parcels of land for the Airport Expansion (20 Year Program).
- (d) Contract with T. R. Lawing for appraisal of two parcels of land for the Airport Terminal Expansion (20 Year Program).
- (e) Contract with Jack Starnes for appraisal of two parcels of land for the Airport Terminal Expansion (20 Year Program).

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CERTAIN INSPECTION DEPARTMENT PERMITS AUTHORIZED DESTROYED.

Councilman Jordan moved approval of the Inspection Department's request to destroy copies of electrical, plumbing, sign, gas tank and elevator permits that have been microfilmed, and for which permission has been obtained from the State of North Carolina Department of Archives and History. The motion was seconded by Councilman Whittington, and carried unanimously.

The permits are as follows:

<u>Permit</u>	<u>Dates</u>	<u>No. of Documents</u>
Electrical	1936 through 1955	95,277
Plumbing	1934 through 1955	31,286
Sign	1938 through 1962	4,112
Gas Tank	1938 through 1959	31
Elevator	1937 through 1953	18

APPLICATION OF ROBERT EARL LEE, PRESIDENT, LEE INVESTIGATIONS, INC. FOR CITY PRIVILEGE LICENSE FOR PRIVATE DETECTIVE, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, approving the subject application of Robert Earl Lee, covering the application of "Private Detective".

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, special officer permits for period of one year each, were approved as follows:

- (a) Issuance of permit to Henry V. Morris for use on the premises of Kingspark Apts., English Village Townhouse Apartments, Fairfax Woods and Eastbrook Woods.
- (b) Issuance of permit to Jackie Lee Thomas for use on the premises of Federal Reserve Bank of Richmond, Charlotte Branch.
- (c) Issuance of permit to Helen Ruth Payne for use on the premises of J. B. Ivey and Company.
- (d) Issuance of permit to Mrs. Brenda Croutch for use on the premises of J. B. Ivey and Company - downtown, mall, Cotswald and Park Road.
- (e) Issuance of permit to John Floyd Childress for use on the premises of J. B. Ivey and Company.
- (f) Issuance of permit to Cynthia LaVeda Brown for use on the premises of J. B. Ivey and Company.

CLAIM OF BETTY JEAN WILLIAMS AUTHORIZED PAID.

Councilman Tuttle moved that claim of Betty Jean Williams in the amount of \$250.00 be paid as recommended by the City Attorney. The motion was seconded by Councilman Whittington, and after discussion, carried unanimously.

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CLAIM OF ALLSTATE INSURANCE COMPANY FOR INSURED, JOHN T. LUTZ.  
AUTHORIZED PAID.

Motion was made by Councilman Stegall, seconded by Councilman Whittington, and unanimously carried authorizing the payment of claim in the amount of \$298.65 to Allstate Insurance Company for their insured John T. Lutz for damages to automobile as recommended by the City Attorney.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Leroy and Romaine H. Adams for Lot No. 78, Section 6, Evergreen Cemetery, at \$360.00.
- (b) Deed with Reginald L. and Ann M. Adams for Lot No. 77, Section 6, Evergreen Cemetery, at \$360.00.
- (c) Deed with Donald R. Biltcliffe and Myra A. Biltcliffe for Lot No. 137, Section 6, Evergreen Cemetery, at \$360.00.
- (d) Deed with Raleigh Blayton for Graves No. 3 and 4, in Lot No. 17, Section 2, Evergreen Cemetery, at \$120.00.
- (e) Deed with Mrs. Alease H. Broome for Lot No. 330, Section 6, Evergreen Cemetery, at \$240.00.
- (f) Deed with Mrs. Hazel Ritch Caton for Graves No. 3, 4, 5, 6, 7 and 8, in Lot No. 326, Section 2, Evergreen Cemetery, at \$360.00.
- (g) Deed with Mrs. Claire J. Hefelfinger for Graves No. 8 and 9, in Lot No. 15, Section 2, Evergreen Cemetery, at \$120.00.
- (h) Deed with Miss Nannie K. Jamison for Lot No. 331, Section 6, Evergreen Cemetery, at \$240.00.
- (i) Deed with Mrs. Kirtland Flynn for Grave No. 3, in Lot No. 163, Section 2, Evergreen Cemetery, at \$ 60.00.
- (j) Deed with Mrs. M. L. Ritch for Graves No. 1 and 2, in Lot No. 326, Section 2, Evergreen Cemetery, at \$120.00.
- (k) Deed with Mrs. Madeline P. Ritch for southwest one quarter of Lot No. 126, Section X, Elmwood Cemetery, transferred from J. V. Williams, Sr., at \$3.00 for transfer deed.
- (l) Deed with J. V. Williams, Sr. for northwest one quarter of Lot No. 125, Section X, at \$3.00 for new deed.
- (m) Deed with J. V. Williams, Sr. for northeast one quarter of Lot No. 125, Section S, transferred from Mrs. Madeline Phelan Ritch, at \$3.00 for transfer deed.
- (n) Deed with Mrs. Madeline Phelan Ritch for southeast one quarter of Lot No. 126, Section S, at \$3.00 for new deed.

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CONTRACT AWARDED REMINGTON RAND OFFICE SYSTEMS FOR MECHANICAL ROTARY FILE.

Councilman Jordan moved award of contract to the low bidder, Remington Rand Office Systems, in the amount of \$2,591.44, for one mechanical rotary file for Police Department. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Remington Rand Office Systems	\$ 2,591.44
Diebold, Inc.	3,061.84
Systems Protection Equip., Inc.	3,367.80
Clyde Rudd & Associates	3,872.50

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR CONSTRUCTION OF STREETS IN BROOKLYN URBAN RENEWAL DEVELOPMENT SECTION 2.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, awarding contract to Blythe Brothers Company, on a low negotiated bid, in the amount of \$451,476.25, on a unit price basis, for construction of streets in Brooklyn Urban Renewal Redevelopment Section 2.

The following bids were received:

Blythe Brothers Company	\$594,755.55
Crowder Construction Co.	599,615.75
Rea Construction Co.	616,692.75

Negotiations were made with Blythe Brothers Company to delete a portion of the project and the amount of \$143,279.30 was deleted from the original bid making the negotiated price \$451,476.25.

CONTRACT AWARDED ACOUSTICS, INC. FOR ELEVATED FLOORING FOR DATA PROCESSING.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Acoustics, Inc., in the amount of \$4,695.00 for installation of elevated flooring in Data Processing.

The following bids were received:

Acoustics, Inc.	\$ 4,695.00
Tomlinson Engineering Co.	4,847.00
Southern Flooring & Accoustical Co.	5,246.00
Clyde Rudd & Associates, Inc.	5,275.00

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR DIESEL POWERED CRAWLER TRACTORS.

Councilman Whittington moved award of contract to the low bidder, E. F. Craven Company, in the amount of \$71,284.00, on a unit price basis, for two diesel-powered Crawler Tractors with hydraulically operated blades. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

E. F. Craven Company	\$ 71,284.00
Western Carolina Tractor Co.	76,832.96
Carolina Tractor & Equipment Co.	88,940.00

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CONTRACT AWARDED WESTERN CAROLINA TRACTOR COMPANY FOR DIESEL POWERED CRAWLER LOADER.

Motion was made by Councilman Tuttle, awarding contract to the low bidder, Western Carolina Tractor Company, in the amount of \$17,780.00, on a unit price basis for one diesel powered crawler loader for the Airport. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Western Carolina Tractor Co.	\$ 17,780.00
Carolina Tractor & Equip. Co.	22,340.00
E. F. Craven Co. (did not meet specifications)	17,882.00

CONTRACT WITH SIMPSON PHOTO SERVICE, INC. FOR PHOTOGRAPHIC LAB EQUIPMENT FOR LAW ENFORCEMENT CENTER, DEFERRED.

The City Manager advised the City was contacted this morning by Simpson Photo Service, Inc. asking that consideration of the subject bid be delayed; that he sees no problem in holding up action for two weeks so that the problem can be clarified.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, deferring action on the subject contract.

RESIDENTS NOTIFIED THAT LANDFILL SITE ON STATESVILLE ROAD IS NO LONGER UNDER CONSIDERATION BY THE COUNCIL.

Mr. Veeder, City Manager, stated Mr. James Walker, Attorney, is present representing those who are interested in the city's interest in the landfill site on Statesville Avenue; that he has gathered today from the six members of Council present that the city is not interested in this site and this puts the situation in a forget-it-category.

Mr. Walker stated the residents of the perimeter area will know that Council is not unaware of their problems when they are brought to Council's attention and respond to them.

Mr. Veeder stated the city's need for another site is serious and the need is now; where we go from here, he does not know, but we must go somewhere.

Councilman Stegall stated he recalls some discussion about a new device that grinds up the garbage, and asked if this is not the time to take another look at some of these operations. That this is something the City will have to face as time is approaching when there will be no landfills in Mecklenburg County.

TRAFFIC ENGINEER REQUESTED TO ADVISE COUNCIL OF THE PLANNED DETOURS WHEN INDEPENDENCE BOULEVARD IS CLOSED AT WALNUT AVENUE.

Councilman Stegall stated he has read in the paper that Independence Boulevard will be closed at the Walnut Avenue intersection for a period of two years, and he requested that Mr. Hoose, Traffic Engineer,



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be asked to advise Council of his and the State Highway's plans for detours. He stated when this intersection is closed, Morehead Street will have to carry the burden and uniform police officers will have to be placed on a regular basis at intersections such as Morehead and Walnut every afternoon.


Councilman Stegall stated he does not understand why the intersection will have to be closed for two years and if there is any way possible half of the Boulevard should be left open at a time.

CORNER OF REMOUNT ROAD AND TOOMEY AVENUE LEADING TO DOG POUND REQUESTED CLEANED UP.

Councilman Alexander asked that consideration be given to cleaning up the corner leading to the City Dog Pound at Remount Road and Toomey Avenue.

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk