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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, September 16, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilman Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall and Jerry Tuttle present.

ABSENT: Councilman James B. Whittington came into the meeting at 3:10 P.M. and was present for a portion of the session.

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

ABSENT: Commissioners Gamble, Turner and Wilmer.

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INVOCATION.

The invocation was given by Reverend Fred Turner, Pastor of Albemarle Road Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short and unanimously carried, the minutes of the last meeting on September 9, 1968 were approved as submitted.

REQUEST FOR AMENDMENT TO ZONING PETITION NO. 68-48 BY MRS. SUSAN R. WHISNANT.

Council was advised that Mr. Hugh Casey, Attorney for Mrs. Whisnant had filed a petition at the last Council Meeting requesting an amendment to Zoning Petition No. 68-48 so that the area requested to be rezoned shall be an area fronting 100 feet on Crosby Road, two lots wide and extending back 150 feet; that if the amendment is allowed it will not nullify the previously invoked 20% Rule requiring the affirmative vote of six councilmen in order to rezone the property.

Councilman Short stated the purpose of the rule was to keep the protestors from being cut out and having their position removed, and that would not occur in this case. He moved that the amendment as requested be allowed. The motion was seconded by Councilman Alexander, and carried unanimously.

HEARING ON PETITION NO. 68-48 BY MRS. SUSAN R. WHISNANT FOR A CHANGE IN ZONING FROM R-15 TO R-12MF OF PROPERTY ON THE NORTHWEST SIDE OF CROSBY ROAD, BEGINNING NORTHWEST OF WESTBURY ROAD AS AMENDED.

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

Mr. Fred Bryant, Assistant Planning Director, stated the lots are on Crosby Road, near the intersection of Providence Road and Sharon Amity Road; that Crosby is the first street leading off Sharon Amity Road and is a street only one block long. The subject property is located on the northwest side

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of Crosby Road and is occupied by one single family residence; the surrounding property includes the Tropicana Apartments, the combination business and office area which has developed along Sharon Amity Road and the parking area which was approved in conjunction with the office use on the corner. Other than that, the area is generally a combination of vacant lots and single family residences with all the property along Westbury being predominantly occupied by single family residential structures.

There is a combination of office zoning at the corner of Providence Road and Sharon Amity, then some B-1 along Sharon Amity up to Crosby Road; R-12MF on Crosby where the Tropicana is located and R-12MF also going up Sharon Amity Road toward Randolph Road; other than that, the area is entirely zoned R-15 single family usage.

Mr. Hugh Casey, attorney for the petitioner, stated the total frontage of the two lots on Crosby Road is 100 feet and extends back 150 feet and the total square footage is 15,000 square feet. That with only 15,000 square feet one can only erect a duplex-type structure. That the petitioner lives in the house but is away a great deal of the time and she would like to be allowed to add to this house and make it a duplex. That he understands the fear of these people who live in this area who do not want to see some unscrupulous promoter or speculator come into this area and deceive these people and put up some sort of high rise apartment or office building. That these people want to keep this side of Crosby Road as a buffer and he agrees that it should be kept as a buffer and will be simply by allowing the petitioner to change to a duplex. This action will not cause any high rise apartments and will barely change the appearance of the structure itself.

That already on this street is a large apartment, a parking lot and businesses, and he feels this is not too great a request to make for this lady to be allowed to add a duplex there.

Councilman Tuttle asked Mr. Casey what is contemplated for the balance of the land and Mr. Casey replied he did not know but the land will be kept there in private ownership.

Councilman Short asked if they had two lots, could they not put two habitation units there now? Mr. Casey replied he does not have a survey of the property at this time but he believes the house extends into both lots; it faces longways to the street and he is fairly confident that it extends over both lots.

Mr. Meekin stated he is representing the protestors, not only professionally but because he lives in the neighborhood on Westbury Road. He stated they are proud to live on a beautiful street and in a beautiful area that has been carefully zoned and planned by this Commission and Council. That the zoning enactment itself sets out the various districts with the idea of maintaining the usefulness of our community as it grew and buffer zones are necessary between industry, business, multifamily and into single family residential areas.

Mr. Meekins stated this is an area of single families completely in this one block. The request here is for something not particularly obnoxious to him, that a duplex is a wonderful idea, and they are allowed on every corner of our city streets, even in the highest residential areas, but if we sit back and wait until zoning has been changed about us, we find ourselves in an area where we can no longer maintain single family residences and have to move further out into the country. That it has to stop somewhere. This is clearly a case of spot zoning in the essential meaning of the word. He stated he is not protesting personally against a duplex or an apartment but he is here to

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protect what he feels is a well designed scheme of zoning for our city and he does not see any extenuating circumstances here which might warrant this Council in going behind their carefully planned scheme and allow such a zoning request as this.

He stated there are a large number of multi-family zoning lots in the area not being used for that purpose now; the Cotswold Shopping Area has grown and all the developments around there have grown; they are saturated here with traffic, saturated in schools and cannot really accommodate any more traffic or any more people in the area as permanent residents. That he is sure the petitioner would like to have an addition on the home, which would be a desirable thing for many of the residents but we are protected by zoning and we ought to maintain that protective restriction in this area. He stated he is not afraid of high risers, but they are afraid of anything which might lower the floodgates and invite others to come forward with the request to rezone their property to multifamily so maybe their brother could move in with them. He urged the Council to deny this request because there has been no extenuating circumstances and no change.

Mr. R. A. Pitts stated he owns the property adjoining the property requested for rezoning and he has no objections to a duplex going in there but it is opening the floodgates to a very good residential area. That the Providence Park area is just adjoining this and once you let the floodgates down, you have opened up something else and as Council will recall several years ago they were before Council to protest the multiple zoning. They feel a zoning that has been set up where people have established a permanent residence, with some elderly families who have invested their life savings in these homes, hoping they might live there in this nice residential area should be kept. That he has no objections to the petitioner living in the area but there are other areas that have been designed by Council and the Zoning Board for multiple dwelling.

Mr. Pitts stated the future growth of the City of Charlotte depends upon its permanent citizens because multiple dwellings are fine as we have people who come and go but actually the basis of any city is dependent upon the permanent members of that area who intend to stay and make their livelihood here.

Mr. C. R. Brash stated his property adjoins the subject property at the rear and he has very strong feelings regarding this request for rezoning. That he has no direct objection to just a basic, nice duplex apartment, but feels this will be the step which will open things for more and more. That this neighborhood is pretty well saturated and traffic is a problem and this may be an invitation to opening new areas. That previously they had enjoyed a very nice backyard and if this goes in they will sacrifice all their privacy which means a lot to them personally. He stated there are other areas in the town which are more suitable for this type of expansion, but if they felt this was the stopping point it would be different but this is going to be the beginning of more and more.

Mr. Meekins stated in this particular block there is no zoning other than single family zoning although it is true that the Tropicana is directly across the street and zoned R-12MF. That he fought this three years ago when property all along Westbury Road was involved in a multifamily request. That they are interested in maintaining their neighborhood as a single family residence as it is a desirable neighborhood for their children to grow up in and if it becomes anymore crowded, it will not be desirable and they have no choice but to just start going along with the bandwagon and asking for their property to be rezoned too.

Decision was deferred until the next council meeting.

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HEARING ON PETITION NO. 68-66 BY 1200 EAST PARTNERSHIP FOR A CHANGE IN ZONING FROM R-6MFH AND B-1 TO O-6 OF A TRACT OF LAND 144' X 450' BOUNDED BY KENILWORTH AVENUE, IDEAL WAY AND CHARLOTTE DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property consists of a rectangular-shaped tract of land fronting on Kenilworth Avenue, Ideal Way and Charlotte Drive. The property is vacant and is adjoined on the East Boulevard side by a recently constructed service station; the corner of Kenilworth and East Boulevard generally is used for business purposes with a service station on one corner, a soda shop on one corner, and several businesses on the other corners. That up East Boulevard is the recently built Ramada Inn Motel; across Kenilworth Avenue from this property is completely used for residential purposes, mostly single family with at least one duplex in the block. He stated the block between Kenilworth and Charlotte Drive is completely single family, with the houses facing on Charlotte Drive and the rear yards on Kenilworth Avenue; across Charlotte Drive from the property, it is used for single family residential purposes with these lots fronting on Ideal Way; that the subject property is completely vacant at the present time and is the former site of the Alexander Home.

The zoning is B-1 on both sides of East Boulevard; from Charlotte Drive back up toward Dilworth and across Dilworth, it is zoned O-6; the subject property is zoned a combination of B-1 and R-6MFH on-down to Ideal Way. At one time this lot was the site of a proposed Kroger Food Store and this accounts for the extreme depth of business zoning coming back from East Boulevard but this did not materialize and a service station was built on the frontage property on East Boulevard and left an excess of business zoning facing on Kenilworth and on Charlotte Drive, so that the request is actually a request to change partially zoned B-1 property and partially zoned R-6MFH property to office.

Mr. Bryant stated the property across from Kenilworth is zoned R-6MF as is all property along Kenilworth on that side. On the Charlotte Drive side the property is zoned R-6. Mr. Bryant stated the intended use for this property has been for office purposes and it is strongly felt under those circumstances, when it is going to be used for office purposes, it should be so zoned. With the existing business zoning there is always the possibility of some business getting in there that will not be too attractive for the Kenilworth and Charlotte Drive residents.

Councilman Short asked if they build an office and want to put a drugstore or a pharmacy in there, can they do it with B-1 but not with O-6? Mr. Bryant replied no, but they could put it in with the zoning they have. Councilman Tuttle stated Mr. Bryant had used the words "intended use" and he would like to know if this is the same owners of the property where the Kroger store was supposed to go and then a service station was built? Mr. Bryant replied yes, at one time all the property was owned by the current petitioner.

Mr. Jack Starnes, attorney representing the seller and purchaser of this property, stated it is their intent to erect an office building and they are aware that an office building can go on there with some business use but this is to be wholly an office building, and as such they will keep it office. That they feel this is good transition from business to a less offensive use; that the purchaser intends to put an office building on this property.

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. 68-67 BY AMERICAN OIL COMPANY TO GRANT CONDITIONAL APPROVAL FOR PETROLEUM STORAGE IN AN EXISTING I-2 DISTRICT ON A TRACT OF LAND ON THE NORTH SIDE OF MT. HOLLY ROAD, WEST OF SADLER ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for a conditional use and must have approval of City Council at a public hearing as provided by ordinance.

He stated the property is located on the north side of Mt. Holly Road at the intersection of Mt. Holly Road and Thrift Road and is currently used for petroleum storage purposes and the intent is to erect additional storage tanks on this property. As you proceed westward from this property along Mt. Holly Road you get into a basically single family residential area with a few small retail businesses. To the rear of the subject property the land is also used for petroleum storage purposes, and this property fronts on Sadler Road, which runs into the Coulwood Residential Area to the west, and is also used for the petroleum storage tanks with some single family residential purposes as you proceed on westward.

Mr. Bryant stated the zoning is I-1 and is adjoined on the west side by B-1, to the rear and west there is some multifamily and some single family zoning farther north. Generally speaking, the entire area is utilized for I-2 zoning and a number of requests for conditional approval for petroleum storage purposes has already been granted in this area.

Mr. Bryant stated the purpose of this section is to give City Council and the Planning Commission an opportunity to evaluate whether or not petroleum storage use is a proper usage of the property. The feeling when the ordinance was adopted in 1962 was this was a potentially hazardous use and as a result it was felt it was not proper to make this a use-by-right which would automatically mean that any I-2 property could be used for this purpose; this is merely for the purpose of giving Council an opportunity to decide whether or not this particular property is appropriate for that purpose. After it is one time approved and gone in, Council would not have the right to force them to move out.

Mr. Bryant stated that there were some areas in which petroleum storage would be hazardous and therefore it was felt that each individual site needed to be evaluated before this particular use would be put on it.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-68 BY MRS. MAMIE B. MADDEN FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A TRACT OF LAND 150' X 195' AT THE NORTHWEST CORNER OF SPENCER STREET AND MELROSE STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this property consists of three separate lots at the corner of Spencer Street and Melrose Avenue, near 36th Street and the Plaza and is used for single family residential purposes with two houses located on the subject property. The property directly across is vacant and is adjoined on the west side by a vacant lot and then a single family residence and a lot on the corner of Herrin Avenue that is utilized for some type of storage purposes. Directly to the rear of the subject property is the Century Steel and Iron Company, a fabrication concern. Along Herrin is all used for single family purposes. Out Spencer Street from the subject property is an apartment structure and then single family facing on Academy Street.

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The zoning in the area is I-2 from Norfolk and Southern Railway, generally down to Spencer Street there is I-1 at the corner of Herrin and Spencer so that the subject property is surrounded on three sides by Industrial zoning. The subject property is zoned multifamily as is all the property adjacent to it across Spencer Street.

Mr. Bryant stated the original zoning was industrial up Melrose and then down the rear of these lots to Herrin; the corner of Herrin and Spencer was a change that was made several years ago so the subject property was closed in through a request and a change that was made several years ago.

Mr. Louis Parham, representing the petitioner, stated the property is surrounded on three sides by industrial zoning and there is nothing on the north side of Spencer Street that is not zoned industrial. That Mrs. Madden has sold this property to one of the adjoining property owners and as far as he knows there are no immediate plans for the subject property which has three residences which are rental properties.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-69 BY MCEWEN FUNERAL SERVICE, INC. FOR A CHANGE IN ZONING FROM R-9MF TO B-2 AND O-6 OF A TRACT OF LAND FRONTING 318 FEET ON THE SOUTHEAST SIDE OF MALLARD CREEK ROAD BEGINNING 436 FEET NORTHEAST OF DERITA ROAD (SUGAR CREEK ROAD).

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

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is on the southeast side of Mallard Creek Road and is occupied at the present time with 2 single family structures, with a portion of it vacant, and is adjoined on the Derita Road side by a lot that has a mobile home and a single family residence; at the corner of Mallard Creek Road and Derita Road there is a farm equipment sales building.

He stated the property fronting on Derita Road is used primarily for non-residential purposes; in the immediate vicinity of the intersection of Mallard Creek Road there is a shopping center with a variety of retail service facilities; the Derita Baptist Church is located in this area, a contractors' office and storage yard, and the Derita Volunteer Fire Department is between the railroad and Derita Road. On the east side the property is mostly vacant, with very little development. Out Mallard Creek Road there are scattered single family residences, including one very close to the subject property.

The property across Mallard Creek Road is also vacant all the way down to Derita Road; the nearest occupied area to that is along the Rockwell Church Road which runs from Derita Road and comes out on Mallard Creek Road, with a number of single family houses located in there as well as two churches. Other than that the area is mostly vacant.

The zoning is B-2 along Derita Road extending for several hundred feet back along Mallard Creek Road itself. Immediately adjoining that, extending throughout the area is R-9MF. Basically, in the immediate vicinity of the subject property it is zoned B-2 and Multifamily.

Mr. Bill Underwood, representing the petitioner, McEwen Funeral Service, stated they wish to place a funeral chapel at the site under consideration; that a very small area has been requested for B-2 which fronts 46 feet on Mallard Creek Road and the .51 acres which they had requested B-2 zoning will not be used in connection with the funeral chapel as Mr. G. W. Puckett owns the property on both sides of the zoning line. One of his tracts has 100 foot frontage in B-2 and 46 feet in R-9MF and it seems logical, not only from McEwen's point of view but from the Planning point of view, to put that all in B-2.

He stated McEwen's desire to place the funeral chapel on this location came about as a result of continuous requests by residents in this area for a more accessible facility.

Mr. Underwood stated in the first six months of 1968, McEwen records indicates they performed services for 38 families in this area. When you realize that the national average for funeral homes is less than 100, Council can see that McEwen is already serving an area that approximates the national average even though they are located on East Morehead Street. That this makes a difference as approximately 60% of the funeral services that McEwen performs are in funeral chapels and almost 100% of the visitation with the family occurs at the chapel.

He further stated McEwen projects further population growth especially of the residential nature in the northern perimeter area and the need will grow and grow as time passes. McEwen, performing the services which it does, is not likely to incur the ire of the community by controversial zoning if it could help it. They have investigated the feeling of the community both with reference to the location of the funeral chapel in the northern perimeter area and also with reference to this particular location. Even though there has been a protest filed, the reaction received has been most encouraging. Other than the immediate property owner who feels concerned, they have had no negative reaction to what they are planning to do. The reaction has been so positive that several members of the community who own substantial amounts of property, have come to Council today to indicate they are very much in favor of this petition. He stated this is an area of Charlotte which has been lacking in some community interest, probably because of the splintered nature of the communities out there, and recently there has been a steering committee formed which McEwen has approached and has made complete presentations to them about what is planned for this zoning change.

Mr. J. C. Edwards stated the Council he represents is not directly representing Derita Community itself - it includes the 100 acres of Allen Hills, Crater Park, and the Statesville Road area and all locations in the perimeter area that adjoin the Derita Community. They come to Council in favor of something one time rather than being against landfills and other matters. He stated this Council feels this would be an excellent addition to their area out there. That the Council was formed to try to work up an orderly development, working with the Planning Commission, for their side of town and they think this chapel will be an excellent addition to their area.

Mr. Underwood stated in this area you will find scattered business zoning and almost no office zoning. Office zoning is that which is normally used for a funeral chapel. That which is there is already being used and there is a need for that zoning in this general vicinity.

He stated office districts are acceptable from a planning point of view as a transitional area between business and residential development; that he sees no reason why it would not be acceptable between business and what is eventually going to be multi-family development. The property on two sides is already business or so close to business it would have no other use; the property across the street is completely undeveloped and 40% of the land is

already zoned for business. He called attention to the brochure, copy of which has been furnished each councilman and commissioner, and stated there is a pine grove well over a 100 feet in width between the subject property and Mrs. Brown's property. That it is inconceivable to him that Mrs. Brown will even be able to see the funeral chapel from her home.

He stated funeral chapels are not as bothersome from a point of noise and traffic as a multi-family use would be; that what McEwen has planned for the property looks like a very nice residence in many respects; that he would say this is the best chance Mrs. Brown has to preserve her home as a home rather than multi-family which it is now zoned.

Mrs. Neil H. Brown stated an article in the morning's paper stated "a zoning concept puts people first." At a meeting at Randolph Junior High School Mr. Tate stated there should be only planned zoning in a planned residential area. She stated the community was pleased to be zoned residential, and judging by the number of substantial people who inquire weekly about land on which to build among them, they must think that the community has possibilities; many wish to build a home away from business. That Mrs. Doris Moore, who is not a resident owner, and as far as she knows she has never seen it, wishes to sell the strip of land. In order to do so she has asked her aunt, Mrs. Puckett, that her adjoining property now zoned residential and Mr. George Puckett, her son, to be rezoned for business. That Mrs. Puckett told her the property is not for sale, but she feels obligated to request the rezoning because of her niece. Mrs. Brown stated there is other property in the area owned by non-residents who may feel they have a right to the same privileges; there are other available places zoned for business and places which would suit the requirements just as well. That Miss McEwen has told them her need is for three acres and they are being forced to buy nine acres because Mrs. Moore owns the whole lot. That in this area, Mallard Creek Road has about all the traffic it can bear. She stated any business in a residential area lowers the value of property for residential use.

(COUNCILMAN WHITTINGTON CAME INTO THE MEETING AT THIS TIME AND WAS PRESENT FOR A PORTION OF THE SESSION.)

Mr. Everette McConnell stated he is not against progress; he wants progress but it needs to be in the right place. He stated this petition is a spot in between two residential areas zoned R-9 which is against all planning principles to spot zone; that his family owns 17 acres which adjoins the Moore property to the rear. That they are opposed to business being allowed to encroach on the residential area when there are other properties available. That he recently asked for a zoning change to B-2 in Derita and was turned down because they said they would not recommend a change to B-2 until some already zoned is used up. He stated there are two tracts already zoned which he would like to see McEwen build on - one by Cole Memorial Methodist Church and the piece beside the Piedmont National Bank. He stated the traffic is a hazard and this can be made a beautiful residential area if the business is stopped.

Mr. C. J. McConnell, Mallard Creek Road, stated he is representing the five members of their estate; that they would like to have a funeral home in the area but they would rather have this developed for residential area as there are two tracts of land between their property and the research project coming in from University.

Mr. John Mitzel stated he lives in Derita and he would like to clarify one statement that there are approximately three acres connecting the Piedmont Bank and Trust Company; there are 124 feet between the Bank and his home, and then the three acres of land, so there is a residence between.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-70 BY HOUSTON PROPERTIES, INC., FOR A CHANGE IN ZONING FROM R-9MF, O-6 AND B-1 TO O-6 AND B-1 SCD OF A 10.64 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND SHARON AMITY ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is located near the intersection of Central Avenue and Sharon Amity Road; it has a frontage on Sharon Amity Road and on Central Avenue; the major portion is being requested for B-1SCD; a small portion is being requested for office zoning; the property is vacant; there is a new service station adjoining the property at the corner of Central Avenue and Sharon Amity; across is a service station on the corner, a contractor's office and a business building under construction; on the other corner is a combination service station and grocery store; then a fuel oil distribution business and then a residence. Across Central Avenue is the Southern Bell Telephone Company facility. To the north of the property is an apartment development which has been built in the past two years; to the east of the property is all vacant, completely undeveloped.

He stated there is considerable B-1 zoning around the intersection; all four corners have business zoning associated; there is a band of O-6 around the business property and beyond that it is zoned R-9MF and R-6MF. That a portion of the property being requested changed to B-1 SCD is already zoned B-1.

Mr. Claude Freeman stated they are requesting the extension of the existing zoning an additional 350 feet; it is presently zoned B-1 and O-6, and the property which is under the same ownership is zoned R-9MF. He stated they plan a shopping strip of approximately 50,000 square feet; they have a letter of commitment from Harris-Teeter for a drug store and grocery store, and another letter of commitment and indications there should be additional tenants.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 16 AMENDING CHAPTER 19, ARTICLE I, DIVISION 3 OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO RATES OF FARE TO BE CHARGED BY TAXICABS.

The public hearing was held on petition filed jointly by Baker Cab Company, Inc., Charlotte Cab Company, Inc., Checker Cab Company, Inc., Red Top Cab Company, Inc., Victory Cab Company, Inc., and Yellow Cab Company, Inc., requesting rate increase for taxicabs by changing the current rate of 45 cents for the first two-fifths mile and 10 cents for each succeeding two-fifths mile or fraction thereof to a rate of 45 cents for the first one-quarter mile and 10 cents for each succeeding one-quarter mile or fraction thereof, and changing the current rate of \$3.00 for one-hour waiting time to \$4.00 for one hour waiting time.

Mr. Myles Haynes, Attorney, stated he will start by speaking for all the cab companies. That he, along with Attorneys Henry Strickland and Gary Davis appear on behalf of the petitioners.

Mr. Haynes stated the taxicab industry is essential to the health and vitality of a growing and progressive city; we have only two means of accepted public transportation - taxicabs and the buses. That while this industry is vital to the city, this industry is sick. Mr. Haynes stated all the facts and figures he presents have been varified by statements furnished to the City Finance Officer.

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He stated the cab industry finds it is impossible to make a reasonable return on its invested capital or else the company cannot make a profit. That two of those he represents have failed to make a profit for the last two years; even those who show a profit, with the exception of Yellow Cab Company, show a small return upon their invested capital; they have a problem of getting competent drivers and keeping the drivers. Currently they pay across the board 42 percent of the gross revenue they take in to attract drivers and even paying this they cannot hold drivers. Charlotte Cab Company last year had 68 applicants approved to drive taxicabs; at the end of the year 12 of those drivers were left. They have gone to other industries and other jobs as they can make more money working less hours. Because of this there is a continuing need and a continuing cry for drivers; there is a continuing need for better cab service, and the companies cannot put the cabs on the road unless they have personnel to operate the cabs.

Since the time of the rate increase which became effective on April 1, 1966, there has been a 10 percent increase for the parts that go into the taxicabs, there has been a 40 percent plus premium increase for insurance for these companies since April 1, 1966. There have been increases in fuel costs; the companies are trying to air condition the cabs and the cost is tremendous.

Mr. Haynes stated in the last year over 100 cities in the United States have allowed rate increases and the majority of those who have allowed increases have allowed the rate they are asking for today. In some instances the initial rate has gone to 50 cents for each quarter mile and then ten cents for each quarter mile thereafter. The average return for a three mile trip is \$1.60.

He stated they undertook to make up a study of towns that more or less surround Charlotte to compare the rate increase to sister cities which he explained.

He stated if the rate increase is allowed it would compute as follows: at the end of the 1st mile you pay 75 cents; 2nd mile, \$1.15; 3rd mile, \$1.55; 4th mile, \$1.95, and at the end of the 5th mile you would pay \$2.35, and it would put Charlotte on a level with the national average. He stated the industry and Rockwell Manufacturing Company says the ideal rate is one which makes every trip profitable to the company and equitable to both long and short trip riders.

Mr. Haynes stated he represents Charlotte Cab Company and Baker Cab Company; neither has shown a profit in its whole operating history; it is not because profits have been drained off in executive salaries as the officers of the company took out no management salary and no dividends at all in 1967, and so far this year they have taken out \$1100 a piece for managerial salaries. He stated the second problem of these two companies is getting and retaining good drivers; Charlotte Cab Company uses people of both races and people of both sexes.

He stated less than 50% of the total miles the wheels of Charlotte Cab and Baker Cab turn are revenue earning miles; the other time the cab is either on the way out to the southern part of town to pick up someone who gets into the cab and rides to the closest grocery store and gets out and there is no revenue in that.

Mr. Haynes stated he is convinced after working with this that a cent less than requested is not going to solve the pains of the industry; that what is done here today is very definitely going to decide the fate of at least one of the companies now operating, and if that company cannot survive, the other companies do not want their certificates because they have no desire to put more cabs on the street when the cabs they have now are not earning revenue. He stated Baker Cab Company has 19 of its own certificates, plus 5 independents; Charlotte Cab Company has 34 certificates and at present four cars are out as total losses. He stated the companies propose to pay the same 42% to the drivers.

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Mr. Henry Strickland, Attorney representing Victory Cab Company and Yellow Cab Company, stated Charlotte has one of the lowest rates for taxicabs in the nation, and lower than any in the Carolinas. Last year Yellow Cab Company made about a three percent profit on their investment, but the profit they made last year will be absorbed and wiped out and they will be in debt at the end of the year. That cabs are essential to the city; the bus operations cease about 11:00 or 11:30 and people who use public conveyances are dependable solely on the cabs. The cost of gasoline has gone up; cars have gone up \$110 and insurance has gone up several times since the last rate increase. At the present rate the companies cannot replace equipment as often as they should. Yellow Cab has been in business for the last 34 years and during that time no passenger has been killed or seriously injured; and no accidents have been due to mechanical failure.

He stated the greatest difficulty is getting competent drivers; and if they do not have competent drivers you might as well not have the cab and machine.

Mr. Strickland stated that Victory Cab Company lost money last year; that Mr. Isenhour, the owner, did not have money to hire a manager and had to manage the business himself and he lost well over a thousand dollars. That Mr. Isenhour has a service station where he sells approximately 100 thousand gallons of gasoline and he lives off the service station.

Also speaking for the increase in rates were Mr. Crump of Yellow Cab Company, and Mr. Gary Davis, representing Checker Cab Company and Red Top Cab Company.

After further discussion and questions and answers Councilman Smith moved the adoption of the subject ordinance amending Chapter 19, Article I, Division 3 of the Code with respect to rates of fare to be charged by taxicabs as requested by the petitioners. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 450.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a ten minute recess at 4:23 o'clock p.m., and reconvened the meeting at 4:32 o'clock p.m.

REQUEST THAT SECTION 23-30 OF THE CITY CODE BE ENFORCED AS IT RELATES TO QUEEN CITY RACE TRACK TURNED OVER TO CITY ATTORNEY FOR ONE WEEK TO COME BACK TO COUNCIL WITH REPORT.

Mr. Joe Grier, Attorney, stated he is present on behalf of the Stonewall Jackson Homes and the Jackson Park Apartments, and a number of the residents of those units and individual family homes that are located adjacent to where the Queen City Speedway has operated a race track for the past month. That about this time last year it was announced in the newspaper that certain people intended to build a race track adjacent to these apartments and adjacent to the private homes on new Dixie Road near Airport Road. The property on which the raceway was proposed and on which it has now been built was and is zoned Industrial and under the zoning law the construction of a race track in an industrial zone is not specifically prohibited. That in the face of notice of what the residents thought a race track in this area would do to them and their property, the promoters of the race track went forward during the winter with the construction of the track; about a month ago the first of the races operated; since that time on the basis of an automobile race on Friday night and a motorcycle race on some Saturday nights the race track has been in operation.

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Mr. Grier stated they believe the operation of the race track is in clear violation of the ordinances of the City of Charlotte. That as attorney for these people, he calls this situation to Council's attention and ask that the city's representatives enforce the law and to bring to a stop this situation that is causing so much disturbance and so much damage to these several hundred people who live in a stone's throw of where the races are being run.

He stated it is most objectionable because of the noise made by the cars; the noise by the loud speakers; the dust; the lights on the poles without blinders so that the light shines into the windows of the apartments; and the traffic has been such that it makes it impossible to get in and out of these places; on a number of occasions the people who come to the races have come onto the private property of the apartments and appropriated the private parking area for their own while they attend the races.

Mr. Grier stated not all the situations have existed with respect to all the races that have been run; on the last two Friday nights the track has been heavily watered and the wind has blown from the other direction so that the dust has not been the same problem it was on the earlier nights. On the last two occasions the owners of the apartment units have hired private duty policemen and have prevented people from coming on to the private property and parking in the private parking areas. But the lights and the noise have gone on and in a way that simply is not to be tolerated in an area in which people live and have their homes.

Mr. Grier made reference to the city ordinances which he believes have been violated. Section 23-30 reads "Every use, activity and process shall be so operated that regularly recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment or nuisance to any person. Every use, activity and process in business and industrial districts shall be so operated that regularly recurring noises, as detected by the human sense of hearing, without instruments, at adjoining residential or office district boundary lines shall not exceed the normal noise level generated by uses permitted in residential and office districts." He stated this is part of the city zoning ordinance and as such is applicable to this area which lies within the perimeter area. That in addition to the noise ordinance there is a provision in Section 10-121 of the Code which reads: "It shall be unlawful for any person to cause or allow to escape into the open air such quantities of cinders, dust, fly ash, other fumes, dirt or other materials, or noxious gases in such place or manner as to cause injury, detriment, nuisance or annoyance to any other person or damage to any other property." He stated there were earlier occasions when this section was violated to the very detriment to these residents.

Mr. Henry Underhill, Acting City Attorney, stated Mr. Jamison, Building Inspection Superintendent, attended the races as an observer on Friday night; he did this for the purpose of attempting to determine whether in his opinion there was a violation of Section 23-30 of the zoning ordinance, which would apply in this area as it is in the perimeter area and subject to the provisions of the zoning code. This particular section insofar as he can determine would be the only section in which city enforcement through its criminal provisions could be made; the other reference to Section 10-121 cited by Mr. Grier is in the Health Department section of our code under Air Pollution and would be the proper function of the air pollution section of the Health Department.

Mr. Underhill stated section 23-30 relating to noise is the section under which the city could prosecute, if they desire to do so criminally, the operators of the race track for the noises created by its races being held.

Councilman Short moved that Mr. Jamison, Mr. Underhill, Mr. Blackwell and Mr. Veeder be instructed to enforce Section 23-30 with reference to this particular facility. The motion was seconded by Councilman Whittington.

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Mr. Jamison stated he did attend the race on last Friday night and did not observe any dust to speak of; the noise was there as is the noise of the airport. That evidently they did not have much of a crowd on Friday night and the traffic was not bad. Mayor Brookshire asked if he observed that the noise created by the race was more or less than the aircraft flying overhead? Mr. Jamison replied in observing the noise from the location of the apartments the aircraft actually drown out the noise of the races.

Councilman Smith asked if there is a difference in noise created by private citizens such as the race tracks and public utility and public transportation such as aircraft? Mr. Underhill replied the ordinance makes no distinction; there might be a legal distinction because of the operation involved as a race track compared to an airport; the courts in the past on some occasions have held that airports are necessary; however, the North Carolina Courts have not see fit to do so. Mr. Grier stated he has been out to the races on two evenings and his impression of the comparative noise on the bank of the Stonewall Jackson Homes is diametrically opposed to that which Mr. Jamison testified. His impression is that when the cars are running, you can identify the airplanes only if you are able to see the lights on them. He stated as to the effect of the ordinance on the operation of the airport and the race track, the language contained in the ordinance makes a clear distinction because it says every use, activity or process shall be so operated that regularly recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment or nuisance to any other person. It is his opinion that the test in each case is what is reasonable under the circumstance and there would be a clear distinction between the operation of a race track for profit from the operation of an airport that is today a necessity; there would be a distinction between an airport that was there for many, many years and a race track that was built there in the face of the protest of the neighbors.

Councilman Smith made a substitute motion that the matter be turned over to Mr. Underhill for a week and come back to Council with a report. The motion was seconded by Councilman Alexander.

Councilman Whittington stated he feels the Council has an obligation to do everything it can to prevent these nuisances such as noise, dust, lights and traffic as it is asked to do anywhere else in the City.

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

YEAS: Councilmen Smith, Alexander, Jordan, and Stegall.

NAYS: Councilmen Short, Whittington and Tuttle.

ORDINANCE NO. 1-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF ALL PROPERTY IN THE BLOCK BOUNDED BY PARK ROAD, HILLSIDE AVENUE, HAVEN DRIVE AND THE REAR OF LOTS HAVING FRONTAGE ON REECE ROAD.

Councilman Whittington moved that the subject ordinance be adopted changing the zoning from R-9 to R-9MF as requested by a great majority of the people who live on that side of Park Road, bounded by Hillside Avenue, Haven Drive and the rear of lots fronting on Reece Road. The motion was seconded by Councilman Tuttle.

Councilman Short made a substitute motion to change the zoning from R-9 to R-12MF. The motion was seconded by Councilman Alexander, and the motion lost

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by the following vote:

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

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

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

The ordinance is recorded in full in Ordinance Book 15, at Page 435.

COUNCILMAN WHITTINGTON LEFT THE MEETING.

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

COUNCILMEN, CITY MANAGER AND TRAFFIC ENGINEER TO SIT DOWN AND DISCUSS TRUCK ROUTE ON LOUISE AVENUE WITHIN NEXT TWO WEEKS.

Mrs. C. H. Steele, of Louise Avenue, asked if any decision has been made about moving the truck route off Louise Avenue?

Councilman Short asked that the Traffic Engineer comment on the question of whether or not this traffic at least cannot be divided so that perhaps the east bound traffic might remain on Louise, but the west bound traffic might use Oakland or Hawthorne Lane or some other street.

Mr. Hoose, Traffic Engineer, replied in this case you would be multiplying your problem; in his report to Council, he referred to the least amount of homes, the 200 foot radius with the separate signal indication to take care of the truck traffic with a three phase traffic controller moving down to this intersection with very light opposing traffic so that the turn can be made very easily. Several weeks ago they improved it by shifting the centerline to keep the traffic from backing up when the signal is red; the radius was increased to 35 foot. That the truck traffic on Louise passes five commercials, three apartments and 12 residents. If it was moved to Hawthorne Lane, it would pass 10 businesses, two apartments and one residence on Central Avenue and on Hawthorne Lane you would have two businesses, four apartments and 18 residents. That this would only move the problem from one place to another. He stated this is the shortest distance from Highway 29 and serves some 24 trucking concerns in this area until it gets to Highway 74; it was established in 1954 as a truck route. He stated he does not feel that any place it is moved will better the situation as you will have the same problems.

Councilman Smith stated this Council has been trying to share this nuisance; make Louise one way and Hawthorne another way, and asked if it is possible? Mr. Hoose replied he does not think it is a 50-50 basis as far as traffic volume is concerned. Councilman Short asked the possibilities of putting a left turn phase in the light for trucks going north along Hawthorne Lane and making a left turn into Central Avenue? Mr. Hoose replied he does not think this will solve the problem; it will multiply the problem. The City Manager stated to move the traffic to Hawthorne Lane or to split it between Hawthorne Lane and Louise would enhance the accident potentials by any action that results in more turning movements at the intersection of Independence and Hawthorne, as this is a high accident intersection at present; it has site distance problems in three directions.

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After further discussion, Councilman Smith moved that Council move on and just say that this problem cannot be solved. The motion was seconded by Councilman Stegall.

Councilman Tuttle made a substitute motion asking Mr. Hoose to sit down with Council and the City Manager sometime in the next two weeks and think this out further. The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilmen Tuttle, Short, Alexander and Stegall.

NAYS: Councilmen Jordan and Smith.

COUNCILMAN TUTTLE LEFT MEETING.

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

ORDINANCE NO. 17 AMENDING CHAPTER 7, SECTIONS 8, 15 AND 19 OF THE CITY CODE PERTAINING TO CEMETERY CHARGES.

Motion was made by Councilman Smith to adopt the subject ordinance as recommended. The motion was seconded by Councilman Jordan.

Councilman Short asked what would be wrong with increasing the price of a cemetery lot from \$2.00 to \$2.25 a square foot? That this would probably make Evergreen Cemetery self-sustaining. The City Manager replied that he cannot categorically say there would be anything wrong with it, but before commenting specifically, he would want an opportunity to make computations based on this figure as contrasted with the \$2.00 figure to see where it leads; that he would want to reconstruct this and compare it with prices elsewhere and see if we are still in line.

Councilman Short stated he would appreciate it if the Manager would check into this and come back to Council.

Councilman Short made a substitute motion to defer action for one week. The motion did not receive a second.

The vote was taken on the original motion to adopt the subject ordinance and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, beginning on Page 451.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, OCTOBER 21, ON PETITIONS NO. 68-72 THROUGH 68-80 FOR ZONING CHANGES.

Motion was made by Councilman Alexander, seconded by Councilman Smith, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 6, at Page 200.

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ORDINANCE NO. 18-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, TRANSFERRING A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION FOR ADDITIONAL COST FOR REVISIONS IN CAR ALLOWANCE REGULATIONS.

Councilman Smith moved approval of amendment to administrative regulations relating to car allowance revisions and the adoption of the subject ordinance transferring \$9,200.00. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 454.

ORDINANCE NO. 19-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION FOR EMPLOYMENT OF CROSSING GUARD.

Councilman Alexander moved the adoption of the subject ordinance allocating \$690.00 from General Fund Contingency Appropriation to cover the cost of an adult crossing guard to assist school children at Beatties Ford Road and Oaklawn Avenue. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 455.

Councilman Short requested that Mr. Hoose, Traffic Engineer, consider cutting back the radius at this intersection; that cars going out Beatties Ford Road attempting to make a right turn into Oaklawn Avenue have difficulty; you have to make a partial hairpin turn and traffic is delayed because of the way you have of getting around the corner.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AMENDMENT NO. 2 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C212 AT THE AIRPORT.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolution Book 6, at Page 201.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Smith, and unanimously carried, approving property transactions as follows:

- (a) Acquisition of 1,303 square feet of property at the southwest corner of South Boulevard and Woodlawn Road, from Humble Oil and Refining Company, at a purchase price of \$3,150.00, for the Woodlawn Road Widening Project.
- (b) Agreement for entry on McDowell Street, at Parkwood Avenue, with Benjamin Sinkoe, at \$1.00, for violation of sight distance ordinance.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Smith, and unanimously carried, the following appraisal contracts were approved:

- (a) Contract with Henry E. Bryant for appraisal of one parcel of land for Airport Terminal Expansion (20 Year Program).
- (b) Contract with Robert R. Rhyne, Sr. for appraisal of four parcels of land for Airport Expansion.

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AMENDMENT TO CONTRACT WITH JOHN CROSLAND COMPANY FOR INSTALLATION OF WATER MAINS IN HUNTINGTOWNE FARMS SUBDIVISION NO. 6, AUTHORIZED.

Councilman Jordan moved approval of an amendment to contract with John Crosland Company, dated August 26, 1968, for installation of water mains in Huntingtowne Farms Subdivision No. 6, outside the city, so the Company may utilize the guarantee revenue section of the Water and Sewer Extension Policy dated April 17, 1967, in lieu of advancing funds. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT WITH CARMEL PROPERTIES FOR WATER MAIN INSTALLATION TO SERVE FOXCROFT EAST AND GOVERNOR'S SQUARE APPROVED.

Councilman Smith moved approval of a contract with Carmel Properties for the installation of 24,150 feet of water main and 17 fire hydrants to serve Foxcroft East and Governor's Square, outside the city limits, at an estimated cost of \$95,000.00, with the installation to be under the provisions of the Water and Sewer Extension Policy adopted by Council on April 17, 1967. The motion was seconded by Councilman Stegall, and carried unanimously.

CLAIM OF MRS. ALTON B. JORDAN FOR PERSONAL INJURIES DENIED.

Motion was made by Councilman Smith, seconded by Councilman Stegall, and unanimously carried, denying the claim of Mrs. Alton B. Jordan for personal injuries received, as recommended by the City Attorney.

CLAIM OF DR. JAMES P. HAMILTON FOR DAMAGES TO BASEMENT DENIED.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, claim of Dr. James P. Hamilton, in the amount of \$197.25, for damages to his basement at 2201 Queens Road East, caused by sewage backing up, was denied as recommended by the City Attorney.

CLAIM OF MR. B. F. MARKERT AND MRS. LEUVENIA MACK FOR DAMAGES TO AUTOMOBILE DENIED.

Councilman Alexander moved that claim in the amount of \$654.00, filed by Mr. B. F. Markert, III on behalf of himself and Mrs. Leuvenia Mack, who is in his employe, for damages to car, be denied as recommended by the City Attorney. The motion was seconded by Councilman Short, and carried unanimously.

APPLICATION FOR PRIVILEGE LICENSE FOR WILLIAM C. WILSON APPROVED.

Motion was made by Councilman Smith approving the application for privilege license for William C. Wilson of Wilson and Associates, covering classification of "Private Detective". The motion was seconded by Councilman Jordan, and carried unanimously.

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SPECIAL OFFICER PERMIT ISSUED TO CLIFTON OTIS OUTLAW.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, a Special Officer Permit was authorized issued to Clifton Otis Outlaw for a period of one year, to be used on the premises of Eastbrook Woods Subdivision on Covecreek Drive and vicinity.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with John William Gettys for cemetery lot No. 386, Section 3, Evergreen Cemetery, at \$472.50. The motion was seconded by Councilman Alexander, and carried unanimously.

CONSIDERATION OF ORDINANCE LICENSING AND REGULATING MASSAGE PARLORS, HEALTH SALONS AND SIMILAR ESTABLISHMENTS, DEFERRED.

Councilman Stegall moved that consideration of the subject ordinance be deferred until at least six members of Council are present. The motion was seconded by Councilman Smith.

Mr. Veeder, City Manager, stated one reason the ordinance failed was because of the exemptions of the Y.M.C.A. The revisions to include the Y.M.C.A. has been discussed with the appropriate officials at the Y.M.C.A. and they indicate they are in complete agreement.

Councilman Stegall stated he would like to discuss this in more detail.

The vote was taken on the motion and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, to take over the following streets for continuous maintenance by the City:

- (a) Coronado Drive, from Sharon Amity to 500 feet south of Kipling Drive.
- (b) Kipling Drive, from Coronado Drive to 162 feet west of Coronado Drive.
- (c) Glenbrier Drive, from Coronado Drive to 330 feet east of Wildleaf.
- (d) Wildleaf Court, from Glenbrier Drive to 360 feet north of Glenbrier.
- (e) Kirkpatrick Road, from Rama Road to Robinhood Road.
- (f) Brace Road, from Rama Road to Gate Post Road.
- (g) Gate Post Road, from Rama Road to Kirkpatrick Road.
- (h) Americana Avenue, from 165 feet west of Malibu Drive to 675 feet west of Malibu Drive.
- (i) Commodore Street, from Elder Avenue to south 180 feet.
- (j) Linford Drive, from Old Reid Road to Archdale Drive.
- (k) Sunview Drive, from Linford Drive to 165 feet west of Linford.
- (l) Covecreek Drive, from 380 feet east of Eastbrook Road to Barrington Drive.
- (m) Eastbrook Road, from Covecreek Drive to south 230 feet.
- (n) Sunfield Drive, from Covecreek Drive to north 165 feet.
- (o) Burleson Drive, from Covecreek Drive to south 200 feet.
- (p) Viewmont Drive, from Covecreek Drive to north 195 feet.
- (q) Plumstead Road, from Griers Grove Road to 430 feet south of McAllister Drive.

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- (r) Crawford Drive, from Plumstead Road to 190 feet east.
- (s) McAllister Drive, from 150 feet west of Plumstead Road to 400 feet east of Plumstead.
- (t) Clippard Court, from McAllister Drive to south 290 feet.
- (u) Vickery Drive, from 140 feet south of Rocha Court to Frank Drive.
- (v) Rocha Court, from Vickery Drive to 270 feet west of Vickery Drive.
- (w) Amado Street, from Vickery Drive to 145 feet west of Vickery Drive.
- (x) Briarwood Drive, from Vickery Drive to 350 feet south of Vickery Drive.
- (y) Frank Drive, from Vickery Drive to 400 feet south of Vickery Drive.
- (z) Crestmont Drive, from 115 feet east of Kevin Court to 220 feet south of Dowling Drive.
- (aa) Kevin Court, from Crestmont Drive to 170 feet south of Crestmont Drive.
- (bb) Hartland Circle, from Dowling Drive to 210 feet west of Dowling Drive.
- (cc) Densmore Drive, from 545 feet north of Dowling Drive to 265 feet south of Dowling Drive.
- (dd) Dowling Drive, from Crestmont Drive to 140 feet west of Densmore Drive.

CHANGE ORDER NO. E-2 IN CONTRACT WITH INDUSTRIAL ELECTRIC COMPANY FOR LAW ENFORCEMENT CENTER, APPROVED.

After explanation by the City Manager of the Change Order, Councilman Smith moved approval of Change Order No. E-2 in the Law Enforcement Center, electrical contract with Industrial Electric Company, relating to the furnishing and installation of items connected with the police communications center, increasing the contract price by \$33,367.00. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACT FOR CONSULTANT SERVICES FOR LAW ENFORCEMENT CENTER FURNITURE DESIGN AND SPECIFICATION, DEFERRED.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, consideration of the award of the subject contract was deferred one week.

CONTRACT AWARDED MINE SAFETY APPLIANCES COMPANY FOR LIFE RING PROTECTORS.

Motion was made by Councilman Jordan awarding contract to the low bidder, Mine Safety Appliances Company, in the amount of \$2,914.00, on a unit price basis, for 265 life ring protectors for the Fire Department. The motion was seconded by Councilman Smith, and carried unanimously.

The following bids were received:

Mine Safety Appliances Company	\$ 2,914.00
Fyr-Fyter Sales & Service	2,991.34

CONTRACT AWARDED MAC PANEL COMPANY FOR MAGNETIC TAPES FOR DATA PROCESSING DEPARTMENT.

Upon motion of Councilman Alexander, seconded by Councilman Smith, and unanimously carried, contract was awarded the low bidder, Mac Panel Company, in the amount of \$1,862.50, on a unit price basis, for magnetic tapes for Data Processing Department.

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The following bids were received:

Mac Panel Company	\$ 1,862.50
BASF Computron, Inc.	2,100.00
Clyde Rudd & Associates	2,225.00
Memorex Corporation	2,250.00
Minnesota Mining & Mfg. Co.	2,437.50
I. B.M. Corporation	2,975.00

CONTRACT AWARDED AIR MASTERS, INC. FOR AIR CONDITIONING INSTALLATION FOR DATA PROCESSING.

Councilman Jordan moved award of contract to the low bidder, Air Masters, Inc. No. 2 bid in the amount of \$16,413.00, for air conditioning installation for Data Processing. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Air Masters, Inc. #2	\$16,413.00
Air Masters, Inc. #1	16,630.00
P. C. Godfrey, Inc.	22,950.00

AWARD OF CONTRACT FOR SIX TWO-WHEEL DRIVE VEHICLES, WITH CABS, DEFERRED.

Mr. R. H. Barber, with Burner Parts, stated this item was on the docket for approval last week and he asked the City Manager if he would have it deferred for one week so the charges could be substantiated about the operation of the Jeep vehicles for the past 19 months compared to the Scout vehicles which have been in operation for the past 8 months.

Mr. Barber stated a meeting was held this past Thursday morning when he met with Mr. Bobo, Mr. Brown, Chief Goodman and Assistant Chief Selvey and asked for an explanation on the charges about the operation costs of the Jeep vehicles and was given some verbal answer. He stated he furnished costs of the Jeep for the 19 months and this was compared against the operation of the Scout for 6 months; they did not come up with any verification of the charges about the claims for gas mileage, parts, maintenance or as of this moment, he has not been given anything to substantiate the charge. He stated they did substantiate his charge that the Scout vehicle did not meet the specifications. Mr. Barber stated they were invited to bid and submitted bids and spent considerable time, money and effort; they went to the factory, and got a special consideration and were successful in the low bid by \$86.00 per unit, which amounted to about \$531 on the total; however, the Purchasing Department saw fit to recommend giving the bid to Scout.

Mr. D. C. Brown, Purchasing Agent, stated it is almost impossible to write specifications as far as automobiles are concerned to where each bidder can meet it exact; that what is being talked about is technicalities. So the purchaser has to lean on performance and their experience with the vehicle. He stated the City has had better experience with the Scout.

Mr. Brown stated the City has 80% better operating records on the Scout than the Jeep - this is parts and fuel consumption combined. That it is 4.9 cents per mile against 2.9 cents.

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After further discussion, Councilman Jordan moved that decision be deferred for one week for more information. The motion was seconded by Councilman Stegall.

A substitute motion was made by Councilman Smith to buy the Jeeps at the lower price. The motion was seconded by Councilman Alexander, and lost by the following vote:

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

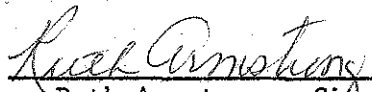
The vote was taken on the motion to defer for one week and carried unanimously.

COUNCIL MEETING OF SEPTEMBER 30 DISPENSED WITH AS MEMBERS OF COUNCIL WILL BE OUT OF TOWN.

Councilman Jordan moved that the Council Meeting of September 30 be dispensed with as some members of Council will be out of town. The motion was seconded by Councilman Stegall, and carried unanimously.

ADJOURNMENT.

Motion was made by Councilman Smith, seconded by Councilman Stegall, and unanimously carried, adjourning the meeting.


Ruth Armstrong, City Clerk