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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, On Monday, November 18, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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 and Commissioners Albea, Gamble, Godley, Sibley, Stone, Tate, Turner and Wilmer.

ABSENT: Mr. Ashcraft.

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INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

MINUTES APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, approving the minutes of the last meeting on November 4, 1968.

HEARING ON PETITION NO. 68-81 BY NANCY L. HENRY FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A 16.82 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF GENERAL YOUNTS EXPRESSWAY (U.S. 21), AND CLANTON ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject tract of land is almost 17 acres in size, located at the intersection of the new U. S. 21 - General Younts Expressway and Clanton Road at the northeast corner.

The property is vacant with the exception of one house which is the old Trace Henry home. It is adjoined on the east by property which is vacant and owned by the Charlotte-Mecklenburg Board of Education; on the northerly part of that tract there are two schools, a junior high school and an elementary school; but the southern part is vacant at this time.

Across Clanton Road, on the south side from it, there are several single family residences; the other two corners are vacant; there is a church on Clanton Road; and the only other significant land use feature in the general area is along Tryon Street where there are a variety of business uses, with a junk yard at the corner of Clanton Road and several retail-type businesses, including a service station.

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Mr. Bryant stated the subject property is zoned R-6MF as is a large mass of property in the immediate vicinity; the corner directly opposite this property is already zoned for business as is the property on the northwest corner of the Expressway and Clanton Road. The Clanton Park Subdivision is zoned for single family purposes; other than that the area along Tryon Street is zoned light industrial on the west side and heavy industrial on the east side.

Mr. James Monteith, attorney for the petitioner, stated this particular tract consists of approximately 16 acres and the access is completely limited on Interstate 77; there will be no access to the property at all along the west side; on the east side, it is completely land-locked by the Board of Education property. That the only access to the property, after the completion of Interstate 77, will be approximately 300 feet along the right-of-way of Clanton Road on the southerly boundary of the property; the land is slightly rolling and it is doubtful it can be put to any use which is profitable. That Mrs. Henry has received a number of expressions of interest for the property but all have been for business uses; one of the firms would like to use the property for a small neighborhood-type shopping center.

Mr. Monteith stated he understands from talking with the Board of Education, their property is in the process of being declared surplus property and will be offered for sale. Under the circumstances, due to its proximity to the Interstate 77 and Clanton Road, the noise and general problems created by that much traffic, will not make the property adaptable for residential use. That the property immediately across Interstate 77 has been rezoned as has the property immediately across Clanton Road and they feel this rezoning is justified due to the limitation of uses imposed by its location. That they seek a rezoning of the entire parcel because of the limited access problem. Several oil companies have approached Mrs. Henry about purchasing a part of the tract along the front which would completely land-lock the entire parcel and make the balance of the property useless. That as far as he knows no objection has been imposed up to this time against the request for rezoning.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-82 BY FOREST HILLS PRESBYTERIAN CHURCH FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT 75' X 200' AT THE SOUTHWEST CORNER OF MARSH ROAD AND MELBOURNE COURT.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located at the corner of Marsh and Melbourne Court; there is some street construction going on in this area and the dog-leg between Marsh Road and New Bern is being eliminated, with Marsh Road being constructed to make a direct connection.

He stated the subject property has on it a single family residence and all the property to the east and southeast along Marsh Road from that point is all used as single family residential purposes. The property immediately adjacent on the South Boulevard side is occupied by a milk dispensing store, which is a drive-in store, and immediately adjacent to that on the corner of South Boulevard is a Krispi-Creme Do-nut Shop. Across Marsh Road is the North Carolina National Bank and the Sedgefield Shopping Center, running along South Boulevard; on the west side of South Boulevard there are a variety of industrial and business uses; the Sedgefield Apartment area is immediately to the rear of the shopping center.

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Mr. Bryant stated the subject property is zoned R-9 as is all the property to the east; the adjoining side on South Boulevard, the west side, is zoned for B-2 purposes right up to and adjoining the subject lot. Across the street where the bank is located, there is some office zoning as there is also some office zoning continuing on to the north and to the rear of the Sedgefield business area itself. Everything to the west side of South Boulevard is zoned for industrial.

Mr. William Shuford, attorney for the petitioner, the Forest Hills Presbyterian Church Board of Trustees, stated no protest has been filed against this petition and emphasized this is a corner lot and immediately to its west is a B-2 zone which adjoins the property of a drive-in dairy store and adjacent to that is the Krispi-Kreme Do-Nut store, and across the street there is office zoning. That this is a corner lot fronting on Marsh Road and to the side is Melbourne. This property was formerly the manse property for the South Park Presbyterian Church which merged with Forest Hills Presbyterian Church about 7 or 8 years ago. It was used as a manse up until about a year or a year and a half ago; the church is now located on Woodlawn Road and has other manse property. This property is zoned R-9 and does have a residential dwelling on it. That he has been told by the Board of Trustees that they have sought long and hard to sell the property as a residence and have met with no success whatsoever. In fact, the other neighbors in the neighborhood have complained about some of the noise coming from next door early in the morning. That they have had several offers for the sale of this property for office purposes and at the present time a contract is in existence provided it can be rezoned O-6. That the property would be used as it now is with no exterior alterations but would be used for manufacturer's representative-type office with no particular increase of traffic at that point.

Mr. Shuford stated as far as he knows no one has objected to it. That Mr. Cecil Kiser, who owns this property and resides immediately across the street from this property, has given a statement that he is in favor of this rezoning and Mr. William L. Rush, who has a residence across Marsh Road, has given a similar statement to that effect.

Mr. Bob Rudisill, immediate past chairman of the Board of Deacons at Forest Hills and a member of the manse committee, stated it became obvious to them about 18 months ago that this property was no longer desirable for a manse as their preacher and his wife were complaining about the noise and the garbage cans being collected at the Krispi-Kreme at 5:00 o'clock in the morning. That they were successful in finding a new manse as a lady in the church was moving and was willing to sell the property. They did not have the down payment but the lady was willing to wait and take her down payment as a second mortgage contingent upon their being able to sell the manse right away. He stated they started out to sell this property and pay the lady but met with no success whatsoever. They tried to sell it to all interested parties but they would immediately see it was right up against this dairy products place and they would see the proximity of the Krispi-Kreme Do-nut place and they would tell them they were not interested. That the only bonafide offer they have had has been as office space and they cannot pay the second mortgage on the other house without the sale of this property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

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HEARING ON PETITION NO. 68-83 BY EDWARD H. AND ANN D. THOMAS, JESSE M. WALLER, ROBERT C. PAGE AND RICHARD H. AND MARY L. JONES FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF PROPERTY ON THE NORTH SIDE OF SHARON ROAD WEST BEGINNING AT SUGAR CREEK AND EXTENDING WESTWARD 1,238 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated about a year ago there was a request for a zoning change of a large area to multi-family that was located east of Pineville Road and north of Sharon Road West and south of the Starmount Residential Area. This was ultimately approved and today there is a request basically from the same owners, although there are several additional property owners involved in this request to extend that multi-family zoning down to Sharon Road West.

Mr. Bryant stated the subject property begins at Sugar Creek at Sharon Road West and continues westward for several hundred feet and has at least one residence, perhaps two, on it. There are several additional single family residences along Sharon Road West and the Wilmouth Alcoholics Hospital; over on Pineville Road there are several business and industrial uses, the new Therrell Machine Facility is located at the intersection of Sharon Road, a new service station has been built on the corner and Huntley Auto Sales is in the area and Smith Chevrolet facility is located in this area. To the east of the subject property, it is all relatively vacant, all the property along the Creek is vacant, as well as the property to the south, along Sharon Road West; with the exception of the concentration of uses along Pineville Road, it is still a clean pattern of uses at the present time.

The subject property is zoned R-9, all property to the east of the property across Sugar Creek is all zoned R-12; all the Starmount area is zoned R-9 but there is business zoning on the east side of Pineville Road and Industrial zoning on the west side.

Mr. Jesse Waller, of Lone Star Builders, stated they purchased some of this property hoping they would not have to go through the rezoning so they could get out of the back side of Sharon Road West; that it is low property and unless it is built up several feet, it will not be useable for anyone to build anything on, it is strictly for a road.

Councilman Whittington asked if they are wanting this change as an entrance to their apartment project? Mr. Waller replied yes, there are two other petitioners in this and he does not control their land whatsoever and they want to get it all rezoned at the same time; that he is mainly interested in his part of it as an entranceway; that his part is right through the center.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-84 BY ANN D. AND EDWARD H. THOMAS AND JESSE M. WALLER FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A TRACT OF LAND 250' X 2,278' BEGINNING 400 FEET EAST OF PINEVILLE ROAD AND EXTENDING FROM PROPERTY OWNED BY EDWARD BOECKMANN TO PROPERTY OWNED BY J. M. COLEY.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is also in the same area and is located to the rear of the existing business zoning along Pineville Road; that the existing business zoning is 400 feet in depth from Pineville Road and this request consists of 250 feet more depth which

would make it a total of 650 feet of business zoning back from Pineville Road and would extend for a considerable distance along the strip, not only adjacent to the frontage property of the petitioner but also behind the Larry Smith Chevrolet facility that is already existing.

Mr. Jesse Waller, one of the petitioners, stated the main reason they are petitioning this rezoning is for the depth; they want a 670 foot depth; that this property has several lakes on it with about a 30 foot drop from the center of the road in the property and rather than fill it in, if they could move the parking back, they could put the shopping center in without too much filling.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-85 BY PINES OF CHARLOTTE, INC. FOR A CHANGE IN ZONING FROM R-6MF TO B-1 S. C. D. AND O-6 OF A 7.85 ACRE TRACT OF LAND ON THE NORTH SIDE OF WEST BOULEVARD BEGINNING AT SOUTHERN RAILROAD AND EXTENDING WESTWARD TO A POINT 512 FEET WEST OF HOLABIRD LANE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated if Council will recall several weeks ago, an announcement was made concerning the construction of a large number of low cost units in the West Boulevard area; this request for a change in zoning is related to those building plans.

He stated the request consisted of two portions. First is a request for a B-1 Shopping Center District for the frontage property along West Boulevard and then for the frontage which is adjacent to the railroad area so that the actual business area would be an L-shaped affair which would extend along the railroad and then along West Boulevard. It is further requested that an additional area to the rear and to the side of the business zoning be changed to office purposes so that they can use it for office and have the advantage of having a transitional area between the business and residences.

He stated there are several scattered single family residences along West Boulevard; there is one business use directly across the road; there are three single family houses right beside the project and then there are some single family residences to the rear. There are some apartments on the east side of the railroad, fronting on West Boulevard, and then some duplexes behind that and then single family development; the remaining part of this area is all vacant and this is primarily the area to be developed with the low-cost housing units.

Mr. Bryant stated as you proceed westward along West Boulevard on the east side of the railroad there is some industrial zoning along the area to the south of West Boulevard; there is some B-2 zoning on the north side of West Boulevard; this area is primarily used for apartments at the present time, although it is business zoning at the present. Other than that, the area is entirely a clean pattern of R-6MF zoning both north and south of West Boulevard. That since this is a B-1 S.C.D., a plan for the development of the shopping center is a necessary part of the consideration which he explained.

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Mr. Bryant stated this plan consists of an area along West Boulevard and along Holabird Lane, creating the L-shaped affair mentioned earlier and would consist of a block of stores, and several retail outlets. The second phase would consist of a service station on the corner of Holabird and then several convenience type outlets along West Boulevard ending with a dry-cleaning establishment on the far western portion of the property. These plans, if approved, will become a part of the business proposal and would have to be followed if this development takes place, keeping in mind that the B-1 S.C.D. is a conditional district that requires compliance with the plans as they are approved.

Mr. John Rosebro of Vinson Realty stated he represents Pines of Charlotte, the petitioner. He stated they have worked out a project to erect 690 low-income housing units on this tract of land; this has been coordinated with the Charlotte Housing Authority who will be the eventual owner of 300 turn key apartments, 240 units under the 221D-3 program that will be sponsored by the Little Rock A.M.E. Zion Church and a condominium of 150 units which will also be sponsored by the Little Rock Church and ultimately will be sold to the occupants. In approving this project, the Department of Housing and Urban Development has set forth three requirements. Number 1, that they secure approval from the city bus company to extend the bus line to serve this project. Mr. Steven, the Superintendent of the bus line, has agreed to do this and said that once the street pattern is established, he will operate a circular route through the project. The second requirement of HUD is that the total tract of land be annexed and since approximately one acre is already in the city, they agreed to apply for annexation of the remaining 83 acres. The third requirement was that a shopping center be established in the vicinity to serve the 690 families. They plan this shopping center on some seven acres to serve this area and have applied for O-6 zoning on the rear portion as they feel there will be a need for medical clinics, dental clinics and facilities of this type.

Mr. Rosebro stated the 41 acres will be ultimately sold to the Charlotte Housing Authority and will have 300 units erected under the turn key program. Another area is being sold to the Urban Systems Development Corporation which is a subsidiary of Westinghouse on which they will erect 240 units under the 221D-3 project; the other area will be also erected by Urban Systems Development Corporation and sponsored by the A.M.E. Zion Church; there will be 150 condominiums on this tract of land; the fourth area, around Holabird Lane is the 7.85 acres covered in the zoning petition and they are ready to go with this project. He stated he has a meeting in Atlanta this week with HUD to close out the final details, and the three developers involved are meeting there and it is all contingent upon their being successful in the zoning and annexation applications.

Mr. Rosebro stated they are aware there will be about two weeks before this matter is finally approved but he would like Council to be aware they are pressing for this as rapidly as they can. That the developers are hoping to break ground around the middle of February and there is a great deal of planning to do before then so they are going ahead with their plans in the hope that these two applications will be approved.

Mayor Brookshire stated the Planning Commission has in the past, on occasion, brought recommendations back to Council before adjournment and it is entirely possible for an answer to be given this afternoon. Mr. Rosebro stated it would be extremely helpful if he could go to Atlanta Wednesday with this information as they are ready to move ahead.

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Councilman Short asked if the condominium procedure available as of recent date help him somewhat in dealing with HUD? Mr. Rosebro replied no, it was a complete surprise to him; that he thinks HUD picked this up from a news release, the original project as planned was to have been 150 single family houses and 150 221D-3s and with the change Council recently voted, either HUD or the Charlotte Housing Authority recommended this change; that he had nothing to do with it, all he wanted to do was to get some houses built.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until later in the meeting.

HEARING ON PETITION NO. 68-86 BY JOHN C. JONES, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING 865 FEET PLUS ON THE NORTHWEST SIDE OF WALLACE LANE, BEGINNING 400 FEET SOUTHEAST OF INDEPENDENCE BOULEVARD.

The schedule hearing was held on the subject petition on which a protest petition had been filed, signed by owners of more than 20% of the area within 100 feet adjacent to one of the side lines of the property to be rezoned, which is sufficient to invoke the 20% rule requiring the three-fourths majority vote of the City Council for approval of the petition for rezoning.

The Assistant Planning Director stated the subject property consists of a fairly large tract of land along the north side of Wallace Lane to the rear of business zoning and business development which has taken place along Independence Boulevard. That much of the frontage property along Independence has been or is in the process of being developed for business purposes. Just in front of this request is a new store for Pearlman Furniture under construction, and as you come away from Wallace Lane going toward the city, there is a miscellaneous grouping of stores and other business uses along Independence, including a produce market, offices of a construction company, a carpet or floor covering concern and several other business uses in the area. The area facing on Wallace Lane is the Sharon Forest Baptist Church property and a church building is in existence on that site; the subject property has several single family structures at the present time on it facing Wallace Lane. South of Wallace Lane is the Sharon Forest Residential Subdivision which is primarily developed with single family houses; there is one row of duplex structures along Briardale Drive. So you have the business zoning, then a row of duplexes and then single family uses in the vicinity.

He stated to the north of the property it is principally vacant although there are a few scattered residential structures along Dion Drive and then a number of additional single family structures up in the City View Acres.

Mr. Bryant stated the zoning in the area is a fairly simple pattern with business zoning along Independence Boulevard at the location of the subject tract - 400' in depth back from Independence Boulevard. Except for the business zoning along Independence there is a row of R-9MF to accommodate the duplexes immediately adjacent to the business zoning with the main part of the area zoned for R-9 only.

Mr. J. C. Sedberry, of the firm of Myers, Sedberry, and Collie, stated he represents the petitioners. There is a service station on the corner of Independence Boulevard and that adjoins the church property and then coming down the row of apartment houses, if you extend the line of those apartment houses right on across, there would be room for apartments or other businesses. That he does not know who filed the protest, but the church's property is now adjoining a service station and goes up to the row of duplexes so to go across the street across Wallace Lane and have businesses or even apartment houses could not hurt the people on the other side of Wallace Lane when they already have businesses adjoining them. That Pearlman wants the rest of the land zoned for business so they can have additional parking space; they are not planning on putting another building on it, so all they want is to extend the present B-2 back to their line.

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He stated the next piece of property belongs to Reverend L. W. Fields, who was a former pastor of that church and he wants his property zoned for business; the next is Mr. Ferguson, who owns the lot next to that and then comes the Jones property. That Mr. Jones has about 6½ acres in there with three dwelling houses and the back has vacant land, kind of low and then goes up to a hill on the other side. That he has plans to build a road through there and then try to build on each side of the road. That they would like to have it changed to multiple dwelling apartments. He stated except for the church, the other protestors live a half a mile away and they protest because of the additional traffic along the street which will happen away. As far as a business hurting their church, Myers Park Church has business all across Providence Road from it and it is an accommodation to it because they can use the parking lot over there when people go to church on Sunday. The Presbyterian Church on Providence Road has a bank on the opposite side of Providence Road and it does not hurt the churches, most people will go if there is good parking space.

Councilman Tuttle asked why B-2 is requested as opposed to B-1? Mr. Sedberry stated he put B-2 because he felt it would fit the situation out there but B-1 might be just as good for these people. Councilman Tuttle asked what is planned for the land and Mr. Sedberry replied the plan is to have some stores, apartment houses and nothing very elaborate and then someone said there was to be a go-cart tract back in that low land, about 700 feet off Wallace Lane, but Mr. Jones, who owns that land, said that is not correct.

Mr. Richard Meek, attorney representing the surrounding homeowners, principally Sharon Forest Subdivision as well as the areas immediately surrounding, including the people on City View Drive, stated he would like to pass out the City Tax Maps to Council to acquaint them with the locale.

Mr. Meek stated he has protests from people in the Sharon Forest Areas and City View Drive which total 209 names; some of the people are Mr. and Mrs. which have been counted as one name so actually there are 240 signatures; that he asked each family to designate how many children were in their family and the count is 315 children just of the people who have signed the petition and he is sure there are others against it but that is a great number of people in this area who are against it.

He stated Sharon Forest has an entrance which gets a great deal of traffic and the other entrance is along Wallace Lane and people who live in Sharon Forest could come in the lower entrance which is on Wallace Lane; these are the only two entrances to their property unless they wanted to drive all the way around and come down City View Drive which is unlikely. That the area proposed for rezoning is about 1200 feet off the Boulevard; they already have a strip of 400 feet zoned for business and now they want to come back another 900 feet that is really going into the residential community.

Mr. Meek stated the petition states the tract will be used for nice apartments and they do not need B-2 zoning for nice apartments; they state they would like to use it for an amusement place and it has been rumored a portion would be used for a go-cart track and also a motorcycle track but he has heard go-cart more than anything else. That certainly the people do not want that, regardless of whether it is used for a go-cart track or not, they do not want business there; that would be bringing it way in and would almost be the depth of all of Sharon Forest.

Mr. Meek stated they cannot rely on the fact that they say it will not have a go-cart track because it could be later on if the zoning is changed; that he would like to see it stopped before it gets started. He stated the homes in Sharon Forest range from \$18,000 to \$23-24,000. Also, there are some very

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nice homes on City View Drive to the north of this area. He stated he had another petition signed by 59 members of the church who also protest this change and even though they are right in the middle of business zoning right now, nevertheless, business is back so far and they do not want it to go back any further plus the fact they are up against some residences just to the right of their property.

Mr. Meek filed the petitions with the City Clerk.

Mr. Clyde Luther stated he purchased the 400 foot frontage directly across from Mr. Jones, the petitioner, about five years ago in part of a 200-dwelling complex and Mr. Ervin has developed a nice development there. That it was quite a shock to him when he came back two weeks ago and saw a B-2 zoning poster out as he had talked with Mr. Jones in 1966 and again in 1967 and again in 1968 and he wanted to put some nice apartments there and he had some plans and he told him if he wanted to change it to regular multi-family, he would come before Council and state he had no objections but when he returned from a trip, Mr. Jones had B-2 zoning on the petition.

Mr. Luther stated if Mr. Jones wants to put some nice apartments back there and develop it as he has assured him for three years that he would be happy to go along with it but he is strongly opposed to B-2 zoning and respectfully requests that Council not allow it.

Judge Sedberry stated he did not mention the property on the east side of Wallace Lane because he is not asking anything for this property; that Mr. Jones owns some property on the east side of Wallace Lane, but the proposed zoning is for property on the west side of Wallace Lane. That Mr. Luther lives on the east side and Mr. Jones has two houses over there and his own home is directly across from Mr. Luther's home and it is not likely that he would put something in there to damage his own home.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-87 BY IRENE T. BARTLETT FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A PARCEL OF LAND 145' X 150' AT THE SOUTHWEST CORNER OF HAWTHORNE LANE AND KENNON STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located at the corner of Hawthorne Lane and Kennon Street and consists of three lots. The property has on it two single family residential structures and in addition has a non-conforming operation which involves several different types of uses including some manufacturing of ceramic products; manufacturing of molds for the making of ceramics and also a retail type of operation connected with the ceramic industry. Other land uses in the area include a non-conforming TV repair shop on the opposite corner, a multi-family apartment structure which has been built within the past five years on the other corner and a duplex on the fourth corner. Nearby is the Hawthorne Junior High School; there is a church on the other side of the school and another church on the other side as well; other than that, the area is a mixture of single family and duplex structures.

He stated the zoning of the area in the immediate vicinity of the property is all zoned R-6MF; the nearest non-residential zoning is on Hawthorne, opposite the school, which has some I-1 zoning; back toward Central Avenue, there is a large area of I-2 heavy industrial zoning with Eckerd's Offices and Warehouse in this area. That basically the area consists of multi-family zoning with the exception of the industrial zoning along Hawthorne.

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Mr. Bryant stated he had Mr. Dale Long to go over this with him as Mr. Long is zoning administrator in the Building Inspection Department and is primarily responsible for the day-to-day administration of the zoning ordinance and responsible for making interpretations of this sort and they both agreed that under the present language of the ordinance, it would require I-2 zoning because the ordinance lists the manufacture of ceramics as a specific use in the ordinance and this is related as an I-2 use and there are no specifications in the ordinance as to the minimum size.

Mr. Bryant stated this is operated primarily in one or two structures on the rear of the lot behind the houses; there are two houses on the first part of this lot and then to the rear of the houses there are a couple of buildings which are utilized for this purpose. Councilman Short asked if when riding by, you would think the land was occupied by houses? Mr. Bryant replied if you were riding by on Kennon, you would, but if you were on Hawthorne, this use is very obvious as they have a sign and you can see the buildings very clearly on the Hawthorne side.

Mr. Ralph Bartlett, the petitioner, stated he is here today to try to show Council that the property should be changed to some form of business zoning whereby they can add an addition to their shops on the extreme end of the lots; that they have no plans whatsoever to change the view of buildings on Hawthorne Lane or Kennon Street; one lot is a vacant lot, there is nothing on it.

Mr. Bartlett stated the ceramic industry has national shows all over the United States and anywhere from 20,000 to 25,000 people register for these shows. That he and his wife and daughter and one of the grandsons usually go to all the big shows and they pay as much as \$300.00 for a booth with a sign stating the city you are from and they had an elaborate sign made for B & C Mold Company, Charlotte, North Carolina. He stated ceramics is a very interesting hobby and Council would be surprised at the people who do ceramics. At the Park and Recreation Center, they cannot take care of all the people who request the classes in ceramics.

He stated he wants to make an addition to this operation but he cannot expand or meet the demand that they have for the sale of ceramic molds to be made with their present facility.

Councilman Smith stated he has been out to Mr. Bartlett's business, as well as some of the other councilmen, and there seems to be a problem of classification. That he has seen these electric kilns in people's homes where the ladies have a hobby of making ceramics and the way it is worded in zoning, in order to be in ceramic manufacturing, you have to be located in I-2. That this envisions some big, huge factory with a lot of smoke but here Mr. Bartlett is in a home about as big as the Council table with very clean kilns and they bake these things out and yet he comes under an I-2 classification. That he feels Council should change the classification from I-2 to some lesser zoning to accommodate this sort of problem; this classification is the problem, not the zoning.

Councilman Smith stated Mr. Bartlett has a nice retail place in the front with the ceramics; it looks like a gift shop and then you go back through a little corridor and he has these kilns where you manufacture the molds and he needs to add on about 20 or 30 feet to the rear for additional storage and he cannot touch it as it is non-conforming. That Mr. Bartlett should have some kind of accommodation from Council as he has established an industry that is outstanding in this type of work in the whole southeast and he does not have the means to go out and buy a piece of I-2 property and build a big plant.

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Councilman Tuttle stated he cannot speak for the whole Council or the whole Zoning Commission but if Council zones this property I-2 and 2 years from now Mr. Bartlett sells this property, then Mr. Bryant could read off a list of many, many objectionable things which could be put in there and for that reason it is best not to approve I-2 zoning. Perhaps it is possible for Mr. Bartlett to withdraw his request for this rezoning, and after January 1 Council is going to ask the legislature for permission to grant conditional zoning which would mean Council could grant Mr. Bartlett permission so long as it was operated within certain boundaries; and if he did not do that, it would revert back to the original zoning.

Mr. Henry Underhill, Acting City Attorney, stated it is not possible for Mr. Bartlett to withdraw his petition at this time because the ordinance only allows requests to withdraw a petition at least a week in advance of the public hearing. That if the petitioner wishes to accomplish a change in this classification, it could certainly be done by ordinance in just changing the classification either to allow this type activity in a different zoning classification or set up as suggested, some minimum requirements as to the size of the facility that would be affected by this particular zoning.

Councilman Smith stated the rule of size would accomplish this but he feels this ordinance is being violated all over town.

Councilman Jordan stated this conditional zoning that Council hopes the legislature will pass will take care of a lot of things like this. Plus the fact if Mr. Bartlett had this now and could continue his business and if in a year from now something should happen to him and he had to go out of business or sell, then if someone else wanted to buy this and put something in there that would be objectionable, it would revert back to the original zoning.

Councilman Smith stated he was thinking that in certain areas, say of 1,000 square feet or less, this type of thing could be done in B-1.

Mr. Veeder stated he is a little familiar with Mr. Bartlett's operation and this is something that started as a hobby and worked into a business by virtue of the hobby expanding; and this puts it into a different situation than somebody wanting to start an industry of something new. That making some language change that makes this type of situation possible is worthy of consideration.

Councilman Smith made a suggestion that Council postpone decision and return it to the Planning Commission and see if anything could be worked out on this.

Councilman Alexander asked if his business produces the molds for the industry and Mr. Bartlett replied yes, they have a catalogue out with 240 molds on the market and ship them to Puerto Rico and all of the states in the union. That this year they have mailed out 4,200 catalogues and the name of Charlotte is going everywhere and Council should make some kind of exception to keep that operation in Charlotte because if he died tomorrow his son and his daughters will carry it on but he cannot expand at all and needs more space.

Mayor Brookshire stated Council understands this problem and is sympathetic with his position in making this petition and will see what can be worked out for him.

Councilman Short stated there might be some approach here if it was properly worded and with proper safeguards in the home industries portion of the law which we have several of those already and it could actually be used in a residential area.

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Mr. Bartlett stated he would like to hire more employees but he does not have the room for them to work.

No objections were expressed to the proposed change in zoning.

Councilman Tuttle made a motion to defer this and request the Planning Commission with this specific case in mind, to see if they can come back with a solution. The motion was seconded by Councilman Alexander, and carried unanimously.

HEARING ON PETITION NO: 68-88 BY LEONARD W. COPPALA AND ELMER D. MILLER FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF 7.31 ACRES OF LAND ON THE WEST SIDE OF PARK ROAD, BEGINNING AT SUGAR CREEK AND EXTENDING SOUTHWARD 435 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this property is in the vicinity of Park Road where Sugar Creek and Briar Creek come together; it consists of an irregular shaped tract of land that lies between Sugar Creek on the northwest side and property that is owned by Dr. Lavitan, the veterinarian, and then adjacent to Briar Creek; there is one house on the subject property and the rest of it is vacant and has been quite low in elevation but Mr. Coppala is in the process of filling this land and bringing it hopefully above the flood elevation; the land use in the area at the present time, in addition to Dr. Lavitan's veterinary facility, there is a small business area, with a fruit store and several other small stores. Other than that the uses in the area are entirely single family structures scattered through the area with a good deal of vacant property along the creek and a large unsubdivided area which is owned by the City for the Sugar Creek Disposal Plant.

Mr. Bryant stated there is existing business zoning to accommodate the business use which is already in existence on Park Road. Other than that, the property on the west side of Park Road is all zoned for multi-family zoning beginning at Sugar Creek on the east side of Park Road; and going northward R-6MFH zoning toward the Seneca Place intersection; but basically the pattern of the zoning in the immediate vicinity of the subject property is business zoning on that side of Sugar Creek, multi-family on the west side of Park Road, and single family on the east.

Mr. Brock Barkley, Attorney for the petitioner, stated on the southerly side of the area is zoned B-1 and is occupied by a grocery store and has been occupied by Southern Bell as a power station; on the northerly side of the property is the veterinary hospital which is there under the grandfather clause and the property is simply not suited for residential purposes; there is a house on it but the man who is now living in the house has joined in this petition for the change. That the back part of the 7.31 acres has never been used for any purpose except for a power line running through it and it needs to be elevated in order to be above the flood plain there in between the two creeks. Mr. Coppala, the petitioner, is now engaged in grading, putting dirt in there and raising it 6 to 8 feet above its former level so that it will be above the flood plain.

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Mr. Barkley stated to his knowledge, there has been no opposition to it. He also stated that there are tentative plans for the use, but no plans to mention yet except for the grading and office purpose use. That Park Road is business for a great part of it.

Councilman Whittington asked if Mr. Coppala worked out a way to get in to this property from Buckingham Drive or from Valley Stream Road? Mr. Barkley replied that has not been accomplished yet. Mr. Coppala does own four or five lots between the property involved in this hearing and Buckingham Drive.

Mr. Barkley stated this grading involved putting 70,000 cubic yards of dirt in there and they raised it 6 to 8 feet above the former ground level. Mr. Coppala first set about trying to plan multi-family apartments but he was unable to get a loan for that purpose and there is no way to finance an apartment complex out there whereas his information is that office buildings would be acceptable.

Mr. Bryant stated he is concerned about the water and he has asked Mr. Coppala to supply a copy of the plan for filling this land; that he has talked with Mr. Cheek, City Engineer, and he has agreed to take this plan and look at it and also compare it to the plans for the dredging of Sugar Creek and the flood improvement project which is under consideration here and give some comment of the total effects of such fill in this area - that this is something to be considered before a recommendation is finalized.

Councilman Tuttle asked if they were filling right now and Mr. Bryant replied yes they are. Councilman Smith stated this is in the area where they are planning on deepening that creek so this is supposed to overcome that problem. Mr. Bryant stated Mr. Cheek is going to compare the fill plans with the dredging plans and see what the total effect is going to be.

Mr. Coppala stated he has talked with Mr. Lee Rae of the City Engineering Department and he has given him the elevation. That the bridge in that area has an elevation of 601 and the flood plain elevation on this property has to be brought up to an elevation of 592 - about 8 feet under the elevation of the bridge - which requires about 70,000 yards of dirt and they are in the process of bringing it up. That he has met with Mr. Owens and examined the schedule right-of-way for drainage on the creek. That the boundary line of the property makes a circle around the creek. That he has suggested instead of the property making the circle to make a straight line from Park Road right down through the property which would take the bend out of the creek and would get the water through faster; that he will lose property on that side but he would pick it up on the other side. That they are concerned about putting apartments in; that the creek will be dredged but it will not do much good as far as the children from the apartments playing in the creek; also the dog hospital does not smell like Chanel No. 5, and it is not a place to build apartments. That a loan has been turned down for apartments in there, and the property is now zoned for 135 apartments; that you would have about 235 cars in there for apartments and you would not have any more than that for an office building.

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. 68-89 BY PRICE WELDING, INC., FOR A CHANGE IN ZONING FROM B-2 TO I-2 OF FOUR LOTS 203' X 220' AT THE SOUTHEAST CORNER OF STATESVILLE ROAD AND NEVINS ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is on the east side of Statesville Road at the intersection of Nevins Road; it is used at the present time for the offices of a welding company operation; there is mostly single family and vacant uses in the area at the present time; directly across the road from the subject property is the old Hutchinson property which is vacant with the exception of the old home place located there. On the corner is a machine shop which was there prior to the zoning in this area and there are several scattered single family uses and with some business uses farther on down toward Interstate 85; from this point on down, the uses become intensified and there are a number of miscellaneous business and industrial type uses in this area.

He stated to the north the area is occupied by some single family structures but mostly it is vacant. Zoning in the area at the present time includes B-2 zoning along both sides of Statesville Road, up to Nevins Road, and then it continues on the west side of Statesville just past Cindy Lane, which was just recently changed to a B-2 classification. Other than that the area is zoned R-9 to the rear and to the side of the subject property; down on the corner there are several areas zoned for industrial purposes, primarily along I-85 and along Starita Road, going out to I-85.

Mr. Stuart Childs, Attorney for the petitioners, stated their property is at the end of the B-1 zoning and they are requesting that it be rezoned to I-2; that it is located at the corner of Nevins Belt Road and Statesville Road. That starting at Independence there are a number of filling stations; Key Kapper Mercury Outboard industrial and warehousing building, Piedmont Welding Supply's new facility; there are various machine shops on both sides of the road on out to this area; there is a machine shop also, directly across the road from the subject property and the property next to them is a back-yard automobile repair shop.

Mr. Childs stated the petitioners are in the business of cutting and welding pipe for the natural gas industry; they have recently built a new office on the property; the property has a little over 200 feet frontage on Statesville Road and approximately 220 feet depth along Nevins Belt Road. That the office sits about 100 feet off Statesville and facing Statesville; they do not conduct any type of shop or activities at the present time. That they have about 125 feet towards town on which to expand their business and this is the request today that it be changed to I-2 in order that Price Welding Company can expand towards town; put in additional shop buildings to prefabricate these transfer stations. At present they go on the job site and set up the welding operation and put up the sub-stations; what they hope to do is to be able to put the shop up on the subject tract and prefabricate these stations in the shop and send them out to the various sub-stations for installation.

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Mr. Childs stated there is a lot of vacant land up and down Statesville Road, on both sides of the road; there are a number of industrial shops, machine shops, automobile body repair shops and a large truck repairs activity.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a ten minute recess at 4:00 o'clock p.m., and reconvened the meeting at 4:10 o'clock p.m.

ORDINANCE NO. 90-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Mr. Melvin Jaynes, Principal of Plaza Road Elementary School, stated three years ago the school board drew up lines changing the school boundaries for this school. This concerns the Sugar Creek area going northeast; the children walk approximately 1.3 miles and they cross at Sugar Creek and The Plaza, and there are about 115 children involved; there are no crossing guards there; that about 40 of these children are first and second graders who must cross six lanes of traffic at 2:00 o'clock without any crossing guard or any help at all.

Mr. Jaynes requested that a crossing guard be provided for the Sugar Creek-Plaza Roads crossing.

Councilman Whittington stated this is one of the crossings that he asked be included in the Traffic Engineering budget last year along with Enderly Park School, and it was denied.

Councilman Whittington moved that a crossing guard be authorized by Council and placed at this location as soon as possible and that the subject ordinance authorizing the transfer of \$575.00 be adopted. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at page 44.

CITY MANAGER REQUESTED TO INSTRUCT POLICE DEPARTMENT TO BE MORE DELIGENT IN CHECKING ON THE SCHOOL CROSSING GUARDS.

Councilman Stegall requested the City Manager to instruct the Police Department to be deligent in checking on the school crossing guards. That the other morning at 8:50 six children were on Torrence and Elizabeth that he personally helped across the street. That he thinks the crossing guards should stay on the job long enough to get the children across the streets; that he has noticed many crossing guards have left their post at 8:45 in the mornings. That he thinks they should stay out an extra fifteen minutes, and particularly in the mornings.

SUGGESTIONS FOR USE OF SALES TAX NOW AVAILABLE.

Mr. Jim McDuffey stated recently he sent the Mayor and City Manager a telegram concerning the possible expenditure of the sales tax on some items that have been eliminated or postponed; that at the time he did

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not know that Barclay Downs - one of the areas in question - would take priority over other matters that have been in the budget or before Council for years would be on the agenda. He suggested that Council find money for the following: (1) Eastway Drive - Independence Boulevard Intersection; (2) Archdale Drive bridge; (3) Plaza Road and Hampshire Hills Bridge; and (4) Kilborne Drive and Central Avenue intersection.

COUNCIL ADVISED THAT ZONING PETITION NO. 68-85 BY PINES OF CHARLOTTE, INC., AND PETITION NO. 68-78 BY MARY B. ALEXANDER APPROVED BY PLANNING COMMISSION.

Mayor Brookshire advised that Petition No. 68-85 by Pines of Charlotte, Inc., for a change in zoning from R-6MF to B-1SCD and O-6, and Petition No. 68-78 by Mary B. Alexander for change in zoning from I-1 to I-2 are recommended approved by the Planning Commission.

ORDINANCE NO. 91-Z AMENDING CHAPTER 23, SECTION 23-35 OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING THE ZONING MAP CHANGING THE ZONING FROM R-6MF TO B-1SCD OF AN AREA FRONTING ON THE NORTH SIDE OF WEST BOULEVARD EXTENDING WESTWARD FROM THE SOUTHERN RAILROAD.

Councilman Tuttle moved adoption of the subject ordinance changing the zoning from R-6MF to B-1SCD on an area fronting approximately 700 feet on the north side of West Boulevard, extending westward from the Southern Railroad as recommended by the Planning Commission and on which a development plan has been filed in the Office of the City Clerk. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, beginning at Page 45.

ORDINANCE NO. 92-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-6MF TO O-6 ON AN AREA ON THE WEST SIDE OF HOLABIRD LANE, BEGINNING NORTH OF WEST BOULEVARD.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MF to O-6 on an area on the west side of Holabird Lane, beginning 250 feet north of West Boulevard, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, beginning at Page 46.

ORDINANCE NO. 93-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING ON A TRACT OF LAND SOUTHWEST OF FREEDOM DRIVE, ADJOINING THE NORTHWEST SIDE OF FREEDOM VILLAGE SHOPPING CENTER.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning from I-1 to I-2 on a 5.8 acre tract of land beginning about 350 feet southwest of Freedom Drive, adjoining the northwest side of Freedom Village Shipping Center, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, beginning at Page 47.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, DECEMBER 16, ON PETITIONS NO. 68-90 THROUGH 68-98 FOR ZONING CHANGES.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 6, at page 210.

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RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Councilman Jordan moved adoption of the subject resolution authorizing the refund of certain taxes in the amount of \$20.00 which were collected through clerical error or illegally levied and which refunds are recommended by the City-County Tax Collector. The motion was seconded by Councilman Smith, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 211.

PUBLIC HEARING SET FOR MONDAY, DECEMBER 2, ON REQUEST OF ENGINEERING DEPARTMENT TO ALLEVIATE DRAINAGE PROBLEM ON PRIVATE PROPERTY AT 704 AND 708 RANCH ROAD.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, a public hearing was set for Monday, December 2, on request of the Engineering Department to alleviate the drainage problem that exists on private property at 704 and 708 Ranch Road, as provided under Article VI, Section 6.101, and Section 6.104 of the City Charter.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MONDAY, DECEMBER 2, ON PETITION OF PINES OF CHARLOTTE, INC. FOR ANNEXATION OF PROPERTY IN BERRYHILL TOWNSHIP.

Motion was made by Councilman Jordan, seconded by Councilman Smith and unanimously carried, adopting the subject resolution setting date of public hearing on Monday, December 2, on petition of Pines of Charlotte, Inc. for the annexation of 84.59 acres of property located in Berryhill Township on West Boulevard.

The resolution is recorded in full in Resolutions Book 6, beginning on Page 212.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, DECEMBER 16, ON PETITION TO CLOSE A PORTION OF LAND ON THE WESTERLY SIDE OF BARCLAY DOWNS DRIVE IN THE CITY OF CHARLOTTE.

Councilman Whittington moved adoption of the subject resolution setting date of public hearing on Monday, December 16, 1968. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 214.

RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL AGREEMENT BETWEEN THE STATE HIGHWAY COMMISSION AND THE CITY OF CHARLOTTE FOR IMPROVEMENTS TO BARCLAY DOWNS DRIVE, FROM THE INTERSECTION OF FAIRVIEW ROAD TO THE INTERSECTION OF THE CELANESE ENTRANCE ROAD.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject resolution was adopted, and is recorded in full in Resolutions Book 6, beginning at Page 215.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE REQUEST OF THE E. C. GRIFFITH COMPANY TO CHANGE DEVELOPMENT PROPOSALS IN REDEVELOPMENT PROJECT NO. N. C. R-37.

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

Councilman Smith asked if there was another bidder on this piece of property? Mr. Sawyer, Executive Director of the Redevelopment Commission, replied the Salvation Army was the other bidder and they proposed to build a new facility of their own; their bid was lower than the Griffith bid and the Redevelopment Commission accepted the Griffith Company's bid and recommended it to the City Council. Mr. Sawyer stated the contract with the Griffith Company gives them six months in which to build their motel.

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

The resolution is recorded in full in Resolutions Book 6, at Page 217.

LICENSE APPLICATION APPROVED FOR WACKENHUT CORPORATION.

Motion was made by Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, approving the license application for the Wackenhut Corporation covering the classification of Private Detective.

CONTRACTS FOR SANITARY SEWER CONSTRUCTION, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, the construction of sanitary sewer mains were approved, as follows:

- (a) Construction of 380 feet of 8-inch main at the request of A. L. Baucom to serve 4701 North Tryon Street, inside the city, at an estimated cost of \$2,065.00, 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 400 feet of 8-inch main at the request of Walker D. Jordan to serve Huntington Park Drive, inside the city, at an estimated cost of \$2,040.00, 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.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, authorizing the following streets to be taken over for continuous maintenance by the City:

- (a) Dunwoody Drive, from 150 feet east of Foxford Place to 330 feet east of Langley Road.
- (b) Uppergate Lane, from 180 feet south of Dunwoody Drive to Langley Road.
- (c) Langley Road, from 150 feet east of Strangford Avenue to 230 feet north of Dunwoody Drive.
- (d) Strangford Avenue, from 160 feet south of Dunwoody Drive to 150 feet northwest of Duffin Drive.

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ENCROACHMENT AGREEMENTS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the Mayor and City Clerk were authorized to execute encroachment agreements as follows:

- (a) Agreement with State Highway Commission permitting the City to construct an 18-inch sanitary sewer line within a proposed culvert to be constructed as a part of the drainage system for Interstate 85 and Interstate 77 Interchange.
- (b) Agreement with Charlotte Chemical Laboratores, Inc. permitting the Company to bore and jack a six-inch steel pipe under the roadway on Old Pineville Road near Roundtree Road, a distance of 60 feet as a part of a piping system from plant to storage tanks which will decrease traffic congestion by eliminating the necessity for truck tanks to block the street while making deliveries of materials.
- (c) Agreement with Southern Railway Company permitting the City to construct two portions of an 8-inch sanitary sewer line on the railway company's right-of-way at 11th Street and Smith Street in connection with the Northwest Freeway.

ACQUISITION OF PROPERTY FOR BARCLAY DOWNS DRIVE PROJECT.

- (a) Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, authorizing the acquisition of 8,504.66 square feet of property from Belk Brothers Company and J. B. Ivey & Company on Fairview Road at Barclay Downs Drive, at \$1.00.
- (b) Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, authorizing the acquisition of 8,991.49 square feet of property from Belk Brothers Company and J. B. Ivey & Company on Fairview Road at Barclay Downs Drive, at \$1.00.
- (c) Councilman Whittington moved approval of the acquisition of 29,940.71 square feet of property from Belk Brothers Company and J. B. Ivey & Company on Fairview Road at Barclay Downs Drive, at \$1.00. The motion was seconded by Councilman Short, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED FOR AIRPORT EXPANSION

The following property transactions for airport expansion project were presented for Council consideration:

- (a) Contract with Charlotte Aircraft Corporation for the transfer of a lease with option to purchase 49 acres of land now owned by Mrs. Clara King Bernay.
- (b) Acquisition of 92.016 acres of property on Warren Road, in Berryhill Township, from Charlotte Aircraft Corporation, at \$326,700.00.

Mr. Veeder, City Manager, presented a map showing the present runway complex and stated this property will all be acquired at approximately the same price of \$3,500 an acre, and he thinks it is a desirable transaction. Councilman Smith stated this is a good job getting this at \$3,500 an acre. Mr. Veeder stated it is planned to exercise the option out of future money; that it calls for five annual payments at no interest if the City wishes to exercise the option in that form and we have until April 11 to exercise the option.

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Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving the two property transactions with Charlotte Aircraft Corporation.

PROPERTY TRANSACTIONS FOR AIRPORT EXPANSION AUTHORIZED.

Councilman Whittington moved approval of the acquisition of 13,750 square feet of property on Berryhill Lane, RFD 4, Box 560-Y, from Dorothy S. McLendon and husband, Ralph H. McLendon, at \$14,000 for the Airport Expansion. The motion was seconded by Councilman Jordan, and carried unanimously.

ACQUISITION OF PROPERTY FOR NORTHWEST FREEWAY, AUTHORIZED.

Councilman Tuttle moved approval of the acquisition of 2,251.70 square feet of property on West Eleventh Street, near Graham Street, from Interstate Milling Company, at \$1,126.50 for the Smith Street-West Eleventh Street Connector - Northwest Freeway. The motion was seconded by Councilman Stegall and carried unanimously.

ACQUISITION OF EASEMENT FOR SANITARY SEWER TO SERVE SOUTHERN METALS.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the acquisition of an easement of 50 square feet on Beechmont and Southern Railroad, from Hy Helbein and wife, Betty, at \$1.00, for sanitary sewer to serve Southern Metals, was authorized.

PROPERTY TRANSACTIONS IN CONNECTION WITH SANITARY SEWER LINE TO SERVE SOUTHERN CAR WASH, INC. AUTHORIZED.

Councilman Whittington moved approval of the acquisition of an easement of approximately 1,309 square feet at 4440 Holbrook Drive, from Charles H. Nance and wife, Lucy B., at \$131.00. The motion was seconded by Councilman Tuttle, and carried unanimously.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving a temporary construction easement of 653.15 square feet at 4435 Holbrook Drive, from Leon M. Mincey and wife, Vivian R., at \$50.00.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF THE SISTERS OF OUR LADY OF MERCY OF NORTH CAROLINA, AND OTHER HEIRS OF THE ESTATE OF ADOLPH PETER WOHLPART, ADOPTED.

Councilman Whittington moved the adoption of the subject resolution authorizing condemnation of property for the Alleghany Street Widening. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 218.

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ORDINANCE NO. 94-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE NON-TAX REVENUES IN THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$4,750.00 to the General Fund of the Fire Department to pay for the 1,313 manhours which were used in erecting and dismantling of equipment for the Festival in the Park.

The ordinance is recorded in full in Ordinance Book 16, at Page 48.

ORDINANCE NO. 95-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION FOR CONSTRUCTION OF SIDEWALK.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the construction of temporary gravel sidewalks for use in the Collingwood School Area, along South Boulevard, from near Scaleybark Road to Peterson Drive, was authorized and the subject ordinance was adopted authorizing the transfer of \$1,450 to the Engineering Department-Construction of Sidewalks Account.

The ordinance is recorded in full in Ordinance Book 16, at Page 49.

CONSIDERATION OF REQUEST OF RESIDENTS IN AREA OF QUEEN CITY RACEWAY FOR COUNCIL TO TAKE ACTION WITH RESPECT TO THE OPERATION OF THE RACE TRACK, DEFERRED.

Councilman Short stated the suit brought by the citizens for enjoining the operation of the Queen City Raceway is scheduled to be tried this week and he would suggest deferring consideration of the matter until we hear the outcome of this suit.

Councilman Whittington moved that the subject item be deferred. The motion was seconded by Councilman Smith, and carried unanimously.

PROPERTY TRANSACTIONS FOR EASEMENTS FOR SANITARY SEWER TO SERVE QUEEN CITY SPEEDWAY, INC., APPROVED.

Councilman Smith moved approval of the following property transactions, which motion was seconded by Councilman Alexander:

- (a) Acquisition of 7,007.8 square feet of property in Berryhill Township, on the south side of West Boulevard, from Georgia S. Grey, at \$710.00, for sanitary sewer easement to serve Queen City Speedway, Inc.
- (b) Acquisition of 50 square feet of property on West Boulevard, from Queen City Speedway, Inc., at \$1.00, for sanitary sewer easement to serve Queen City Speedway, Inc.
- (c) Acquisition of 9,350.2 square feet of property in Berryhill Township, on the south side of West Boulevard, from Sara S. Morrison and husband, W. H. Morrison, at \$940.00, for sanitary sewer easement to serve Queen City Speedway, Inc.

Councilman Short stated because of the comments that have been made about the inconsistent attitude and the turning from one way to another

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way on the part of the Council he would like in the record that beginning on October 9, 1967, he made a motion and voted for the motion that we seek an injunction against this raceway operation; there were other motions made by him and voted for by him on September 9, 1968, September 16, 1968, September 23, 1968 and on October 7, 1968, Mr. Whittington made a motion that the easements required for the sewer lines not be purchased and he seconded this motion and voted for it. That all these motions, beginning back in October, 1967, have been motions to enjoin this operation to refuse to contract with them for a sewer line and to refuse to acquire easements, and things of that nature. A total of five motions. On the basis of this background he cannot conclude that he is logically, legally, morally or ethically required to go forward with any arrangements that Council has made for a sewer line for this particular facility; that he does not believe that he is required by any notions of logic or fairness to vote for this.

Councilman Tuttle stated he concurs wholeheartedly with what Mr. Short has said, and he has gone along with him on everything in connection with this operation with the exception of the meeting held at Garinger High School when the question of the sewage came up. He did not vote consistent that time because he thought we were in a sanitary condition; that he later learned they had a temporary line and the sewage was adequate and the Health Department said it was posing no problem. With that exception, his attitude has been the same as Mr. Short's and he remains that way.

Councilman Whittington stated since this raceway came up he has voted against it - the zoning change, the cuts in the street to put curbing, the curb cuts on West Boulevard and he has voted to try to put these people in court with the city, and has voted against all the sewer and water acquisitions and everything else pertaining to the race track.

Councilman Jordan stated he thinks all Council - as a whole - has voted for every motion that has been up to try to stop this race track; that we are all in accord. But to do this he thinks it is illegal to try to stop this and we are asking for trouble and he does not think this is the way to stop the race track.

Councilman Smith stated this is not lining up who is for the race track and who is against the race track; it is strictly a legal question which became entwined with the noise factor created by the airport - where we are complaining about the noise on one side from the race track and defending ourselves from the noise of jet airplanes.

Councilman Short stated the record shows that the Council has generally voted in such ways that has had the result of favoring the continuation of this facility there. Councilman Smith stated he does not want to leave it on the note that we are in favor of the race track; that he was opposed to the race track from the beginning, not so much on the noise but he was afraid about the traffic since that was the only real arterial from the heart of Charlotte to get to the airport. Councilman Smith stated but our legal department gave us no position that we could stand on firmly to oppose it; it was not a question of whether you want the race track or you do not want the race track - that this has been twisted to look like this but he does not think it is this way at all.

Mr. Veeder, City Manager, stated he thinks the two issues are separable. That we have a contract with the Queen City Raceway as it relates to the sewer installation which we have an obligation to complete the terms of the contract as it relates to the city; the question of any other aspects

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of the race way is a complete different question; that he does not think the two issues are such that they can be reasonably joined into a single issue, especially in light of the fact that we have a contract as relates to the sewer installations signed with the Queen City Raceway, as we are under obligation to complete that contract.

Councilman Alexander stated at the Garinger High School meeting he stated that personally he did not care to obligate himself in voting against the sewer situation as an out against something else because he did not think the two were related, and he still does not feel that way. That under the sewer easement we have a moral and legal obligation. That he does not want to go on record as voting against this sewer easement as a means to get something else done because he does not think they are connected.

Councilman Stegall stated his position remains the same, and asked for the right to abstain because of a conflict of interest. Mayor Brookshire stated in that case Mr. Stegall will be excused from the vote.

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

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

Mayor Brookshire broke the tie voting in favor of the motion.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Elizabeth S. Linso for Graves 4 and 5, in Lot No. 13, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Ernest G. Huber and Sylva L. Huber for Graves 7 and 8, in Lot No. 16, Section 2, Evergreen Cemetery, at \$160.00.
- (c) Deed with Harry Harrison and wife, Mizzle Harrison for Lot No. 59, Section 2, Evergreen Cemetery, at \$800.00.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN NORTHWEST EXPRESSWAY AT SEVENTH STREET.

Motion was made by Councilman Whittington awarding the subject contract to the low bidder, Crowder Construction Company, in the amount of \$273,700.60, on a unit price basis. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Crowder Construction Co.	\$273,700.60
Blythe Bros. Construction Co.	274,897.50
Dickerson, Inc.	335,631.00
R. H. Johnson Const. Co., Inc.	345,286.00
Rand Construction Co.	372,174.00
Boyd & Goforth, Inc.	381,349.26

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CONTRACT AWARDED MAX BARRIER WRECKING COMPANY FOR DEMOLITION OF STRUCTURES IN URBAN REDEVELOPMENT AREAS R-43 AND R-60.

Councilman Alexander moved award of contract to the low bidder, Max Berrier Wrecking Company, in the amount of \$16,290.00, on a unit price basis for demolition of 81 structures. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Max Berrier Wrecking Company	\$16,290.00
Tar Hell Grading Company	17,870.00
Cochran & Ross Const. Co.	19,625.00
D. H. Griffin Wrecking Co.	20,250.00
Norman's House Demolishing Co.	20,945.00
Almond Grading Company	22,675.00

CONTRACT AWARDED WESTERN CAROLINA TRACTOR COMPANY FOR DIESEL POWERED MOTOR GRADER.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Western Carolina Tractor Company, in the amount of \$17,800.00 for one diesel powered motor grader.

The following bids were received:

Western Carolina Tractor Co.	\$17,800.00
Interstate Equip. Co.	21,350.00
E. F. Craven Company	25,995.00

CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TRACTOR.

Motion was made by Councilman Jordan, seconded by Councilman Smith, and unanimously carried, awarding contract to the low bidder, Charlotte Tractor Sales, Inc., in the amount of \$5,876.86, for one tractor with loader and backhoe.

The following bids were received:

Charlotte Tractor Sales, Inc.	\$ 5,876.86
International Harvester Co.	5,961.50
Queen City Equip. Co.	6,335.71
Spartan Equipment Co.	8,700.00

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR TWO FOUR-WHEEL LOADERS.

Councilman Smith moved award of contract to the low bidder meeting specifications, Spartan Equipment Company, in the amount of \$30,512.00, for two four-wheel loaders. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Spartan Equipment Company	\$30,512.00
Interstate Equipment Co.	32,000.00
Western Carolina Tractor Co.	32,626.00

Bids received not meeting specifications:

International Harvester Company	24,424.94
Queen City Equipment Company	29,595.92

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CONTRACT AWARDED INTERNATIONAL HARVESTER SALES & SERVICE FOR ONE TRACTOR WITH TRENCHER AND LOADER.

Councilman Jordan moved award of contract to the low bidder, International Harvester Sales & Services, in the amount of \$6,919.09, for one tractor with trencher and loader. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

International Harvester Sales & Service	\$ 6,919.09
Charlotte Tractor Sales, Inc.	7,093.78

CONTRACT AWARDED CHARLOTTE TRACTOR SALES, INC. FOR TWO GAS POWERED TRACTORS.

Motion was made by Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, awarding contract to the low bidder meeting specifications, Charlotte Tractor Sales, Inc., in the amount of \$6,160.76, for two gas powered tractors.

The following bids were received:

Charlotte Tractor Sales, Inc.	\$ 6,160.76
Queen City Equip. Company	7,483.28
International Harvester Sales & Service - Not on specifications	5,462.90

CONTRACT AWARDED INTERNATIONAL HARVESTER SALES & SERVICE.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, International Harvester Sales & Service, in the amount of \$1,968.16, for one LoBoy tractor.

CONTRACT AWARDED FLEXIBLE PIPE TOOL DIVISION, ROCKWELL MANUFACTURING COMPANY FOR TWO SEWER RODDING MACHINES.

Councilman Whittington moved award of contract to the low bidder meeting specifications, Flexible Pipe Tool Division, Rockwell Manufacturing Company, in the amount of \$8500.00 for two sewer rodding machines. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Flexible Pipe Tool Div. Rockwell Mfg. Co.	\$ 8,500.00
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Bid not meeting specifications:

O'Brien Manufacturing Corp.	\$ 8,200.00
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CONTRACT AWARDED A. E. FINLEY & ASSOCIATES FOR TWO MATERIAL SPREADERS.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, A. E. Finley and Associates, in the amount of \$4,766.40, for two material spreaders.

The following bids were received:

A. E. Finley & Assoc., Inc.	\$ 4,766.40
Tarrant Mfg. Co.	5,087.02
Sanco Corporation	5,327.23
Griffin Implement & Milling Co.	5,952.00
Western Carolina Tractor Co.	6,020.00

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CONTRACT AWARDED PATTON'S INC., FOR ONE STATIONARY AIR COMPRESSOR.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Patton's Inc., in the amount of \$5,512.97, for one stationary air compressor.

The following bids were received:

Pattons, Inc.	\$ 5,512.97
Tidewater Supply Co., Inc.	5,746.00
Woodward Specialty Sales, Inc.	6,187.00
Sol's Industrial Sales Co.	6,504.00

CONTRACT AWARDED SANCO CORPORATION FOR ONE FOUR-WHEEL TWIN ENGINE STREET SWEEPER.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Sanco Corporation, in the amount of \$13,525.03, for one four-wheel twin engine street sweeper.

The following bids were received:

Sanco Corporation	\$13,525.03
Baker Equip. Engineering Co., Inc.	13,991.00
Carem Equip. Co., Inc.	14,499.00

CONTRACT AWARDED KAISER ALUMINUM & CHEMICAL SALES, INC. FOR ALUMINUM.

Councilman Whittington moved award of contract to the low bidder, Kaiser Aluminum & Chemical Sales, Inc., in the amount of \$5,812.35, on a unit price basis, for 430 sheets of aluminum. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Kaiser Aluminum & Chemical Sales, Inc.	\$ 5,812.35
Vulcan Sign & Stampings, Inc.	6,197.23
Southeastern Safety Supplies, Inc.	6,204.90
Municipal Street Sign Co., Inc.	6,763.90
Wheeling Metals Company	7,740.00

ORDINANCE NO. 96-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE NON-TAX REVENUES IN THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Smith moved the adoption of the subject ordinance, authorizing the transfer of \$25,000 of non-tax revenues of the General Fund Contingency Appropriation to be disbursed to the Bi-Centennial Committee to be used towards the deficit on the Bi-Centennial Funds. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 50.

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CHAIRMAN, EXECUTIVE DIRECTOR OR WHOLE REDEVELOPMENT COMMISSION TO BE REQUESTED TO ATTEND NEXT CONFERENCE MEETING OF CITY COUNCIL TO DISCUSS PROJECT 4, AND THE OPENING OF BAXTER STREET THROUGH THE AREA.

Councilman Smith stated when Council met with the Urban Redevelopment Commission and discussed Area 4, he did not attend. That it turns out there are 22 acres in this area and they indicate they can get only approximately 50 cents a foot for it in its present condition, and propose to run a street from McDowell Street to Kenilworth Avenue, and end up with about 18 acres and about a dollar a square foot of grading and work, and then sell this land for \$1.50 a square foot.

Councilman Whittington stated this was discussed at considerable length and the motion was made that the Redevelopment Commission have eight realtors to look at this property and determine whether this street - Baxter Street - should be put in. Would the land be more valuable with the street in or with it out? That the letter Council has received from the Commission indicates the street should be put in. To his knowledge land value was not discussed.

Councilman Smith stated they talked about these things in the letter but he thought they were to have a meeting with these realtors before the 14th, and come up with a decision. That they met that night and the urban renewal group passed the idea of going in and running the street through, and spending an estimated dollar a square foot improving the property so they can sell it in small parcels for motels or office buildings. That he has never understood why they cannot put the whole tract on the market and advertise rather than spending money to develop it and see if there are any takers and not guess about takers who will pay (X) dollars for it, and offer it to the public as a whole. They have decided not to do that because they have pre-determined there would not be anyone to buy it at the price and they are going in and spend money on it and cut a street through.

Councilman Tuttle stated it makes no sense to him spending one dime; that if he wants to buy it as is, it does not make any difference whether it is worth 30 or 50 cents a foot, or here it is with a street through there, he can vision the street but price it to him with a street in there and then if you want to build a street fine; but to spend that money and wreck that piece of property that may someday have potentials as a whole does not make any sense.

Councilman Smith stated it was his understanding that they would try to sell this whole tract for business use, and then if we found we could not sell it, then we would re-consider this concept of a park. That he thinks we are being bypassed by Urban Renewal when they make this decision at some night meeting to put the street in there and spend this money to fix it up without consulting Council; that he thinks they should present this to Council before passing it.

Mr. Underhill stated the street does not have to be approved by Council; that once the street is in it would have to come to Council for the City to take it over for maintenance, but to construct the street in the first instance does not have to be voted on by Council. Councilman Tuttle stated there is a possibility of this canal and if we do get the canal it will be long and it is possible it will run up into this land; to break this land up now with a street would be stupid.

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Mr. Veeder, City Manager, stated technically the Redevelopment Commission does not have to submit the question of the street to Council, that he is certain if Council expressed its opinion on this, the Redevelopment Commission would go slow in doing something in opposition to the Council's wishes.

Councilman Smith suggested that Mr. Veeder contact the Redevelopment Commission to see how far they have gone. That he thinks Council should be in on something like this from the beginning.

Councilman Alexander stated he thought at the meeting the final understanding was that the Redevelopment Commission would ask the developers to give an estimate on this property before any final decision was made; he did not know they were going into a final decision immediately.

Councilman Whittington stated the purpose of the meeting by the Redevelopment Commission was to tell Council what they are trying to do with Projects 4 and 5 of Brooklyn. There was a lot of discussion about the updated Independence Boulevard and also Baxter Street, and this street has been approved by the Highway Commission, and it has been determined where the updated expressway will come through Project 4; that all these factors are reasons why this property has not been put up for sell as they did not know how much they had to sell and exactly where the road would go until the last two weeks.

Councilman Whittington suggested that Council take no action on this today and ask either Mr. Sawyer, the Chairman, or the whole Commission to meet with Council at its next meeting, and all would be informed on what they are trying to do.

Mayor Brookshire requested the City Manager to relay this information to the Chairman and the Director of the Redevelopment Commission and invite them to come to the next Conference Session.

CITY MANAGER REQUESTED TO CONTACT AN AUTHORITY ON OVERCROWDING OF SCHOOL BUSES AND REPORT BACK TO COUNCIL WITH INFORMATION AND RECOMMENDATIONS.

Councilman Alexander stated in the conference session he stated that he did not accept the statement given by the city bus company representative on the overcrowding of school buses and the fact that persons are safer standing in the vehicles than they are sitting down. That all his life he has been told it was the other way around, and you were asked to be seated for safety reasons. He requested the City Manager to investigate this to get some technical information that will give Council a better understanding. That the bus company stated they did not see any problem there and that people are safer standing.

Mr. Veeder replied he should be able to get some response from someone who can be accepted as an authority such as the Department of Transportation; or maybe this new branch that prescribes safety conditions for automobiles, would have some comments and point us in some direction. That also he would do some more checking to see who has jurisdiction on the question. That he will come back to Council with some information.

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CITY MANAGER REQUESTED TO STUDY CHILL WATER PLAN MATTER AND REPORT BACK TO COUNCIL WITH RECOMMENDATIONS.

Councilman Alexander stated when he came back from San Antonio, Texas he spoke of his interest in the Chill Water Plant he saw there. That he feels this is an idea that would be well worth the city looking in to as the city can benefit from a chill water plant development if it is found that such would be feasible here. He requested that the City Manager do some indepth looking into this chill water plan matter and come back to Council with some ideas or recommendations that would lead towards the city giving it some formal consideration.

Councilman Alexander stated he wanted this before Council today because through the Model Cities Program, an attempt is being made to see everything that we can benefit from on federal programs. Bearing in mind that San Antonio did everything through Urban Renewal, this may be a good time to develop a system like this.

DISCUSSION OF BOND LIMITATIONS OF THE CITY OF CHARLOTTE.

Councilman Short stated his remarks are concerning the bond limitation. That our bond margin is 17 million dollars; in our five year capital improvement program, we call for new bond issues of \$14,700,000; our staff did not have any trouble running up some twenty two to twenty three million dollars worth of projects not including the water and sewer bonds, nor the airport bonds. That he is not urging anything specific, but he wants to introduce this subject. That it seems well to give some consideration to this before the legislature convenes because we might want to seek their help. That a very important part of the consideration would be whether our citizens and taxpayers want us to increase our bond margin, and whether the financial community would look favorably upon this. That he has discussed this with some people who are prominent in local real estate and also in the financial community and he thinks they do not see it as out of order for us to inquire into the matter of our very low bond margin. We are going to have a greater financial strength from the sales tax and with this source of revenue assured, he thinks it is appropriate to consider whether we should not have a greater opportunity to borrow money. That Mr. Fennell has taken a lot of pride in the fact that our debt service has increased only one percent in the last eight years; but with our greater financial strength we will now have, the time comes for us to reconsider our bond limitation. In San Antonio he was informed that they have a ten percent limitation with a 60 percent ratio - that gives them 25 percent greater opportunity to borrow than we have. Tampa has set the assessed value of the property at 100 percent of the appraised value and they lowered the tax accordingly so their taxes were not increased; this greatly increased their bond capacity and they are now building a lot of interesting things, largely without federal funds. Councilman Short stated he is not advocating anything at the moment and certainly does not advocate increasing our assessed value of property to 100 percent - we might be able to increase it somewhat and lower the tax accordingly. That we could also pursue this matter and there are local people who are experts in this and would be willing to pursue it for us.

Councilman Smith stated anyway you look at it, it means increased taxes; if you issue more bonds because your assessments are up, more bonds have to be paid for, and you are not talking about anything but an increase in taxes. Councilman Short stated he is not sure that is the case because taxes in effect are already increased by the additional sales tax. Councilman Smith stated the idea of the sales

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tax was to give us things that we had to have, that we need, that we do have under the present tax structure, but not to bother the present real estate tax structure unless we had to. Councilman Short stated to bring up any project at all for the city to do leaves the indication that we are going to pay for it ultimately out of tax money; that he is not making any great appeal for increasing taxes than any other citizen or groups make when they suggest that we acquire land for a new belt road, build a new airport, or build a beautiful canal on Sugar Creek; that he is suggesting a procedure for accomplishing the tax increase that we have already asked for. Councilman Tuttle stated he concurs in what Mr. Short has said and our tax structure does need looking into and particularly in the case of some of the revenue producing situations where the bonds are charged against us that we should very definitely have the legislature take a look at it and meet with them if necessary.

Mayor Brookshire stated all these things that have been proposed will take more money and we are unrealistically close to the debt margin at the present time. It is entirely possible that in the future we will have to get a greater limit on debts. At present the eight percent debt limits based on assessed valuation is under state statutes so there is no way to change that except to go to the state legislature.

Councilman Smith stated some Republicans and some Democrats have advocated that the federal government return to the municipalities of the state a portion of the income tax paid to Washington; this is what they are doing but they are doing it through all these programs. He stated the only thing he is saying is that real estate cannot carry this burden.

Councilman Short stated even though our limitation refers to the value of real estate in the city, actually the bond issue can be paid not just from real estate taxes but from any money we have; therefore, when we have a greater source of revenue as we have just acquired, it seems we can reconsider this appraisal limitation and the appraisal ratio not with any thought that we are going to take more money from the property owner, but with the thought that we will use all sources of income that we have.

PORTION OF SALES TAX MONIES AUTHORIZED RESERVED TO OFFSET ELEVEN CENT REDUCTION IN PROPERTY TAX RATE IN FISCAL YEAR 1969-70.

Councilman Whittington stated in the conference session today, Mr. Fennell, Director of Finance, gave Council a report on the sales tax revenues and gave Council three alternatives for consideration, as follows:

- (1) Reserve the entire amount so that it will be available for appropriation in the 1969-70 budget.
- (2) Reserve the estimated amount required to directly offset an 11 cents reduction in the property tax rate in 1969-70. On the basis of the projected assessed values for fiscal year 1969-70, this would require about \$1,150,000, leaving \$242,000 available for appropriation in the current fiscal year.
- (3) Reserve an amount of \$600,000 to meet the operating deficit anticipated by current forecasts, taking into consideration an 11 cents reduction in the property tax rate in 1969-70. The remaining amount of \$792,000 may be appropriated during the current fiscal year or reserved for appropriation in the budget for fiscal year 1969-70.

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Councilman Whittington moved the adoption of Alternative No. 2. The motion was seconded by Councilman Tuttle, and carried unanimously.

REQUEST THAT MEETING WITH MECKLENBURG COUNTY'S STATE LEGISLATORS BE SET WITH MAYOR AND COUNCIL MEMBERS.

Councilman Whittington urged the Mayor to try to formulate a meeting at an early date with our State Delegation with the entire Council or with the Mayor and City Manager and his staff present, or appoint a Council legislative committee to prepare items that we wish to discuss with the legislators.

Mayor Brookshire stated he would rather have all members of Council present than appoint a committee.

Mr. Veeder, City Manager, advised that his office will furnish Council with a recap of the matters that have been discussed from time to time to be presented to the legislature.

CITY MANAGER REQUESTED TO BRING RECOMMENDATIONS TO COUNCIL AT NEXT MEETING FOR USING SALES TAX MONIES.

Councilman Whittington asked if we can take the money from Alternative No. 2, proposed by Mr. Fennell, to make some capital improvements and give back perhaps one project that Council deleted because of funds and get into it before the year is out or ^{by} the beginning of next year. That in defense of Mr. McDuffey, when he talks about the bridge on Archdale Road, it has been discussed and Council knows it is a need; also the bridge on Shamrock, and the bridge on The Plaza, or the traffic light at Hidden Valley Road and Sugar Creek Road. Councilman Whittington stated if we did not do but one of these or two of them, then we are making some progress in areas that are in dire need from a traffic and safety standpoint.

Councilman Whittington requested the City Manager to investigate this and come back to Council next Monday with some recommendations.

Mr. Veeder stated perhaps there are other projects that Council would like to consider; such as the beautification project on downtown where we have a grant but do not have matching money; the Belmont project and some other things that Council had to make some tough decisions on in the operating budget.

Councilman Alexander stated four years ago Council took out of the budget, funds for a fire station on the west side of Charlotte; that he is going to request that consideration be given to re-instating this item; the same need is there and it is worse now than it was four years ago because of the building that has tripled in that section of the city.

NOMINATION OF WILLIAM E. GRAHAM TO SUCCEED HIMSELF ON THE REDEVELOPMENT COMMISSION.

Councilman Whittington placed in nomination the name of Mr. William E. Graham to succeed himself on the Redevelopment Commission to remain open for one week.

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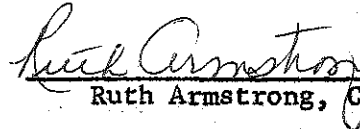
CLAIM OF MACK KISER FOR DAMAGES TO AUTOMOBILE RECONSIDERED AND AUTHORIZED PAID.

Councilman Jordan stated some few weeks ago a claim was presented to Council from Mack Kiser in the amount of \$321.66 for damage to his automobile. This is the claim where the police officer gave the man the signal to come through the intersection and he was hit by another car. Councilman Jordan stated he has had a number of calls about this man; that this is a real hardship case; Mr. Kiser lives on the east side of town and works on the west side of town and does not have the money to have the automobile repaired and has to go in a car pool to get back and forth to work. Councilman Jordan stated he thinks it is a moral obligation for the Council to reopen this case, and he would like for the claim to be paid.

Councilman Jordan moved that Council reconsider and pay the claim of Mack Kiser which was denied by Council at its meeting on August 12, 1968; that this motion to pay is to be considered only as a compromise of the claim and is not to be construed in any way as an admission of liability or a waiver of governmental immunity. The motion was seconded by Councilman Smith, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk