

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, February 19, 1968, at 2:00 o'clock p.m., with Mayor Pro Tem James B. Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

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, Ashcraft, Gamble, Godley, Sibley, Stone, Tate, and Turner.

ABSENT: Commissioner Wilmer.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea, Planning Commissioner.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on February 12, 1968, were approved as submitted.

HEARING ON PETITION NO. 68-13 BY T. F. BLACK, W. FRANK BLACK AND JOSEPH A. SCALES FOR A CHANGE IN ZONING FROM R-12 AND R-12MF TO O-15 OF 24.9 ACRES OF LAND FRONTING 813 FEET ON THE EAST SIDE OF PARK ROAD, BEGINNING 862 FEET SOUTH OF FAIRVIEW ROAD.

The scheduled hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is a tract of land consisting of approximately 25 acres lying on the east side of Park Road, immediately to the rear of the Blythe Building property.

The other land uses in this area are the Eastern Air Lines Facility, the Celanese Office Building and several additional office buildings in the area along Fairview.

The property itself is predominately vacant; there are at least two principal houses on the property - one is the Black home and the other is Mr. Scales' house. Across from the subject tract is developed with single family residential development; there is some vacant property directly across from it.

He stated on the south side is single family homes; there is a duplex at the corner of Park Road and Pine Valley and then single housing around Pine Valley Drive itself. The Moravian Church is located near this point; the Fairmeadows

residential subdivision area adjoins the property on the southeast side, with that area being almost totally developed with single family structures and a private swim club.

Mr. Bryant stated the zoning is O-15 along Fairview Road on both sides; the area on the west side of Park Road is all zoned single family residential; the subject property predominately single family at the present time although there is a small area of R-12MF on the east side of the property. That area to the south is single family through the Fairmeadows area and through Pine Valley Drive area.

Mr. Ben Horack, attorney representing the petitioners, stated the real party in this matter is Eastern Air Lines, who contingent upon the rezoning of this property, has contracted to purchase it as it adjoins the existing Eastern Air Lines property.

Mr. Horack stated this presents a unique opportunity for Charlotte to accommodate one of the finest corporate citizens and at the same time make it possible to expand their facilities which will mean a great deal to our community.

That the Reservations Center Building is one of Eastern Air Lines' major facilities of this type and it serves the mid-Atlantic states between Washington, Baltimore, Virginia and the two Carolinas and a portion of Georgia. In addition to the reservation center, it has a separate building, its computer services department, which houses Eastern's Univac Computer which serves the same mid-Atlantic states or the Eastern Seaboard. These computer facilities make available data for the reservation center which computes the number of seats available when reservations are turned in from this area; it takes in the information and computes the flight plans to determine the flight plans for the pilots in this area and alter the plans when necessary for the airlines.

That Eastern presently employs about 1,500 people; the payroll in 1966 was \$6,454,000; in 1967, it was \$8,503,000; and it is estimated that in 1968, it will be over \$10,000,000. Eastern has made a magnificent contribution to our community and due to the nature of the facility and the highly complicated equipment, has brought a significant number of professional and highly trained professional personnel to our city.

Mr. Horack stated one of Eastern's executives stated that "Charlotte is destined to be the most important single location in the entire eastern system". The Computer Department will be expanded to serve the whole system, the data sent in to these local computers will furnish weather reports, maps, and similar data for the pilots of the entire system; it will compute, figure out, and pass out to the pilots involved, the flight plans involved; it will compute the flight time for every aircraft individual in the entire system; it will compute the management data servicing the whole system. That Eastern plans it will have a minimum increase of about 20% per year in its passenger seat miles. If all of this comes to pass, Eastern will need room to do it and will require substantial expansion of the existing facilities and personnel but in order to go forward with this programming, they need to know now what it can count on by way of the area within which to place these facilities in the comparatively near future.

Mr. Horack presented a drawing of the Eastern facilities showing the current Computer Building, Blythe Building and pointed out the location of the protestors and the 68-foot power line that bisects the property.

He also presented a schematic study drawing by J. N. Pease showing the possibilities of the area in connection with its expansion program. That these plans indicate if Eastern intends to expand, it does not intend to overcrowd its present location; that Eastern has done a commendable job in utilizing its site and still maintaining commendable beautification; in acquiring another 25 acres, Eastern insists on sufficient area to prevent crowding of the existing site and the new location. The Duke Power 68-foot high tension lines bisects this property and causes it to be not tailored for residential type use. That it is not practical to use this area for residential use because the terrain has a low spot. The tower will not impair its use for Eastern's expansion as the main building and facility would be located on the northerly side of the power line and they will use the land on the other side of the tower for complimentary facilities; they intend to bring a road to service their property on the other side of the power line to alleviate and minimize the traffic congestion that would result if they did split up their entrances; they intend to give maximum consideration as far as buffering this property as they have in the past.

Mr. Horack stated the drawings will probably be changed before the actual building is started; this new facility will be designed to house the data computers and other complicated equipment together with the offices of the administrative personnel that will be needed to accommodate these technical people.

Mr. Horack stated in December Council turned down a request for office zoning on the other corner of Fairview Road. That the protestors asked that the zoning not skip over Park Road and Council and the Planning Commission agreed on this. That Eastern is a proven performer on the local scene; it maintains its own grounds and maintenance staff; it has facilities that are a credit to the community and aesthetically compatible with the neighborhood; that this community can count on Eastern to develop and utilize this property both tastefully and with the maximum consideration for the area; that no one likes change and he understands the hearthrob of the the adjoining neighbors, but he would suggest that they contemplate the alternative uses of this property and ask themselves whether they might come out a little bit better relying on the proven integrity of Eastern Air Lines.

Councilman Stegall asked if all the property asked to be rezoned is going to be used by Eastern Air Lines? Mr. Horack replied yes, Eastern has all this property under purchase contract, contingent upon the rezoning.

Mr. Myles Haynes, attorney for the opposition, stated there is strong opposition to the rezoning; they have filed a general petition which invokes the 3/4 Rule and he is filing a general petition in opposition signed by some 275 residents of the area through Parkstone, Fairmeadows and the people directly across the road from the subject property on Park Road.

He presented pictures of houses on Park Road from the Fairview intersection down to Archdale and pictures of the residences that will backup to the property on the Park Road side, the Pine Valley side and on the side adjacent in Fairmeadows. He stated these are lifetime houses, from \$20,000 to \$35,000 and they were bought with the idea of raising Junior in and a place to retire. They bought the property relying upon the zoning that was in existence - R-12. That the property was residential and the Planning Commission initially set up a residential buffer and they could rely upon the buffer. They bought the property knowing that Eastern Air Lines located

on Park Road and Fairview knowing how much acreage was dedicated to business and office use. They say if the homeowner has to rely upon this zoning that Eastern should be bound by the zoning on the property at the time it made its decision to locate there. That not only is Fairmeadows affected by the rezoning but there are other developments down Park Road which are affected by the amount of traffic between Archdale and the property at the corner of Fairview. That Beverly Woods and Spring Valley depend upon Park Road to get egress and ingress to and from their homes. On that small segment of Park Road it has become a custom for all the traffic feeding from South Boulevard to the Fairview Area to come by way of Archdale. The traffic is so thick and heavy at peak hours that you come up to Archdale and sit there for as long as two or three minutes waiting for traffic to clear to pull out into Park Road.

Mr. Haynes stated their objections are that it is an unnecessary encroachment of commercial property into a residential area; there is adequate property zoned across on the Harris property for office and institutional use. If Eastern needs to expand, he would suggest they use the land already zoned for the purpose and connect the facilities with telephone lines. As commercial neighbors, they are as good a neighbor as you can have, but still it represents putting commercial properties next door to high class residential property. This will have a degrading effect upon the property values of the people who are adjacent. If the rezoning is given, they see a 24 hour a day business activity on adjacent land. It means high intensity outdoor lighting. Even now the back yards of some of the homes at 10 o'clock at night look like sunrise or sunset. There will be cars on and off the parking lots; litter which is bound to come anytime people park cars; noise of the starting and stopping; noise of the trash trucks coming and going; and this will be 24 hours a day in the back yards and back doors of some of the homes.

Mr. Haynes stated these are long range plans and based on long range plans there is no time table presented to Council as to when any of these things will be done; they are asking Council to change from a high residential classification to the broadest use to which you can put a piece of property - an O-15 zone. He stated among the many uses that can be placed in an O-15 zone are - cemeteries, churches, colleges, recreational centers, country clubs, day nurseries, single family dwellings, multi-family dwellings, farms, golf course, hospitals, sewage treatment plants, nursing homes, parks, petroleum storage, police and fire stations, boarding houses, schools, banks, beauty shops and barber shops, motels and motor courts, clinics for doctors and dentists, office buildings, and others.

He stated under the present zoning law once Council changes the zoning classification, it has lost control of the property. It is unfortunate that we do not have a conditional zoning. Eastern Air Lines is a business facility and is governed by business consideration. If the property is zoned now to O-15 on Eastern's assurance that someday they are going to build on this land in keeping with the schematic diagrams which have been shown, and then economic conditions change or any factor happens which causes the Board of Directors of Eastern Air Lines to decide they do not want all or part of this acreage and they should decide to sell all or part of the property, then the door is wide open for every use he has mentioned. That if this plan is ever carried out, it would be a less objectionable use to the people than other things that might go in. He said the thing to do is to deny the request at this time and wait until the day that Eastern comes to Council and says they are ready to move and presents Council with the time table and shows how they will use all 28 acres of the land. That now is not the time to change the zoning.

Mr. Haynes stated in the past six years, Council has presented the residents of the Fairmeadows area a home for the aged, a shopping center, an apartment complex and at one time some duplex-type buildings were built illegally inside the area and after they were almost completed did the Council and Planning Commission decide to come back and change the zoning in order to accommodate the completion of the apartments.

He stated the people say that Council members are their duly elected representatives and they have only one group to turn to stop this sort of thing and they ask that Council consider these things. That on the schematic diagram they show two entrances to the proposed property into the short segment of Park Road that is already overcrowded and St. Albans Street is projected to go on through beside the Eastern Air Lines Building. He asked if Council grants this zoning change, is it prepared to assure all the thousands of people who have to use Park Road that it will upgrade Park Road to accommodate all the traffic; is it prepared to install traffic lights, crosswalks and all the other controls necessary to take care of the traffic to protect the children and pedestrians and cars; is Council prepared to assure them if Eastern Air Lines should change its mind and not want all or part of this property, that it will prevent someone from making all the remainder of the uses that might be made under an O-15 classification?

Councilman Tuttle asked if the petroleum storage mentioned that can go in an O-15 classification is oil storage, kerosene, gasoline or such? Mr. Bryant replied the ordinance provides for petroleum storage accessory to a permitted principal use or building subject to the fire prevention code of the National Board of Fire Underwriters.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-14 BY B & L INVESTMENT COMPANY FOR A CHANGE IN ZONING FROM R-15 TO B-1 OF A 1.26 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF PLAZA ROAD EXTENSION AND NEWELL-HICKORY GROVE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the request is for a tract of land at the intersection of Newell-Hickory Grove Road. It has on it a residential structure that is abandoned; on the north side of the intersection there is a store and service station; there are several residences down Plaza Road from the subject property; there are a number of single family residential structures on Plaza and Hickory Grove-Newell Road northward. There is a church, James Plumbing Company and some mobile homes located in the area. Other than that the area is predominately vacant, except for the uses primarily around the intersection. That Hampshire Hills is the closest concentrated developed area to the subject property.

The entire area is zoned single family residential with the exception of the property on the corner immediately opposite the subject property which is zoned B-1.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-15 BY C. T. BROWN, EARLIE B. TEAT AND LEWIS LOFTIN FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF THREE LOTS ON THE NORTH SIDE OF WOODCREST AVENUE, BEGINNING 5111 FEET EAST OF CLIFFWOOD PLACE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property consists of three lots fronting on Woodcrest. That Woodcrest, Worthington and South Tryon Streets form a rather compact intersection. The subject property has on it two duplexes on the two lots near South Tryon Street and a single family residence on the third lot. Immediately across Woodcrest is a service station; beside the property on South Tryon Street is the L. B. Price Company with an office and storage type activity; there is a vacant service station at the intersection of Worthington and S. Tryon Street. Away from the subject property on South Tryon Street, the area is heavily developed with various industrial type activities; down South Tryon Street is an area of junk yard type activities. Coming down Woodcrest from the subject property it is entirely used for residential purposes with a mixture of single family and some duplex and apartment development. Immediately to the rear on Worthington is considerable vacant property. He stated Worthington is not opened all the way so there is no entrances from Cliffwood along Worthington to South Tryon Street.

Mr. Bryant stated the property on the west side of South Tryon Street is B-2; property on the east side is Industrial -2 and the subject property consists of two lots of O-6 and one lot of R-6MF. Property along Woodcrest adjacent to the property and on both sides of Woodcrest is all zoned multi-family as is predominately the area along Woodcrest, Crestwood, Worthington and West Boulevard.

Mr. G. R. Collins, 1918 Woodcrest Avenue, stated he owns the property next to the subject property and he is in favor of the change and would like his property to have the same classification.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-16 BY WILLIAM A. MCCLURE FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF A TRACT OF LAND ON THE SOUTHWEST SIDE OF BELHAVEN BOULEVARD (N. C. HIGHWAY 16) SOUTH OF THE INTERSECTION OF BELHAVEN BOULEVARD AND VALLEYDALE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property consists of a tract of land that extends all the way through from Belhaven Boulevard to Valleydale Road and has on it one single family residence. It is adjoined on one side by a combination service station and fuel oil distribution business. Across Valleydale Road there is a single family area which is Coulwood Hills. Across Highway 16 from the subject property it is vacant with two churches in the immediate vicinity and another section of Coulwood Hills. The only other non-residential zoning in the area is a Shopping Center site which is a B-1SCD awaiting a shopping center type of development.

Mr. Richard Wardlow, Attorney for the petitioner, stated the point is now zoned B-1 and is owned by Mr. and Mrs. McClure. The property behind it which is the subject property is also owned by Mr. and Mrs. McClure; they have owned the property since 1947; the point where the Esso Service Station is was purchased in 1958 and they erected a filling station and a neighborhood fuel oil business and have operated it since. Recently they leased the land and the filling station operation to Humble Oil Company who have said they must take the fuel oil tanks and this operation off the property. That Mr. McClure and his son who run the fuel oil business want to move their tanks over and bury them underground on the three to four acre tract which constitutes their residential property. The entire tract consists of about three acres free and clear of road right-of-way. They propose to move the tanks and operate their business in a B-2 area. At present it is being done under the grandfather clause. He stated the McClure residence faces on Valleydale Road and the 30-acre tract lying behind their property is owned by Mr. F. D. Mingus whose residence is located on the property. Across the road is Coulwood; across Highway 16 is Coulwood and the churches.

Mr. Wardlow stated at the suggestion of Mr. Bryant that the entire area might not be needed to accommodate the fuel oil business in their petition they put in an alternative zoning line to limit it somewhat. That it would suit the McClure's purposes better to put the tanks down where the property is low, depressed and the terrain cannot be used for any other purposes. If that is not in the cards and they are limited to a zoning of a portion of the tract, they will make that accommodation.

He stated the business consists of two home delivery trucks, the buried tanks which are four 5 to 6 thousand gallons and a building 12 x 18. He stated the entrance to the business would be onto Highway 16. A B-2 classification is a minimum classification under which a fuel oil operation is required. That this is not the kind of business that will generate the amount of traffic flow.

He stated the McClure home faces Coulwood Hills and Mr. McClure has talked with the neighbors and they have no objections to the change in zoning; immediately adjacent to the property is the 30-acre tract of land of Mr. Mingus; that he gave a letter addressed to the Planning Commission and the City Council stating that he owned the land and he has no objections to a zoning classification that Mr. McClure wants for his plans nor does he have any objection to the activity he hopes to carry on there. That Highway 16 has a 150 foot right-of-way and two home delivery trucks and a supply truck and some additional traffic is not going to bother the people across the 150-foot right-of-way.

He filed the letter from Mr. Mingus with the City Clerk.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-17 BY JAMES C. EVANS AND FIRST UNION NATIONAL BANK, TRUSTEE, FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF A 9.05 ACRE TRACT OF LAND FRONTING 945 FEET ON THE EAST SIDE OF RAMA ROAD BEGINNING 400 FEET NORTH OF THE CENTERLINE OF SEABOARD AIRLINE RAILROAD AND ON PETITION NO. 68-18 BY JAMES C. EVANS FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF A 10.48 ACRE TRACT OF LAND EAST OF RAMA ROAD IMMEDIATELY NORTH OF SEABOARD AIRLINE RAILROAD.

The hearing was held on the subject petitions.

A protest petition has been filed against Petition No. 68-18 which the City Attorney rules is not sufficient to invoke the 20% Rule requiring the three-fourths majority vote of Council as it is not signed by owners within 100 feet adjacent to one of the side lines.

Mr. Fred Bryant, Assistant Planning Director, stated the subject petitions are adjoining and the circumstances are the same for both the land use and the zoning.

He stated the first petition consists of a nine plus acre tract fronting on the east side of Rama Road. That Rama Road comes from Monroe Road and turns down beside McClintock Junior High School, runs down by the subject property to the intersection of the Seaboard Railroad. He pointed out Wallace Store which is located at the intersection, and stated Rama Road extends on down by the Rama Woods Subdivision and other residential subdivisions until it meets Sardis Road.

He stated the primary land uses are the school and around the railroad in addition to Wallace Store is a fuel oil business operation, an operation dealing with the storage of lumber and one single family house beside the fuel oil business. The residential development is principally on the opposite side of the railroad from the subject property and is heavily developed. In addition there are a few scattered single families up Rama Road towards Monroe Road.

The entire area is zoned single family with R-12 on the east side of Rama, R-9 on the west side and R-15 on the south side of the railroad.

Mr. Parker Whedon, Attorney, stated he represents Mr. and Mrs. James C. Evans and First Union National Bank as Executor of the estate of Mr. I. G. Wallace on Petition No. 68-17 and Mr. and Mrs. Evans as owners of the property on Petition No. 68-18. That although Mr. Evans, the developer, has a plan for a unified multi-family project for both parcels of the land, the formality of the two petitions was caused by the two ownerships. That his remarks will apply to one as well as the other.

Mr. Whedon stated there is a need for a quality multi-family project in this area. If you leave the subject property in any direction, you would have to go at least a mile, in most directions two miles, before you come to a single constructed multi-family unit. As for undeveloped R-9MF or any multi-family classification the only one within a radius of a mile is the R-9MF on Monroe Road owned by Mrs. Mason Wallace which would require an entirely different kind of project. That he understands that property is not available because Mrs. Wallace has given 3/4th of it by deed to the Park and Recreation Commission and plans to give the remainder of it by Will. So it is no longer available to multi-family use as originally contemplated by Council when it enacted the last zoning ordinance.

He stated this area is an ideal and natural location for a multi-family project because it is undesirable for single family and it would not be attractive for persons seeking to make a permanent investment in a single family home. The proximity of the railroad, and Rama Road which is a major traffic artery and the school itself does not make it very desirable for single family development. From the standpoint of sound planning they say there are several things that make it an ideal arrangement for multi-family. The adjacency of Rama Road and the 200-foot right-of-way of the Norfolk-Southern Railroad affords a natural buffer between the subject property and the only single family property that comes close to it - the Rama Woods project on the other side of the railroad tracks. The vacant land to the east and northeast is also a factor bearing on it. The possibility of the continuation of business at this intersection of the railroad tracks and Rama Road. With some business there already, it seems likely it would be continued as a pre-existing use or perhaps by rezoning for that purpose in the future.

He stated they have requested an R-12MF zone which is highly restricted with a low density of units allowed and a lot of land will be left as open area for recreational or other uses. That he understands there are very few R-12MF projects actually constructed in the city.

He stated the proximity of the school does not have much merit as a consideration because there are numerous instances throughout the city where there are schools adjoined by multi-family developments.

He stated the 200 foot right-of-way of the railroad by reason of its use and its width is a very effective buffer between these two properties and in addition it is elevated which makes it a better buffer.

Mr. James C. Evans, the petitioner, stated he was looking for a location in this general area and was not able to find any with the proper zoning, and determined to try to purchase a piece. Because of the surrounding land around the subject property, they thought there would be little objections; it is not developed except on one side and that is the side next to the railroad track. With the railroad track they thought they had as good a buffer as there could be with the 200-foot right-of-way and the elevation.

Mr. Evans stated they have not made any definite layout as they wanted to determine first how much of the land would be zoned; but the zoning of R-12MF would be very restrictive.

Mr. A. Myles Haynes, Attorney, stated he and Mr. Baucom appear in protest to the proposed zoning change from R-12 to R-12MF on the property in question. As evidence of the feeling in the neighborhood they attempted to invoke the 3/4 petition along the railroad right-of-way; this is the area in Rama Woods that backs up to the property in question. The City Attorney has ruled because of the railroad right-of-way that the 3/4 Rule was not invoked. He stated they take exception to that ruling in order to preserve their right to appeal to the superior court in the advent of an adverse ruling by this Council.

Mr. Haynes filed with the City Clerk a general petition in protest signed by 550 people who live in the area which covers all of Rama Woods, Queens Grant, Sherwood Forest, Winwood and Bertonwood. He stated everything that surrounds the subject area is zoned R-9, R-12 and R-15. They understand only 1/3 of the R9MF has been given to the Parks and Recreation Commission which means 2/3 remains to be developed under the present zoning. He stated the proponent has said the land along the railroad is not suitable

for single family residences and the homes along Rama Woods that back up to the track which is already developed solidly with homes that range from \$25,000 to \$35,000 and the railroad does not seem to be a deterrent on that side of the track. He stated Rama Woods is an 18-foot road which is used as a connecting road between Old Monroe Road and Sardis Road to the south; it serves all the developments such as Sherwood, Rama Woods, Queens Grant, and Stonehaven Development; there are three schools involved - McClintock Junior High, East Mecklenburg and Rama Road. They are currently at capacity and there are no plans on the book to expand the school facilities. If you come in with multi-family, it will overcrowd an already crowded situation. It seems if you want multi-family all you have to do is to build a school house and then multi-family will be allowed across or next door to it; this has caused a rather serious situation in two or three areas already.

Mr. Haynes stated the people are concerned because of the safety factor; the road is already heavily travelled; to allow the multi-family across from McClintock Junior High School would make an impossible situation worse and for that reason the petition should be denied.

He stated this is not the proper area to have a multi-family development in some of the best residential property in the City of Charlotte. If maximum use is made of the acreage under the R-12MF zoning, they can place approximately 277 units on the tract of land. He stated the people request that the petition be denied in order to protect them and their property values and the security of their families and the security of their homes.

Mr. Whedon stated Mr. and Mrs. Evans have in mind a unified project for both properties as the property line itself is not a consideration in the planning. Mr. Haynes stated there is a serious question as to whether or not these property owners go to the center line of the railroad; and that is perhaps one reason there seems to be an argument about whether or not the petition invokes the 3/4 Rule.

Mr. Whedon stated even if the property line does go to the center of the railroad track, the boundary of the property petitioned for is 81 feet away from the centerline of the railroad tracks, so the petition would not even qualify even if the property line goes to the center of the track.

Councilman Short asked if there is a legal protest as to the 10 acre tract but not one on the nine acre? Mr. Haynes replied that is correct; they talked to the School Board to see how they felt about this, and they now take a position they will not get involved in these matters by signing petitions so their hands were tied as to the front tract.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-19 BY ROBERT C. FRAASA FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF A 1.143 ACRE TRACT OF LAND ON THE EAST SIDE OF SHARON AMITY ROAD NORTH OF AND ADJACENT TO THE BEN SALEM PRESBYTERIAN CHURCH.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property lies between Ben Salem Church and a cemetery which is a part of the church property. The surrounding land uses is entirely residential, with single family across the road except for one small area that is vacant; there is

a multi-family development at the corner of Buena Vista and Sharon Amity; immediately adjacent to the church towards Monroe Road is a multi-family development. Single family residential uses are around on Charleston Drive, and Albright.

Along Independence Boulevard is a variety of business uses and coming down Sharon Amity from Independence are a few scattered business uses; but predominately the area around the subject property is either occupied by the Church, cemetery or residential zoning.

Independence Boulevard has a B-2 zoning on both sides; O-6 zoning adjoins the subject property and extends from the subject property up to the Business zoning; other than that it is single family residential zoning throughout the area and some multi-family zoning along Sharon Amity down towards Monroe Road.

Dr. Robert C. Fraasa, the petitioner, stated the land has been lying there for a long time; the old Ben Salem Elementary School sits on the back side of the land and is in a rundown condition and there is a cemetery to the rear and side of the subject property towards Independence Boulevard. That he traded a piece of land behind the school to the Church so they have continuous land from the cemetery to their church.

Dr. Fraasa stated in building there he would build with all the parking in the rear and it would look like an apartment from the front; it will be an office for himself and three other doctors and three dentists.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

VARIANCE GRANTED IN CITY'S SUBDIVISION ORDINANCE REGARDING THE EXTENSION OF USHER LANE, FROM PROVIDENCE ROAD TO ABINGDON ROAD.

Mr. Jack Mraz, with the firm of Palmer, Mraz and Jonas, stated they represent the subdivider of Usher Estates and the nearby residents. He filed petitions with the City Clerk requesting the variance.

Mr. Mraz stated the request is for a variance to Section 18-5.1(b) and 18-12(k) to the Subdivision Ordinance. That Section 18-5.1(b) is required for connection of an existing street with another subdivision; Section 18-12(k) requires that a cul-de-sac or dead-end street be only 800 feet long. That they are asking a variance on the two sections.

He stated the Street is Usher Lane which comes off Providence Road east of Sharon Lane-Sharon Amity intersection. He stated the subdivider filed a plan with the Planning Commission requesting a cul-de-sac which would be approximately 1800 feet long, which is 1,000 feet longer than the requirements of the code. If he is required to meet the code, he would be required to build the road to connect. He stated if the variances are not granted, it will create a shortcut throughway for traffic moving from Providence Road that would normally go down Providence Road and turn left at the intersection of Sharon Lane through Usher Estates and Foxcroft area. He stated this would be a dangerous situation for the people who live in the area of Abingdon Road, Usher Lane and the people who will live in the new subdivision of Usher Estates. He stated there is precedent for this type of street - he pointed out Greentree Drive which is longer than the 800 foot cul-de-sac;

Huntington Park Drive which is much longer than an 800 foot cul-de-sac. That the purposes of the ordinance is to provide for the distribution of population and traffic which shall avoid congestion and overcrowding; to create conditions essential to health, safety, convenience and the general welfare. To achieve the purpose of the ordinance, he thinks Council will have to allow the variance because otherwise the street will run through what will be a residential area and this is not good for the health, safety or welfare. The convenience the ordinance talks about is the convenience of the people in the area, and not for the convenience of someone travelling through from one neighborhood to get to some other place. That he understands a 50-foot right-of-way will be dedicated, and under the city code the only type of street that can have a 50-foot right-of-way is defined as a minor residential access street which is used predominately to provide access to abutting residential areas.

That Section 18-5.1(f) provides that minor residential access streets shall be laid out to discourage through traffic. If this area is connected it will be encouraged. Unless the variance is granted the main purpose of the code and the end it is seeking to achieve will not be carried out.

Mr. Dotson Palmer stated while he is a member of the law firm of Palmer, Mraz and Jonas, he is here today as an interested resident of the area. That he lives on Arborway which would be used in this particular instance if the variance is not granted. He stated this particular subdivision ordinance was written some 12 years ago, and when it was written the City Council at that time foresaw that certain things like this would come up and they could not provide for every circumstance. In their wisdom they have set up and provided in this subdivision ordinance the legal machinery for Council to grant a variance. He stated there are a number of people in the audience who live in the area and are asking for the variance. He stated he hopes Council will see fit to grant the variance.

Mr. W. E. McIntyre, Planning Director, stated the Commission has reviewed the request and has seen fit not to grant the variance. That the granting of a variance under the Subdivision Ordinance is a matter that has its limitations and restrictions. If the variance is granted, it will be in two respects. (1) That a dead-end street be established rather than connected into Usher Lane, and (2) Vary the allowable length of a dead-end street. Both limitations on the dead-end street and the requirement that streets must be extended and connected into adjacent subdivisions have some bearing in considering the proper development of the community and neighborhood as a whole.

At the time the initial ordinance was passed, the city exercised no control over many of the streets in the city. One of the prime emphasis to establishing control over the streets was to avoid the development of dead-end streets. Upon until that time a good many developments and subdivisions had been developed with dead-end streets and it had gotten to the point where the extensive development of this kind of street system was impairing free and adequate circulation about the community. In response to that deficiency, a provision was put into the ordinance that adjacent subdivisions would have to be connected together where it was reasonable to do so. In order to avoid having each subdivision developed as an empire unto itself, and not connecting into adjacent neighborhoods so there would be circulation throughout the neighborhood rather than circulation throughout each individual subdivision without adequate connecting neighborhood street systems and an area wide street system.

Mr. McIntyre stated if the principle is followed of developing individual subdivision street systems rather than establishing patterns of neighborhood

street systems there will be substantial inconvenience developing throughout the whole city in terms of fire protection, deliveries, police protection and so forth.

The ordinance has a limitation on the allowable length of a dead-end street. The allowable length is 800 feet. If the street is not connected into Usher Lane, it will be a dead-end street twice the length allowed by the ordinance. He stated there were good reasons for limiting the length of a dead-end street when the ordinance was established. Dead-end streets result in dead-end water lines which exceed the desirable length for good water distribution and fire protection to the proper location of fire hydrants; long dead-end streets put a tremendous traffic burden on the dead-end street itself since all the ingress and egress to the street must be from one opening rather than the street being opened at both ends; long dead-end streets inhibit good circulation about the neighborhood.

Mr. McIntyre stated the variances that would have to be granted are (1) to allow the developer not to connect into the sub-street and (2) to allow a dead-end street to be 1600 feet rather than 800 feet. He stated Usher Lane is a 50-foot right-of-way, with 26 foot pavement.

Councilman Alexander stated what Mr. McIntyre is saying is technically right as far as the dead-end streets are concerned, but how will you solve the problem of feeding more traffic into these small streets if the streets that Usher Lane dead-end to is not going to be improved; it will create a problem rather than solving a theoretical problem.

Mr. McIntyre stated through traffic circulation through the area is provided for in the Major Thoroughfare Plan for the city, and he presented a map and explained the route. He stated a factor considered by the Planning Commission was the limitation within the ordinance itself on the authority to grant variances. The authority to grant a variance is not an unlimited authority - there must be some peculiar aspect of the property in relation to its size as a basis for granting a variance and the Planning Commission found nothing peculiar in the size of the tract of land. There must be something peculiar about the topography and this is very usual topography in this area. The condition and nature of the adjoining area must be unusual; this appeared to the Planning Commission to be a very usual area in terms of patterns of city development; or there must be some other unusual physical conditions which the Planning Commission could not find; and finally, there has to be an unusual hardship on the developer in order to grant a variance. The Planning Commission felt that it would establish an undesirable precedent by establishing a precedent that subdivisions may be islands unto themselves with their own street system rather than connecting together.

Councilman Tuttle stated he does not believe the scheme for proper city thoroughfare streets calls for, nor warrants, turning the streets of a well organized neighborhood into thoroughfares and he moved the granting of the variances in the ordinance as requested. The motion was seconded by Councilman Alexander.

Councilman Smith stated this grants two things - one is not to connect the street and the other is to allow the dead-end street to be 1600 feet.

Mr. Henry Underhill, Assistant City Attorney, advised this is requesting a variance of two sections of an ordinance and it can be done in one motion.

Councilman Short asked if Council has the authority to grant this variance and if Council does not, could the ordinance be changed and then grant the variance? Mr. Underhill replied the City Council has the authority to grant the variance requested.

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

COUNCIL MEETING RECESSED AT 4:10 P.M. AND RECONVENED AT 4:20 P.M.

Mayor Pro Tem Whittington called a ten minute recess at 4:10 P.M. and reconvened the meeting at 4:20 P.M.

FLAG OF THE UNITED STATES OF AMERICA PRESENTED CITY OF CHARLOTTE BY THE LOCAL CHAPTER OF THE DEMOLAY.

Mayor pro tem Whittington stated present today are some young men from the local chapter of the DeMolay who wish to make a presentation to Council.

Mr. Tommy Richardson introduced the following young men - Jim Watts, Robin Camp, Jim Balowsky, Paul Crawley, Bill Fuller and Jim Cannon.

Mr. Richardson stated they present a flag of the United States of America to the City of Charlotte and may it lie to remind us that we are citizens of the United States of America and that we shall be proud of it.

Mayor pro tem Whittington thanked them for the flag and for what they are doing for the young people in the city.

CHAMBER OF COMMERCE INVITES MAYOR, COUNCIL MEMBERS AND CITY MANAGER TO ACCOMPANY THE CHAMBER MEMBERS ON A TRIP TO JACKSONVILLE AND TAMPA, FLORIDA.

Mr. Don Denton, President of the Chamber of Commerce stated he and Mr. Pete Bealer, Chairman of the Chamber's Inter-city Visit Committee, are present for a very pleasant reason. Each year the Chamber of Commerce visits some city throughout the country; the purpose being to learn firsthand some of the problems the cities face and how their government arrived at some solutions to the problems.

He stated this year the Chamber will visit Jacksonville and Tampa, Florida on March 26, 27 and 28. The reason these cities have been selected is their involvement in projects similar to those being considered by Charlotte. The four areas of interest are - (1) City and County consolidation; (2) Civic Center; (3) Football stadium and (4) Airport; that both Jacksonville and Tampa are regional cities serving large areas and as such provide transportation facilities for many people; this situation is quite similar to Charlotte. Jacksonville will shortly open a new modern airport, and Tampa has recently passed a bond issue for a new futuristic airport.

Mr. Denton stated in both cities they will be meeting with members of the county commission, city council as well as others who will give them the advantage of their experience on these four subjects.

He stated the purpose of his visit this afternoon is to extend to each member of City Council, Mayor Brookshire and Mr. William Veeder, City Manager, a cordial invitation to be the Chamber's guest and to accompany them on this trip. That the expense of each would entail no more than two breakfasts plus any entertainment they would like.

He stated they will have the opportunity first hand to witness the problems and solutions reached by the people of these cities; that he feels they have a very attractive itinerary. That a DC 9 has been chartered from Eastern Airlines and will fly the group on the entire trip. Also invited are members of the County Board of Commissioners.

He stated he hopes that each will accept the invitation and will let them know through Mr. Veeder that they can make the trip.

Mayor pro tem Whittington thanked Mr. Denton for the invitation and he asked how many members can attend. All members of Council gave tentative indication they would accept the invitation.

ORDINANCE NO. 798 AMENDING CHAPTER 19, ARTICLE II, SECTION 19-86.1
ESTABLISHING RATES AND CHARGES FOR AMBULANCE SERVICE IN THE CITY OF CHARLOTTE.

Councilman Short stated these ambulance fees are not negligible in size and they fall upon involuntary and in emergency circumstance when they are not prepared for. For this reason they agreed that the rates should be very carefully studied and should be conservative and be clearly substantiated by the business records of the operating company. These records have been studied over some weeks, and in his opinion the requested increase is fair and can be substantiated.

Councilman Short moved the adoption of the subject ordinance effective immediately setting new ambulance rates. The motion was seconded by Councilman Smith.

Councilman Tuttle asked if the City Manager has studied this situation and if he is thoroughly satisfied with the new rates, and Mr. Veeder replied it has been reviewed very carefully, and the studies would indicate the increase is in order.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 211.

ORDINANCE NO. 799-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE
AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING ZONING
OF TRACT OF LAND SOUTH OF SOUTHERN RAILROAD AND EAST OF DONALD ROSS ROAD.

Council was advised the Planning Commission recommends that the portion of the petition nearer the railroad be approved for I-2 zoning and the remainder of the tract be denied.

Councilman Smith moved the adoption of the subject ordinance changing the zoning of a portion of the property to I-2 and denying the remainder of the tract as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle.

Mayor pro tem Whittington stated Mr. Alexander, and he with Mr. Bryant and the Vice Commander of the American Legion and Mr. Sut Alexander rode over all this property and after seeing it with these people involved he would recommend the change to Council.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 212.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MARCH 18 ON PETITIONS NO. 68-21 THROUGH 68-27 FOR ZONING CHANGES.

Councilman Alexander moved adoption of the subject resolution which was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 56.

RESOLUTIONS PROVIDING FOR ISSUANCE OF \$5,500,000 REDEVELOPMENT BONDS, \$2,900,000 AIRPORT BONDS, \$1,000,000 STREET BONDS, \$1,000,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS, \$1,000,000 POLICE HEADQUARTERS BUILDING BONDS, \$700,000 STREET LAND BONDS, SERIES 1968, AND FIXING THE FORM AND MANNER OF EXECUTION OF SAID BONDS, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION ASKING FOR SEALED BIDS FOR SAID BONDS, AND AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$12,100,000 BONDS TO BE ISSUED UNDER DATE OF MARCH 1, 1968.

Councilman Jordan introduced a resolution entitled: Resolution Providing for the Issuance of \$5,500,000 Redevelopment Bonds. Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$5,500,000 Redevelopment Bonds", was passed by the following vote:

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

Thereupon Councilman Tuttle introduced the resolution entitled: Resolution Providing for the Issuance of \$2,900,000 Airport Bonds. Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$2,900,000 Airport Bonds" was passed by the following vote:

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

Thereupon Councilman Tuttle introduced the resolution entitled: Resolution Providing for the Issuance of \$1,000,000 Street Bonds. Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,000,000 Street Bonds" was passed by the following vote:

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

Thereupon Councilman Short introduced a resolution entitled: Resolution Providing for the Issuance of \$1,000,000 Street Widening, Extension and Improvement Bonds. Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,000,000 Street Widening, Extension and Improvements Bonds" was passed by the following vote:

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

Thereupon Councilman Alexander introduced a resolution entitled: Resolution Providing for the Issuance of \$1,000,000 Police Headquarters Building Bonds. Upon motion of Councilman Alexander, seconded by Councilman Smith, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,000,000 Police Headquarters Building Bonds" was passed by the following vote:

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

Thereupon Councilman Stegall introduced a resolution entitled: Resolution Providing for the Issuance of \$700,000 Street Land Bonds, Series 1968. Upon motion of Councilman Stegall, seconded by Councilman Smith, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$700,000 Street Land Bonds, Series 1968" was passed by the following vote:

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

Thereupon Councilman Jordan introduced a resolution entitled: Resolution Fixing the Form and Manner of Execution of \$5,500,000 Redevelopment Bonds, \$2,900,000 Airport Bonds, \$1,000,000 Street Bonds, \$1,000,000 Street Widening, Extension and Improvement Bonds, \$1,000,000 Police Headquarters Building Bonds and \$700,000 Street Land Bonds, Series 1968, To Be Issued Under Date of March 1, 1968, Providing for the Registration Thereof, Ratifying Application to Local Government Commission for the Advertisement and Sale of Said Bonds and Ratifying Action of Local Government Commission in Asking For Sealed Bids For said Bonds. Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the foregoing resolution entitled: "Resolution Fixing the Form and Manner of Execution of \$5,500,000 Redevelopment Bonds, \$2,900,000 Airport Bonds, \$1,000,000 Street Bonds, \$1,000,000 Street Widening, Extension and Improvement Bonds, \$1,000,000 Police Headquarters Building Bonds, and \$700,000 Street Land Bonds, Series 1968, to be issued under date of March 1, 1968, Providing for the Registration Thereof, Ratifying Application to Local Government Commission for the Advertisement and sale of Said Bonds and Ratifying Action of Local Government Commission in Asking for Sealed Bids for Said Bonds" was passed by the following vote:

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

Thereupon Councilman Tuttle introduced a resolution entitled: Resolution Authorizing the Printing of the Legal Opinion on the \$12,100,000 Bonds to be Issued under Date of March 1, 1968. Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the resolution entitled: "Resolution Authorizing the Printing of the Legal Opinion on the \$12,100,000 Bonds to be issued under Date of March 1, 1968" was passed by the following vote:

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

The resolutions are recorded in Resolutions Book 6, beginning at Page 57.

ORDINANCE NO. 800-X ORDERING THE REMOVAL OF AN ABANDONED VEHICLE LOCATED AT 518 WEST FIFTH STREET PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY OF CHARLOTTE, AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 213.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY AND STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF AN EIGHT INCH WATER MAIN IN MORRIS FIELD ROAD, BETWEEN WILKINSON BOULEVARD AND PLATO PRICE SCHOOL ROAD.

Motion was made by Councilman Smith authorizing the Mayor and City Clerk to execute a right of way agreement between the City and the State Highway Commission for the construction of an eight inch water main in Morris Field Road, between Wilkinson Boulevard and Plato Price School Road. The motion was seconded by Councilman Stegall, and carried unanimously.

SANITARY SEWER CONSTRUCTIONS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Stegall, and unanimously carried, contracts were authorized for construction of sanitary sewer mains, as follows:

- (a) Contract with Convenience Foods, Inc. for the construction of 620 feet of main in North Tryon Street, inside the city, at an estimated cost of \$3,170.00. 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.
- (b) Contract with James M. Moore, Inc. for the construction of 180 feet of main in Sugar Creek Road, inside the city, at an estimated cost of \$1,205.00. 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.

CHANGE ORDER NO. G-2 IN CONTRACT WITH JUNO CONSTRUCTION COMPANY FOR LAW ENFORCEMENT CENTER.

Councilman Alexander moved approval of the subject change order by adding \$12,301.52 to the contract price. The motion was seconded by Councilman Jordan, and carried unanimously.

The change order is as follows:

(a) Crushed Stone drainage fill	add	\$7,802.20
(b) Change red paving brick to gray brick	add	5,306.32
(c) Omit nine type No. 1 panels and substitute six type No. 2 wall panels as requested by Urban Redevelopment Commission	deduct	807.00
	Total change add:	\$12,301.52

CHANGE ORDER NO. E-1 IN CONTRACT WITH THE INDUSTRIAL ELECTRIC COMPANY FOR LAW ENFORCEMENT CENTER.

Upon motion of Councilman Stegall, seconded by Councilman Smith, and unanimously carried, Change Order No. E-1 in contract with The Industrial Electric Company for Law Enforcement Center, was authorized as follows:

- | | | |
|--|------------------|---------------|
| (a) Provide two exhaust fans | add | \$1,073.00 |
| (b) Provide three electric cardkey locks | add | <u>908.00</u> |
| | Total change add | \$1,981.00 |

Councilman Stegall stated the cardkey locks cannot be duplicated.

CHANGE ORDER NO. G-7 IN CONTRACT WITH LEE CONSTRUCTION COMPANY, INC. FOR ADDITIONS TO HOSKINS FILTER PLANT.

Motion was made by Councilman Smith, seconded by Councilman Alexander, and unanimously carried, approving the subject change order in contract with Lee Construction Company, Inc. for additions to Hoskins Filter Plant, as follows:

- | | | |
|--|-------------------|------------------|
| (a) For repairs of clearwell column footing joints | add | \$ 2,357.00 |
| (b) For total liquidated damages the city is entitled to collect under terms of the contract | deduct | <u>10,150.00</u> |
| | Net change deduct | \$ 7,793.00 |

CONTRACT WITH PITOMETER ASSOCIATES FOR WASTEWATER SURVEY FOR DISTRICT NO. 2-A.

Councilman Smith moved approval of the subject contract for survey of wastewater for District #2-A, in the amount of \$6,000.00. The motion was seconded by Councilman Jordan, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, appraisal contracts were authorized as follows:

- (a) Contracts with Charles E. Owens for appraisal of one parcel of land for the South Boulevard Intersections, two parcels for Poplar Street Widening, and one parcel for the Northwest Expressway;
- (b) Contract with Harry G. Brown for appraisal of one parcel for the South Boulevard Intersections;
- (c) Contract with T. R. Lawing for appraisal of one parcel of land for the Northwest Expressway Project.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Peter Hondros for Lot No. 257, Section 4-A, Evergreen Cemetery, at \$189.00;
- (b) Deed with John H. Rappe, Jr., for Graves No. 7 and 8, in Lot 171, Section 2, Evergreen Cemetery, at \$120.00;
- (c) Deed with Herman C. Kissiah for Grave No. 1, in Lot No. 180, Section 2, Evergreen Cemetery, at \$60.00.

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR BRIAR CREEK OUTFALL CONSTRUCTION.

Councilman Jordan moved award of contract to the low bidder, Sanders Brothers, Inc. in the amount of \$13,760.00 for the construction of Briar Creek Outfall. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$13,760.00
Crowder Construction Co.	30,855.00
T. A. Sherrill Const. Co.	33,975.00
Boyd & Goforth, Inc.	34,425.00

CONTRACT AWARDED BOYD & GOFORTH, INC. FOR RELOCATION OF SANITARY SEWER FOR THE NORTH-SOUTH EXPRESSWAY AND IRWIN CREEK OUTFALL.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Boyd & Goforth, Inc., in the amount of \$300,243.86, for sanitary sewer relocation off the North-South Expressway and Irwin Creek Outfall.

The following bids were received:

Boyd & Goforth, Inc.	\$300,243.86
Noll Construction Co.	319,491.50
Rand Const. Co.	320,135.00
Blythe Bros. Company	334,634.20

CONTRACT AWARDED BAKER EQUIPMENT ENGINEERING COMPANY FOR HYDRAULIC AERIAL DEVICE.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Baker Equipment Engineering Company, in the amount of \$5,810.23, for one hydraulic aerial device.

The following bids were received:

Baker Equipment Engr. Co.	\$ 5,810.23
Utilities Service, Inc.	5,895.41

CITY MANAGER TO CONFER WITH SCHOOL BOARD ADMINISTRATION AND INVESTIGATE WHETHER AN EASEMENT CAN BE OBTAINED ACROSS PRIVATE PROPERTY FOR PATHWAY FOR STUDENTS FROM MANTLE COURT TO OAKHURST ELEMENTARY SCHOOL.

Councilman Short moved that Mr. Veeder and City Administration be asked to confer with the School Board Administration and investigate whether or not an easement can be obtained across private property to allow students to have a pathway from Mantle Court over to Oakhurst Elementary School. The motion was seconded by Councilman Stegall.

Councilman Tuttle made a substitute motion authorizing the \$1100 for construction of temporary sidewalks on Chippendale Avenue and the City Manager instruct the Traffic Engineering Department to post easy-to-see no parking signs to protect the sidewalks and the Police Department be ordered to enforce the law after the signs are in place, and that someone from the Traffic Engineering Department contact the Management of the Mill involved and make it plain to them that the area where the cars have been parking will now be sidewalk area and no parking will be permitted. The motion was seconded by Councilman Smith.

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

YEAS: Councilmen Tuttle, Smith and Alexander.
NAYS: Councilmen Short, Stegall and Jordan.

Mayor Pro Tem Whittington broke the tie vote, voting against the substitute motion.

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

YEAS: Councilmen Short, Stegall and Jordan.
NAYS: Councilmen Tuttle, Smith and Alexander.

Mayor Pro Tem Whittington broke the tie vote, voting for the original motion.

ORDINANCE NO. 801-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Jordan moved the adoption of the subject ordinance authorizing the transfer of \$600.00 for Veterans Service Office, Account No. 530.95 to be used for hiring additional clerical help due to expanded military activity. The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 214.

REAPPOINTMENT OF MR. HAROLD M. MORROW TO INSURANCE ADVISORY COMMITTEE.

Councilman Tuttle stated upon the recommendation of the Mecklenburg Insurance Advisory Committee, he moved the reappointment of Mr. Harold M. Morrow for a three year term to the Insurance Advisory Committee. Mayor Pro Tem Whittington stated hearing no objections Mr. Morrow is reappointed unanimously.

WARNING SIGN SUGGESTED AT APPROACH TO PAY STATION FOR PARKING AT AIRPORT.

Councilman Short stated he would like to commend Mr. Ross Knight, Airport Manager, and others for the good parking facilities at the airport. He stated Mr. Knight might consider a sign of warning be put up for cars approaching the pay station.

CONDITIONAL ZONING SUGGESTED AS NUMBER ONE ITEM FOR REPRESENTATIVES TO GENERAL ASSEMBLY.

Councilman Alexander asked what is necessary for Council to establish a conditional zoning? Mr. Underhill, Assistant City Attorney, replied authority from the General Assembly. Councilman Alexander asked that this be put down as the number one item on suggestions for our representatives to the General Assembly to look into.

CITY MANAGER REQUESTED TO MAKE RECOMMENDATIONS ON ARRANGING TRANSPORTATION FOR COUNCIL MEMBERS TO VIEW ZONING SITES.

Councilman Alexander stated the zoning situation is getting more loaded with the need for the Council to visit sites. He asked if there is anyway for the Council to make arrangements for transportation to see the sites. That a map shows the site but you cannot appreciate what you are trying to decide until you visit it.

After discussion, the City Manager advised that anytime one or more members of Council needs transportation all it takes is a call to City Hall and the time to round up a car.

Councilman Alexander requested the City Manager to come back to Council with suggestions.

APPOINTMENT OF HARRY C. SISKRON TO THE BUILDING STANDARDS BOARD FOR UNEXPIRED TERM.

The City Manager stated Mr. T. H. Hobbs, Plumbing Contractor, has resigned his position on the Plumbing Advisory Board and he was the representative from that Board to the Building Standards Board. That a new appointment has been made to the Plumbing Advisory Board, but the appointment to the Building Standards Board requires Council approval. He requested Council to consider the appointment of Mr. Harry C. Siskron to fill Mr. Hobbs' unexpired term.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the appointment of Mr. Siskron was approved as recommended.

DISCUSSION OF GREEN AMENDMENT.

Mr. Veeder, City Manager, stated this morning he received a booklet entitled "Organizing Communities for Action, for the 1967 Amendments to the Economic Opportunity Act". He stated this document will provide the framework within which judgements can be made that relate to the Green Amendment. That he has requested additional copies of the document. That an important aspect of it now is the time table and he noticed that the first requirement

is by March 15, there must be a judgement of sorts on the intentions of the local unit of government as it may see fit to do in terms of designating the community agency. That it is not a binding commitment, but it must be a starting point. That it goes through the chronologies leading up to July 1 when the amendment will take place. That the process has been started by which judgements will have to be made as it relates to the Community Action Agency of Charlotte.

Mayor Pro Tem Whittington suggested that this be placed on the agenda for the next meeting with the County Commissioners and it should be done before the deadline, and perhaps someone on the City Manager Staff and someone on Mr. Weatherly's staff define the amendment down to where each could understand the steps that need to be taken.

Mr. Veeder stated he will start some activity on the staff side with Mr. Weatherly.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 10,000 square feet of property at 717 Wesley Avenue, from Curtis William Brown and Lucielle M. Brown, at \$9,000, for East 30th Street Project;
- (b) Acquisition of 10,298 square feet of property, at 2909 Whiting Avenue, from C. W. Alexander and wife, Mary M., at \$10,400, for East 30th Street Project;
- (c) Acquisition of construction easement 850 sq. ft. at 917-19 West Fourth Street, from Dr. Joseph Louis Butler, at \$500, in connection with the West Fourth Street Extension;
- (d) Acquisition of construction easement 350 square feet at 913-15 West Fourth Street, from W. H. Alexander, Elizabeth C. Alexander and Violet C. Alexander, at \$100, for West Fourth Street Project;
- (e) Sale of approximately 1.80 acres of property in Tract 612C Oaklawn Park to Mr. Thomas L. Hendrix in the amount of \$3,000 in accordance with the January 29 auction;
- (f) Sale of approximately 7,383 square feet of property at 200 Lima Avenue, to Mr. Clarence C. Dees, in the amount of \$1,017.50, in accordance with February 5 auction;
- (g) Sale of approximately 7,000 square feet of property at 2100 Roslyn Avenue to Mr. Clarence C. Dees, in the amount of \$1,237.50 in accordance with February 5 auction;
- (h) Acquisition of 59,594.50 square feet of property at the intersection of I-77 and West Fourth Street, at \$1,986.48, from E. C. Griffith Company, for easement to Irwin Creek Sanitary Sewer Outfall.
- (i) Acquisition of 2,850 square feet of property on Covecreek Drive off Barrington Drive, from William Trotter Development Company, at \$1.00 for easement to Eastbrook Woods Sanitary Sewer.

HOUSING AUTHORITY REPORT.

At the request of Mayor Pro Tem Whittington, the Housing Authority report is made a part of the minutes by reference and is attached hereto.

CITY MANAGER REQUESTED TO SET UP MEETING WITH WRECKER COMPANIES TO DISCUSS TOW-IN CHARGES ON ABANDONED VEHICLES.

Mayor Pro Tem Whittington stated he thinks Council should have a meeting with the Wrecker Companies and let them state why they feel they need a raise with all the abandoned cars on private property. That they cannot go onto this property until requested to do so by the City. That most of the time they have to use hoist to move the cars and it is not like moving one off the street.

Councilman Stegall stated there has been some conversation by several members of the Traffic Division of the Police Department about the automobile tow-in. That the Police Department would like to see some method worked out whereby the cars can be towed to the Wrecker lots rather than to the City lot. That he is not talking about the cars overparked between 4:30 to 6:00 and 7:30 to 9:30.

Mayor Pro Tem Whittington stated he is not talking about an increase in tow-in charges for the cars left over the parking limit downtown, he is talking about abandoned cars where they have to go on private property and use additional equipment to tow the car.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk