

September 23, 1968
Minute Book 51 - Page 22

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held at Myers Park High School Auditorium, at 8:00 o'clock P.M., with Mayor pro tem James B. Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire

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INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the minutes of the last meeting on September 16 were approved as submitted.

CITIZENS WELCOMED TO COUNCIL MEETING BY MAYOR PRO TEM WHITTINGTON.

Mayor pro tem Whittington thanked Dr. Laird Lewis and Mr. Slaven and his staff for the cooperation and use of the Myers Park High School facilities.

He welcomed the citizens to this fourth neighborhood meeting during the Bicentennial Year. He stated it is the hope of the Council that the meetings will bring city government closer to the people, making the Council more responsive to the needs of the citizens, and at the same time affording the citizens a first hand look at some of the problems of the City Council as it attempt to administer the affairs of the city.

He stated this is a meeting of the people and Council is here to determine what the citizens want in the way of services.

HEARING ON PROPOSED ORDINANCE REGULATING CHILD CARE CENTERS.

The public hearing was held on the subject ordinance amending the City Code by adding a new classification to Chapter 11, Section 18, reading as follows:

"(68.1) CHILD CARE CENTERS. Every person engaged in the business of caring for six (6) or more children not related by blood or marriage to, or not the legal wards or foster children of the operator, by operating a nursery, day care center, day school, kindergarten, or other related child care facility, shall obtain a license and pay for such license the following tax for each place of business.....\$5.00

Provided, approval by the Charlotte Fire Department, Charlotte Building Inspection Department and Mecklenburg County Health Department is required prior to the issuance of this license or renewal thereof."

Mrs. Agnes Love stated she runs Love and Care Day Nursery in Charlotte, and is also a member of the North Carolina Nursery Association.

September 23, 1968
Minute Book 51 - Page 23

Mrs. Love asked if she had six children of her own and married a man with six children, which would make her twelve children, could she keep six additional children? Mr. Underhill, Acting City Attorney, replied she could; that the number six is the number set forth in the state building code, which the City Building Inspection Department will enforce in connection with these homes; the building Code applies only to the day care centers of six or more and the rules and regulations would not apply to any place that has six or less.

Mr. Underhill stated the intent of the Committee was to determine the location of all the day care centers in the City; there are so many in the City that the appropriate officials do not know about, and until they find where they are they cannot inspect them and require them to comply with the various regulations.

Mrs. Love stated if this law is passed it will be for the \$5.00 tax only as the other laws are on the books and could be carried out now. That if you do not know where the places are now with the law, then how are you going to find out; that the \$5.00 tax will not make anyone come up and tell you where they are. She stated she is concerned about the one child as much as she is 25 or 100 children; that if you are going to place a law on the books for the welfare of the children, then you should start at one; there could be 100 homes around, each keeping six children - 600 children and there is nothing under this law that would apply; there may be half that many in the day nurseries and they have to meet all these requirements.

Councilman Short stated he believes there is consideration on the part of some of the councilmen to increase, rather than decrease the number of six; and it is likely that this number may end up being a number somewhat higher; the basis for this is purely the welfare of the children; if we get into a situation here that forces people to quit this business entirely, then the mothers in some instances, particularly in families with modest incomes will have to give up working, and there is no way that this would be an advantage to the children.

Mayor pro tem Whittington asked Mrs. Love if she is opposed to the number of six children, and if she wants that number lessened? Mrs. Love replied she does for the protection of the child; if the restrictions were hard she would fight it but the present restrictions are not hard, and they are needed. Mayor pro tem Whittington stated he thinks we have to consider the fact that there are thousands of mothers in Charlotte who must work, and what we are trying to do tonight is get a regulation to locate these places, to require them to come up to the standards that will be set down by the Fire Department, Building Inspection Department and Health Department.

Mrs. Love asked if the 100 square foot per child requirement in the Building Code means 100 square feet per child in that building? Does this include the children of crib age who do not get out in the yard? Mr. Underhill replied it is per child enrolled. Mrs. Love stated the reason she is not licensed now is because the State will not license anyone who keeps children 18 months and younger.

Mr. Underhill stated presently there is a committee set up, headed by Representative Edwards of Greensboro, by the direction of the 1967 General Assembly towards the end of some state legislation. That due to the limits of the authority of a municipality, the local committee feels that regulations in this area would be better on a state wide basis as the State has a much broader authority to enact ordinances and statutes than the City does. Mr. Underhill stated the City is limited in what it can ask a day care center to do.

September 23, 1968
Minute Book 51 - Page 24

Councilman Smith stated the nurseries are not all run on a five day week that some of them have children for only two days, on a part time basis. Mrs. Love stated that nurseries are in so much demand today that she does not keep part time children; that even if they stay two days a week they pay the full rate. She stated there is overcrowding of licensed and unlicensed nurseries.

Councilman Smith stated it seems to him that if you keep only four, three or two children, the Fire Department should inspect the homes to see that there are no explosive furnaces sitting in a living room where the children will be burned; that there should be some basic inspections as to heating - whether it is a gas stove or kerosene stove; there should be some type of inspection even if you keep one child; but you should not make it so hard on people who live in rented low-income houses that they cannot keep the neighbors children as this would defeat the idea of the mothers being able to work to supplement the income. Mrs. Love suggested that the nurseries be graded as (A), (B) or (C). That her point as far as five children is her concern for the safety of the five as well as the six or more; that she thinks each and every child should be considered.

Councilman Short stated these regulations apply to all day care centers whether you are keeping one or one hundred; the only distinction is who or which day care operators are required to seek out the inspectors and say to them. "Here I am, this is my address, come down and inspect me." That the regulations apply to all day care operations regardless of what they are or how many they keep.

Mr. Bill Robinson stated his wife runs a nursery here in Charlotte, and in view of what Mr. Underhill has said about there being a little leniency on the part of the Committee to make this a little looser than the State might be, and Mr. Smith's suggestions that there are other things to be considered, he thinks it would be wise to table this until a given date during the Legislature, in order to work with the State Legislature to get a good type nursery code. Mr. Robinson stated they are for it, and are sitting ready to spend money on expansion, but they are afraid they might come up two inches too short; they are for something but he would like to wait until the Legislature convenes and let the representative from the Council work with our representatives to the State.

Mr. Freeman stated he is a co-owner of a nursery which his wife operates, and it is state licensed. That he thinks it is a good idea to delay any action on this and consider further some aspects on this. That state recommendations or standards for the operation of day care centers make one omission - they pretend there are no such things as children under 18 months of age as far as the operation and licensing of day care centers; they do have infant care homes. There are mothers who have a child three months old and one three years of age and they have to take one child to one nursery and the other one to another nursery. He asked them in their deliberations to try to account for this omission on the part of the State.

Councilman Smith moved that the ordinance for day care be postponed for further discussion. The motion was seconded by Councilman Alexander.

Councilman Alexander stated when this first came before Council he made the statement that he was reluctant to give any consideration to the regulations of day care centers beyond what regulations did exist as he thought the matter was too involved for Council to come up with a hurried decision; that also he stated he did not see why that whatever regulations did exist that they could not be made serviceable as they now exist, and as yet no one has answered the question. Any regulation is going to pose a hardship on many people who least can afford to be placed in a hardship that would be put upon them; that

September 23, 1968
Minute Book 51 - Page 25

he knows of many persons who if they have to comply with any type of regulations that we are trying to enact would have no place in the world to leave their children; they would have to stop working; they can ill afford to do it if they have to comply with regulations that require 100 square foot of space per child; there are many other valid problems that Council needs to discuss and consider in attempting to arrive at a sensible solution to the day care problems.

That in many of the housing developments where people live who are keeping children, their lease-agreements call for no business activity in these apartments, and the minute they are licensed, in terms of their lease they are conducting a business and are subject to having their lease cancelled.

Councilman Tuttle stated he thinks this is a program that will ultimately have to be related to a total child care program, and this may involve the State and may involve the federal government, but he does think there should be further discussion on it.

Councilman Short stated there are some bad situations that exist in day care operations in Charlotte; these operations include the gathering of a large number of children into buildings where the roof is about to fall in; includes situations where the floor is not safe; situations where the heating systems and furnaces do not meet the requirements in any home; includes situations where there are not enough exits; children in homes and buildings without window screens and without refrigerators, and fire trap situations without fire walls and where there is not proper light and ventilation. That there are laws in the books to prevent and to attempt to regulate and deal with the types of situations he is mentioning; but these laws cannot be enforced because these places cannot be found. All we are attempting to do is to make it possible to enforce these regulations that apply to the homes. He stated he thinks it is dangerous to let this situation continue and he does not want it on his conscience; that he does not want to know about this and then refuse to do anything about it.

Councilman Short made a substitute motion to adopt the proposed ordinance. The motion did not receive a second.

Mayor pro tem Whittington asked Mr. Smith if he would agree to amend his motion to say that Council would take action on this ordinance in two weeks, realizing that winter will soon be here, and we should do all we can to find these places and get them inspected? Councilman Smith replied he does not think that needs to be included because he thinks Council can move as fast or as slowly as they want to on it and he would not want to put a time limit on it as Council may not have all the facts in hand in two weeks. That as long as it is being postponed for study, he would suggest that the City Attorney be instructed to move in on these areas being discussed and Councilmen individually can talk to the City Attorney and we can expedite it at a time certain.

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

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

NAYS: Councilman Short.

Councilman Smith asked that the Fire Department be instructed to make every effort to inspect these homes under the present ordinances on the books and try to ferret them out and find them if they can. Councilman Tuttle stated the Fire Department is now inspecting them, but one of Mr. Short's strong points is that they do not know where to go; and this is perhaps the strongest point for the ordinance itself; it will ferret them out as it stands now.

Mayor pro tem Whittington stated he thinks that Mr. Robinson and the other operators of Day Care Centers could render a real service to the city if they would do some public relations work and let the city know where the centers are.

September 23, 1968
Minute Book 51 - Page 26

Councilman Stegall stated if every parent who has a child in a day care center would take it upon themselves to inform the City where their child is being kept, then the City would know where these homes are, and this would solve some of the problems of going out to ferret them out.

Councilman Alexander requested that this subject be placed on the agenda for discussion with our representatives to the General Assembly; that they give consideration to support the movement for day care centers on a state level.

PROPOSAL OF MECKLENBURG JAYCEES TO REMOVE FENCE BETWEEN ELMWOOD AND PINWOOD CEMETERY REFUSED.

Mr. Donald Taft presented the following statement from the general membership of the Mecklenburg Jaycees:

"The Mecklenburg Jaycees wish to take this opportunity before Charlotte City Council to present our proposal to remove the controversial fence between Pinewood and North Elmwood Cemetery. There are those who would remind us of past Council decisions involving this issue, or far reaching legal complications resulting from contracts dating back to 1938. We respect these facts as they stand. However, as a group, we can see no formal or useful purpose in allowing this issue to drag through a lengthy court decision, risking possible national publicity. The city owned cemeteries are no longer black and white. Let us remove this remaining symbol which says they once were."

Councilman Alexander moved the adoption of the proposal as submitted by the Mecklenburg Jaycees. The motion was seconded by Councilman Smith.

Councilman Stegall made a substitute motion that this fence remain as is. The motion was seconded by Councilman Jordan.

Councilman Stegall stated Elmwood Cemetery and Pinewood Cemetery was conceived and built in the year 1853. There is today approximately 105 acres in the cemeteries that comprise the two in question. There are several particles of the Pinewood Cemetery - and the one in question is the Ninth Street part of Pinewood and Elmwood Cemetery. There was approximately 1600 feet of fencing put in between these two cemeteries when it was built; it has rotted down and been rebuilt. He stated upon his own inspection of this fence it still seems to be in fairly good order of that which still remains which is approximately 1400 feet. Today, there are no lots available in either one of these two cemeteries, unless someone turns one back into the City to be resold. That if he went to buy a lot in Elmwood Cemetery it would cost \$80.00 and it would cost \$63.00 to purchase a lot in Pinewood, if there was one available.

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

YEAS: Councilmen Stegall, Jordan and Tuttle.

NAYS: Councilmen Alexander, Smith and Short.

Mayor pro tem Whittington broke the tie vote casting his vote in favor of the motion.

September 23, 1968
Minute Book 51 - Page 27

QUEEN CITY RACE TRACK DISCUSSION TO BE PLACED ON AGENDA FOR COUNCIL ACTION AT NEXT MEETING SEVEN MEMBERS ARE PRESENT TO VOTE.

Mr. Joe Grier, Attorney, stated last week Council deferred decision on a request by residents who live in close proximity to the Queen City Race Track that some action be taken with respect to the operation of the race track.

Mr. Grier stated since last week he understands the City Attorney has confirmed there are provisions in the ordinances of the City that say you must not make an unreasonable noise of this sort. That the Attorney has further advised that to violate the ordinance is a misdemeanor, and it is the responsibility of the Building Inspector of the City to enforce the provisions of the zoning ordinance such as this. That he is told the Attorney has advised Council that despite the fact there appears to be a misdemeanor being committed he has recommended that Council take no action because to do so might prejudice the city with respect to the operation of its airport.

Mr. Grier stated the City has no choice with respect to the enforcement of its laws; the City must enforce its laws unless it is to pull itself down on a par with those peoples who are condemned in our society who believe they can obey or disobey based on their personal preference in matters of the laws on the books.

Mr. Grier called on Council to enforce the laws on the books; but if there is a reason Council cannot, then he asked that it be taken off the books.

Mr. Ralph Kinsey, Attorney with Berry and Bledsoe, stated they represent Queen City Race Track, Inc., and he reviewed the history of the track. He stated they met with officials of the city and their entrances and exists were placed according to the request of the city and state highway traffic department requirements. Mr. Kinsey stated the only real complaint they have heard, and which they can do nothing about, is the noise. Since no judicial action was taken prior to the construction of the track, and since they received the full cooperation of city officials and city departments, they entered into a contract for the construction of the track at nearly 1/2 million dollars. He stated since the races started five weeks ago, they admit that during the first race the dust problem was considerable, traffic gave them a problem also as they had an overflow crowd. Since then, they have continued to construct the track in accordance with the contract with Dickerson, Inc. The track has been treated chemically; the parking area is now being fine graded; their plans call for the entire infield area and parking area to be seeded and planted, and this should eliminate the dust problems. He stated they have hired patrolmen for the area, not only of their property, but that of the Jackson Home Authority.

Mr. Kinsey stated at the request of the Jackson Home Authority, Queen City Speedway purchased, at a cost of over \$200.00, the various signs placed in the Jackson Home area. He stated they have made every reasonable effort to be a responsible, cooperative citizen; and they request Council to refuse prosecution of the Speedway, and request that they receive equal treatment. He stated the track runs from the first of April to the end of October; that they run one race per week; that only once have they run two races; that these races only run from 8:00 to a maximum of 11:30 on either a Thursday or Friday night. At no time have they gone beyond the midnight hour, nor do they plan to go beyond the midnight hour.

Councilman Smith asked if there is any type muffler that can be used to cut down on the noise? Mr. Kinsey replied the automobiles, in order to give the performance and to provide the thrills that the spectators pay to see, operate in a modified manner without mufflers. That the sport of stock car racing is geared to using the cars in such fashion. Noise is a part of the entertainment; the same as the crowd roar from any football game.

September 23, 1968
Minute Book 51 - Page 28

Councilman Short stated Mr. Underhill has advised Council that he recommends against attempting to enforce our anti-noise ordinance at the Queen City Race Track - the noise ordinance being Section 23-30 of our code. He stated he cannot agree. That he feels the city should not refuse to enforce noise laws at a race track because it also operates an airport nearby, which creates some noise. That he cannot see that these things are logically related. The fact that the city both owns the airport and is the promulgator of the zoning law is just an accident.

Mr. Underhill, Acting City Attorney, stated that no where in his report did he recommend that the city refrain from taking action.

Councilman Tuttle stated he recalls a group of people appearing before Council trying to get this race track operations stopped before it was started, but Council could not as they were going into a properly zoned area. That he does not see how they could have claimed a nuisance until the nuisance was created.

Councilman Jordan stated this item is not on the agenda for discussion, and he moved that Council delay action, and move on to another item. The motion did not receive a second.

After further discussion, Councilman Short moved that Mr. Underhill, Mr. Blackwell and Mr. Veeder be instructed to prosecute Queen City Raceway using Section 23-30 of the City Code and any other applicable section. The motion was seconded by Councilman Tuttle.

Councilman Alexander stated he sees nothing wrong with following the recommendations of the City Attorney that Council delay action for the moment to give it time for further study.

Mr. Grier spoke again on the subject, after which Mr. Tom Ginn, resident of the area, stated there have been no signs put up at Stonewall Jackson Homes by Queen City Raceway. Mr. Ginn stated Stonewall Jackson Homes have hired their own police officers; that last Friday a week ago the races ran until 1:00 a.m.; there were two races this past week end - one Thursday night running until after midnight; and one Friday night. The dust was the worst it has been with the exception of the first night.

Mr. Ginn stated further as of next March they too will have over 1/2 million dollars invested in the Stonewall Jackson Homes.

The vote was taken on the motion and failed to pass on the following vote:

YEAS: Councilmen Short and Tuttle.

NAYS: Councilmen Alexander, Smith and Jordan.

Councilman Stegall abstained from voting.

Mayor pro tem Whittington stated the motion failed on a 3-2 vote.

Councilman Tuttle moved that the item be placed on the agenda for action at the next Council meeting when seven members are present to vote. The motion was seconded by Councilman Short, and carried unanimously.

September 23, 1968
Minute Book 51 - Page 29

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, DENIED.

Councilman Jordan moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Stegall, and carried unanimously.

ORDINANCE NO. 20-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY BOUNDED BY KENILWORTH AVENUE, IDEAL WAY AND CHARLOTTE DRIVE ON PETITION OF 1200 EAST PARTNERSHIP.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MFH and B-1 to O-6 on a tract of land 144' x 450' as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 456.

ORDINANCE NO. 21-Z AMENDING CHAPTER 23, SECTION 23-40 OF THE CITY CODE TO GRANT CONDITIONAL APPROVAL FOR PETROLEUM STORAGE ON TRACT OF LAND ON THE NORTH SIDE OF MT. HOLLY ROAD, WEST OF SADLER ROAD.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted granting conditional approval for petroleum storage in existing I-2 District, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 457.

ORDINANCE NO. 22-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF TRACT OF LAND AT THE NORTHWEST CORNER OF SPENCER STREET AND MELROSE STREET.

Councilman Tuttle moved adoption of the subject ordinance changing the zoning from R-6MF to I-2 as recommended by the Planning Commission. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 458.

DECISION ON PETITION NO. 68-69 BY MCEWEN FUNERAL SERVICE, INC. FOR A CHANGE IN ZONING OF A TRACT OF LAND FRONTING ON THE SOUTHWEST SIDE OF MALLARD CREEK ROAD, BEGINNING NORTHEAST OF DERITA ROAD, DEFERRED.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, deferring decision on the subject petition pending further study by the Planning Commission.

ORDINANCE NO. 23-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF A TRACT OF LAND AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND SHARON AMITY ROAD.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9MF and B-1 to O-6 and B-1SCD of a 10.64 acre tract of land as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 459, and the site plan is filed in the office of the City Clerk.

September 23, 1968
Minute Book 51 - Page 30

PETITION NO. 68-58 BY SOLOMAN SHAPIRO AND SANFORD ROSENTHAL FOR A CHANGE IN ZONING OF THREE LOTS AT 2601, 2605 AND 2609 EAST INDEPENDENCE BOULEVARD, DENIED.

Councilman Tuttle moved that the subject petition for a change in zoning from B-1 to B-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

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

Motion was made by Councilman Short to defer action on the subject petition as requested by Mayor Pro Tem Whittington. The motion was seconded by Councilman Stegall, and carried unanimously.

AGREEMENT WITH SPRATT-SEAVER, INCORPORATED FOR ESTABLISHMENT OF CONSTRUCTION ALIGNMENTS AND GRADES FOR STREETS IN BROOKLYN URBAN RENEWAL DEVELOPMENT SECTION NO. 2, APPROVED.

Councilman Jordan moved approval of the subject agreement at a lump sum fee of \$7,475.00, with Spratt-Seaver, Incorporated to furnish all stakes, reference points, cut sheets and other information required by the contractor. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION APPROVING SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR ALBEMARLE ROAD, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Stegall, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 6, beginning at Page 202.

Councilman Short stated Council would be interested in a progress report on the \$8,500,000 awarded to Mecklenburg County by the State. The City Manager replied he would have the information by the end of the week.

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

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinances as follows:

- (a) Ordinance No. 24-X ordering the removal of weeds and grass on property adjacent to 134 Perrin Place.
- (b) Ordinance No. 25-X ordering the removal of weeds and grass adjacent to 2224 Jennie Linn Drive.
- (c) Ordinance No. 26-X ordering removal of weeds and grass adjacent to 625 East 9th Street.

September 23, 1968
Minute Book 51 - Page 31

- (d) Ordinance No. 27-X ordering the removal of weeds and grass across from 3505-07 Burner Street.
- (e) Ordinance No. 28-X ordering the removal of weeds and grass at 1554 Wilmore Drive.
- (f) Ordinance No. 29-X ordering the removal of weeds and grass at 733 McAlway Road.

The ordinances are recorded in full in Ordinance Book 15, beginning at Page 460.

CONSTRUCTION OF SANITARY SEWER MAIN TO SERVE NEWLAND ROAD, AUTHORIZED.

Councilman Alexander moved approval of the construction of 325 feet of sanitary sewer main to serve 2524 and 2600 Newland Road, inside the city, at the request of J. W. Teamer, at an estimated cost of \$1,975.00, 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. The motion was seconded by Councilman Short, and carried unanimously.

INSTALLATION OF WATER MAINS, AUTHORIZED.

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

- (a) Supplementary contract to contract dated February 12, 1968 with Howard Nance Company for the construction of 4,685 feet of main and three fire hydrants, in Coventry Woods, Section III, inside the city, at an estimated cost of \$19,300.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Supplementary contract to contract dated October 3, 1956 with American Investment Company for the construction of 4,610 feet of main and four fire hydrants, in Olde Providence, Section 6, outside the city, at an estimated cost of \$20,300.00. The applicant will pay the entire cost of the mains and hydrants and will own same until such time as the area is incorporated into the city at which time the mains will become the property of the city without further agreement in connection therewith.

ACQUISITION OF EASEMENT FOR RELOCATION OF SANITARY SEWER LINE FOR NORTHWEST EXPRESSWAY, AUTHORIZED.

Councilman Tuttle moved approval of the acquisition of an easement 1,092 square feet at the intersection of Sixth Street and Seventh Street, from Margaret R. Lovett, Trustee, Holly Associates Employees Profit Sharing and Trust, at \$110.00, for relocation of sanitary sewer line for the Northwest Expressway. The motion was seconded by Councilman Stegall, and carried unanimously.

September 23, 1968
Minute Book 51 - Page 32

APPRAISAL CONTRACTS AUTHORIZED.

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

- (a) Contract with B. Brevard Brookshire for appraisal of one parcel of land for Eastway Drive Widening.
- (b) Contract with Wallace D. Gibbs for appraisal of one parcel of land for Airport Terminal Expansion (20 Year Program).

ORDINANCE NO. 30-X AMENDING THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Short adopting the subject ordinance authorizing the transfer of \$6,000.00 to be divided among the National Guard Units. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 466.

SPECIAL OFFICER PERMITS, AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the issuance of Special Officer Permits for a period of one year each, as follows:

- (a) Issuance of Permit to Al Bowman for use on the premises of J. B. Ivey and Company.
- (b) Issuance of Permit to Jacob N. Hamilton for use on the premises of Johnson C. Smith University.
- (c) Renewal of Permit to Jerome Pettus for use on the premises of Johnson C. Smith University.
- (d) Renewal of Permit to James Archer Brown for use on the premises of Johnson C. Smith University.
- (e) Renewal of Permit to Shirley Griffin for use on the premises of K-Mart, 6025 Pineville Road.
- (f) Renewal of Permit to Lester Phaifer for use on the premises of King's Business College.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with W. F. Tucker, Sr. and wife, Isabelle A. Tucker, for Graves No. 2 and 3, in Lot No. 13, Section 2, Evergreen Cemetery, at \$120.00. The motion was seconded by Councilman Stegall, and carried unanimously.

September 23, 1968
Minute Book 51 - Page 33

CONTRACT WITH JIM MCCARTHY ASSOCIATES, INC. FOR CONSULTANT SERVICE FOR LAW ENFORCEMENT CENTER FURNITURE, APPROVED.

Motion was made by Councilman Smith, seconded by Councilman Stegall, and unanimously carried, approving the subject contract with Jim McCarthy Associates, Inc. at a fee of 6½% of the accepted bid price, with a minimum fee of \$4,500.00.

CHANGE ORDERS IN LAW ENFORCEMENT CENTER CONTRACTS, AUTHORIZED.

After an explanation from Mr. William Carstarphen, Administrative Assistant, and Mr. Walter Toy, Architect, motion was made by Councilman Stegall, seconded by Councilman Tuttle, to approve the following change orders in contracts for Law Enforcement Center resulting from revisions in and expansion of the photographic and crime laboratory facilities and increasing the project cost by a total of \$38,666.66:

Change Order No. G-4 (General)	\$22,791.00
Change Order No. P-1 (Plumbing)	6,372.36
Change Order No. M-1 (Mechanical)	3,107.30
Change Order No. E-3 (Electrical)	6,396.00

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

CHANGE ORDER NO. 2 IN CONTRACT FOR EDWARDS BRANCH OUTFALL, AUTHORIZED.

Councilman Tuttle moved approval of Change Order No. 2, increasing the contract price by \$17,440.60, in contract for Edwards Branch Outfall to provide for additional depths of cuts encountered due to changes in profile. The motion was seconded by Councilman Jordan, and carried unanimously.

CHANGE ORDER NO. 3 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR SIXTH STREET IMPROVEMENTS, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, the subject change order increasing the contract price by \$2,401.00, was authorized.

CHANGE ORDER NO. 3 IN CONTRACT WITH BOYD & GOFORTH, INC. FOR THE NORTH-SOUTH EXPRESSWAY AND IRWIN CREEK OUTFALL, AUTHORIZED.

Councilman Jordan moved approval of the subject change order increasing the contract price by \$5,061.72, covering the following:

- (a) Relocation of 4-inch cast iron lateral from Dixie Electric Service to new 8-inch main.
- (b) For 8-inch cast iron pipe laid at depths for which unit prices were not provided in Pay Item 17, Section 1.
- (c) For removing a portion of the old 36-inch outfall attached to the manhole at Station 4+51.
- (d) For 16-inch line crossing Irwin Creek at Station 42+04.49.
- (e) For realignment in outfall north of Trade Street.

The motion was seconded by Councilman Tuttle, and carried unanimously.

September 23, 1968
Minute Book 51 - Page 34

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR SIX TWO-WHEEL DRIVE VEHICLES WITH CABS.

Motion was made by Councilman Stegall, and seconded by Councilman Alexander to award contract to International Harvester Company for six two-wheel drive vehicles with cabs in the amount of \$11,962.32 on a unit price basis.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Burner Parts, Inc.	\$11,430.60
International Harvester	11,962.32

Councilman Smith stated in the past when there was controversial equipment, it was put on display where Council members could look at it; that this would be a good idea in the future.

ITEMS REQUESTED PLACED ON AGENDA FOR NEXT COUNCIL MEETING.

Councilman Short requested that the following items be placed on the agenda for Council consideration at the next Council Meeting:

- (1) Petition No. 68-11 by Lone Star Builders, Inc. for a change in zoning from R-15 to R-15MF of a 19.64 acre tract of land on the east side of Quail Hollow Road, beginning 601 feet south of Sharon Road.
- (2) Massage Parlor Ordinance.
- (3) Queen City Race Track item.

REPORT ON INSTALLATION OF TRAFFIC SIGNALS AT SEVERAL LOCATIONS.

Mayor pro tem Whittington asked for a report on the request for traffic signals at Eastway Drive and Kilborne Drive, and Hidden Valley entrance and Sugar Creek Road.


The City Manager stated Duke Power Company has been requested to set the poles at Eastway and Kilborne and the State has approved the request; that Mr. Hoose feels the signal will be in place before the end of this month. He stated the request for signals at Sugar Creek Road and Hidden Valley has been expedited through the State Highway Department.

CITY ENGINEER REQUESTED TO VIEW CROSS WALK OVER HIGHWAY 74 IN SHELBY.

Mayor pro tem Whittington asked that Mr. Cheek, City Engineer, be requested to go to Shelby, before the week is out, to the Highway Commission or anyone else there and come back to Council with a report on the cost of the cross-over on Highway 74 at the School in Shelby, so that Council can make some decision on these crosswalks over for Charlotte.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk