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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, September 9, 1968 at 7:30 o'clock p.m., in the Garinger High School Auditorium, with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Sandy R. Jordan

* * *

INVOCATION.

The invocation was given by the Reverend Jack Hudson, Pastor of Northside Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, the minutes of the last meeting on Monday, August 26 were approved as submitted.

STATEMENT OF WELCOME BY MAYOR BROOKSHIRE.

Mayor Brookshire stated in behalf of Council he wished to thank Mr. Edward Sanders, Principal and Mr. Widenhouse, Assistant Principal of Garinger High School for their cooperation and the use of the facilities which enables Council to bring another Council session, during our Bicentennial Year, to the community. It is the hope of Council that these neighborhood meetings will bring city government closer to the citizens, making it more responsive to the needs and the wishes of those who are citizens and taxpayers.

Mayor Brookshire stated the City Council is trying to serve the people of Charlotte, which means you and 264,000 other people, and Council is doing it just as far and fully as it has the resources with which to do those things that we all want for our city. Like most individuals and families, the city's needs and desires exceed its financial means and for that reason, capital improvements have to be put on a priority basis. That maybe City Government cannot give you everything you ask for, as much as it would like to do so, but we would like to know what you want, particularly in the way of services.

COMMENTS AND QUESTIONS BY RESIDENTS OF THE CITY AND REPLIES BY THE CITY ADMINISTRATION.

Mr. Ellis of Huntingtown Farms stated the residents of Huntingtown Farms request that the park shelter now under construction at the back of the residence at 2401 Ramblewood Lane be relocated. On the park's original plan the shelter was approximately 170 feet from the property line; the shelter now under construction is approximately 48 to 50 feet from the property line. Supporting posts are 50 feet, and the overhanging roof is 48 feet.

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Mr. Ellis stated he has letters from Mr. Delacy Wyman, Mr. Barry Hambley and Mr. T. C. Ealy, Realtors, in which they state the picnic shelter is out of character in close proximity to the residences and has a demoralizing and depreciating effect on the property; that it will restrict the sales market for the residences.

He stated the shelter is under construction and is approximately half finished, and they request that the shelter be relocated away from the residences.

Mr. George McDonald, representing the Collinswood Elementary School P.T.A., stated the school is located at Applegate and Scaleybark Road and there is a corner near the school where both pedestrian and vehicular traffic cross - Hartford Avenue and Applegate. That this is a regular city street and has traffic going in and returning. That because of the closing of Woodlawn Elementary School they have more students this year and the traffic is being handled by school crossing guards. That Southgate Apartments have been opened up and a street into the development opened into Hartford and some of the young people who live in there do not have children and are not aware of the dangers, and are not observing the flag boys.

Mr. McDonald requested that a uniformed school crossing guard be placed at the intersection of Hartford Avenue and Applegate.

Mr. John Bennett requested the City Council and the County Commissioners to appoint a public committee to study the public defenders question and draw up a resolution to present to Congress and ask them to hold a hearing on the merits of the public defender system. Councilman Alexander asked Mr. Bennett if he is referring to the local legal aid program? Mr. Bennett replied he is referring to the Supreme Court decision in the Gideon Case which made legal what 44 States had been doing all the time.

Mr. W. E. Cochran, 2126 Markham Court, stated he lives one block off Kilborne Drive and he requested that a traffic signal be installed at the intersection of Eastway Drive and Kilborne Drive. That in the morning during the school year, traffic backs up past Markham Court a block away. If you head up to Albemarle and Kilborne, this is the classic of all intersections in the City of Charlotte and in the United States; when you come down Albemarle Road heading into Charlotte, you have to make a rather abrupt turn right in the middle of Kilborne Drive to get into the correct lane. They thought this was going to be rectified a year ago; thus far it has not. There are no turn lanes coming out of Kilborne, you have only a single lane and when you turn there might be space for two cars.

Mr. Cochran requested that immediate consideration be given to the installation of the traffic light at Eastway Drive and Kilborne Drive, and a survey made as to what alterations and corrections could be made at Kilborne and Albemarle Road.

Mr. Harry Poteat, 1216 Log Cabin Road in Hidden Valley, stated the residents of Hidden Valley, Hidden Valley Estates and the surrounding subdivisions are having difficulty in entering Sugar Creek Road. He called attention to the people in the audience wearing red tags and stated they are the people asking Council for a stop light at one of the intersections to be able to get out of Hidden Valley.

Mr. Poteat filed a petition signed by 658 residents of the area which stated they live in an area where there are between 2000 and 2500 homes and there are only two access roads into the subdivision, one being Cinderella Drive and the other Hidden Valley Road; that more especially during rush hour periods, it is quite difficult for residents to enter on to Sugar Creek Road West in order to drive to and from their places of business; that the erection of some

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type of traffic control device such as the red-amber-green traffic control signal at the intersection of Hidden Valley Road and Sugar Creek Road West would greatly alleviate the congestion now occurring and eliminate the hazardous driving conditions which now exist; that the petitioners request the City Council and its Traffic Engineering Division, to erect, install and maintain some type of traffic control device at the intersection of Hidden Valley Road and Sugar Creek Road West in order to allow the residents of Hidden Valley and Hidden Valley Estates to have better and safer access on to Sugar Creek Road West.

Mr. F. R. Smith stated he feels sure it is not necessary to have to tell Councilmen how hard it is to get in and out of Hidden Valley Estates. That no later than today the Mecklenburg County Police Department had to station an officer at I-85 and Sugar Creek Road to assist motorists coming off the interstate. He stated there are 8 to 12 school buses picking up students to Cochrane Junior High and Garinger Senior High School from this area, and last week he saw a bus trying to get out of Hidden Valley onto Sugar Creek and as he pulled out, the bus stalled. That this is a great hazard to their children that ride these busses. Mr. Smith stated each home in the area has two or three cars and this does not include people visiting in the area.

He requested Council to consider the petition for a traffic signal as a resident of Hidden Valley and as a police officer having observed traffic conditions in the city for the past 18 years.

Mrs. Barbara Kimbrill stated she was told on Thursday that the traffic signal would be installed in two weeks at Kilborne and Eastway Drive. Councilman Whittington stated he has a letter from Mr. Hoose, Traffic Engineer, dated August 14 in which he has asked the State Highway Traffic Engineering Department to help in this particular light; that upon approval of the State Highway to participate in this, the City will install a semi-activated traffic signal at Eastway Drive and Kilborne; that approval by the state time-wise is usually from 30 to 60 days

Mr. Mack McGirt, of Hidden Valley, stated they do need a stop signal at Hidden Valley Road and Sugar Creek Road. That the papers have stated that North Tryon and Sugar Creek Road is one of the busiest intersections in the State - that he does not understand an intersection that busy going from West Sugar Creek Road into North Tryon Street and you have one lane of traffic straight through, one right turn and one left turn, and there is almost as much traffic on Sugar Creek Road as there is on North Tryon Street. Anyone coming from East Sugar Creek Road has traffic backing up and the light stays on a minute and 30 seconds and only one car has a chance to make a left turn. That from the Plaza to Eastway Drive there are four lanes and it has half the traffic of Sugar Creek Road; Graham Street from I-85 into Sugar Creek Road at Derita has four lanes and handles half the traffic of Sugar Creek Road and Sugar Creek Road has two lanes. He stated they would appreciate a red light and five to six lanes at the intersection of North Tryon and Sugar Creek Road.

Mr. W. H. Foster, 3104 Commonwealth Avenue, stated Commonwealth has three lanes approaching Briar Creek Road, east and west and this is a school crossing, and is one of the most dangerous in this town. Since the two block improvements on Commonwealth have been made, (for which they are grateful), the left turn lane has to stop to turn into Briar Creek Road to get to Chantilly School, the outside lane is through traffic, and the patrol lady cannot see the cars in the through traffic and she is having a difficult time getting the children across the street. Councilman Smith advised that a traffic signal is scheduled for this intersection in September.

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Mr. Gus Economus, 2400 Dalesford Drive, stated apartments are springing up every where in Charlotte and he has four questions on this subject to present to Council: (1) Is there in the present zoning requirements enough parking spaces included in these developments? (2) Are there any requirements for play areas? (3) What is Council doing to protect the interest of single family home owners so that the hastily built apartments will not become slums 20 years from now due to crowded buildings and small areas being used? (4) Cannot something be done to require that a buffer zone separate single family dwellings and the apartments? That he is confronted with an apartment 45 feet from his home.

Mr. Thomas Sterling, 3716 Peace Street off the 1200 block of Eastway Drive, stated they were brought into the city in 1960 and they have a dirt street with no water and no sewer; that he has a nice home. That the city proclaims a month each year as clean up and paint up. That a passenger car cannot go down their street with a pedestrian coming up without hitting him. That this is on city property, 300 feet from Eastway Drive. That he would like something done about the street, the water and sewer, and the city weeds.

Mr. Steve McIntosh, 2815 Edsel Place, stated he has small children and they enjoy the Memorial Methodist Park; that on the week ends it is hard to find a parking place at the park and he asked that more parking area be considered; that he understands a shelter will be built which is nice for sudden summer showers; that on Shamrock Drive, just before you enter the park, is a narrow bridge which is very dangerous, especially during peak hours; that it is not wide enough.

Mr. Frank Perkins, 1921 Margate Drive, stated he is also concerned with the Memorial Methodist Park; that they live on the opposite side of Eastway Drive and crossing over is quite a problem; that the traffic load is ten to twenty thousand a day. That there is a bridge there which has three ducts beneath it and they believe with a small amount of money some more concrete could be added to one of the ducts and about 75% of the time the children would have an opportunity to walk down the embankment and cross under the bridge safely and up the other side.

Mrs. Henry Madden, 1722 Eastway Drive, stated her house adjoins the bridge just discussed and she wishes to add her plea to a walk underneath the bridge; that this is in a 45 MPH speed zone with four lanes of traffic, no traffic island and no stop lights between Shamrock Drive and Central Avenue.

Mr. Mike Goodson, 5925 Craftsbury Drive, stated he is concerned with a railroad track that passes through a residential area crossing Tipperary Place. If you are traveling from Shamrock Drive to Milton Road you are unable to see a train approaching because of the grass and shrubs along side the tracks. Mr. Goodson stated a blinking light should be installed or the grass cut so you can see a train approaching.

Mr. James McDuffey, 1800 Eastway Drive, stated he hopes the Mayor and Councilmembers have had an opportunity to see their problems, the ones they encounter every day - railroad crossings that need blinkers, streets that need to be widened, parks that need parking spaces and lack of traffic lights. He stated they have called attention to some of their immediate problems and urge that immediate steps be taken to correct them so their families can enjoy the good life that the taxpaying home owners have a right to expect.

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Mr. McDuffey stated realizing that lack of money will be given as the reason for further delays, and if the only way to install traffic lights, widen streets and widen outdated dangerous bridges and killing railroad crossings is by bond election, then he submits that the citizens should be allowed to make the choice. That if they are not given this choice, then he personally will work to defeat any bond issue for things other than these residential streets, markers and blinker lights and will continue this effort until the city-county consolidation takes place at which time all the citizens of Mecklenburg County can vote and help pay for these much talked about dreams for downtown.

Mr. McDuffey stated if the money is not available, then he suggests the following sources of revenue: (1) bond issues; (2) systematic plan for the extension of the city limits without favoritism and with due haste; (3) the Coliseum Authority should review the city charter and use a modern approach to keep more of the revenue that is going through this building. That Columbia, South Carolina has opened a new building and charges a 25 cent seat tax. (4) The airport is a good place for revenue and he suggests a boarding fee which would raise nearly a million dollars.

He asked that the residents be given the things that they need and have shown Council tonight.

Mr. Veeder, City Manager, stated Sugar Creek Road is on the State Highway System, and is not on the city highway system. This means it is the responsibility of the state to improve this road. That the State Highway Commission tells the City it will cost two and a half million dollars to improve this street from I-85 on in, and that this project is programmed for 1970.

He stated in the interim some things are in the mill and some things can be done to improve the situation short of the total improvement:

- (1) A traffic signal at Hidden Valley and Sugar Creek Road. The city has requested the State Highway Commission to put in a signal at this intersection and the city is optimistic this will be done. The city government will continue to work with the State Highway Commission toward this end.
- (2) Widen the intersection to get the left turn movement off Sugar Creek Road. You need to flair Sugar Creek Road and this has been requested of the State Highway Commission.
- (3) Need to improve the intersection of Sugar Creek Road and North Tryon Street. Additional lanes are needed and the city has been encouraging the State Highway Department to do something here. The city has gone ahead to complete the design of the intersection. We know approximately what it will cost to improve the intersection. The city is encouraged that something will be done on this project within a short period of time.

Mr. Veeder stated the Sugar Creek Road problem is not something the Mayor and City Council is not aware of. That he is optimistic something will be moving on this in a short period of time.

Councilman Stegall moved that a crossing guard be approved for the intersection of Hartford Avenue and Applegate Road, to serve Collinswood School, as requested by Mr. George McDonald. The motion was seconded by Councilman Smith and carried unanimously.

Mr. Veeder stated before the end of September we believe the State will install a signal at the intersection of Eastway Drive and Kilborne Drive. He stated the request for improvements at the Central Avenue, Norland Drive and Kilborne Drive intersection is a 90 thousand dollar project and it is strictly a matter

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of dollars. The City Council has scheduled this project for 1968-69 assuming that some money can be made available for this project. The construction plans, street lights plans and signal plans are complete and everything is sitting on go. It is just a 90 thousand dollar project, most of the cost of which is involved in land and up to this point Council has not had a handle on where the money will come from.

He stated the signal will be installed at Commonwealth and Briar Creek Road this month.

Mr. Veeder stated about a year ago City Council acted to increase the parking requirements in apartment developments. Since this has been in effect the city has not been aware of any problems in parking areas for apartments. If there is a deficiency, it should be pointed out to the staff of the Planning Commission as well as to the Council.

He stated the City will be happy to talk with Mr. Sterling on Peace Street about the need for paving and water and sewer on the street. Basically, this is a question of the residents petitioning and paying for a portion of the cost and this can be done on a petition assessment basis.

Mrs. Helen Neville who lives in Windsor Park stated they have apartments to the left of Kilborne Drive and Mr. Veeder says we are 90 thousand dollars short and she understands the tax rate will go up, but being a motorist who fights the traffic at Eastway, to eliminate this she would be delighted to pay the extra one cent on the tax rate. She stated there is lots of vacant property along Kilborne, at Kilborne, Norland and Eastway Drive and she asked if the City Council will see there will be no more business allowed so they will not have added traffic to fight to compound the problem they have.

Mr. Veeder stated regarding the conversion of the culvert at the park for pedestrian use, we do have wet weather on occasions and this would have hazards attached as this is a drainage ditch, the two uses do conflict. He stated the staff explored this with the State Highway Commission when they built this project, and in very short order they said they did not think it appropriate to discuss this possibility. He stated there is a program going on now with the City, State Highway Department and the U. S. Bureau of Public Roads and perhaps this project, along with the one further up at Kilborne may have some new answers separating vehicular movement from pedestrian movement.

Mr. Veeder stated concerning the railroad and Tipperary Place, the City has had some discussions with the Norfolk-Southern concerning this. That so far there has not been a great deal of encouragement of their being willing to do a great deal to protect this crossing. That this is being looked into at present. That there is no excuse for weeds blocking site distances and something will be done about that.

He stated the City will bring the need for more parking spaces at the park to the attention of the Park and Recreation Commission. In connection with the request for a new shelter, there is a problem the Park and Recreation Commission is trying to work out with the Methodist Home; that both of these questions will be brought to the attention of the Park and Recreation Commission. There is a narrow bridge on Shamrock; something needs to be done and this is scheduled in the Capital Improvements for 1969-70.

Mr. Veeder stated the street projects in this area completed in the last two years cost in the vicinity of \$3,200,000; at the moment there is a project under way costing two and a quarter million dollars; programmed for the next five are a number of street improvements scheduled at five and a quarter million dollars. These are projects for this area of the city, and Council has included them in the Capital Improvement Program, and their importance is indicated by the fact that they are included. That the City Government is now confronted with the matter of financing, and these are not little problems.

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Mayor Brookshire thanked Mr. McDuffey for furnishing a list of specific questions in advance; most of the questions were repeated tonight. Mayor Brookshire requested Mr. Hoose, Traffic Engineer, to give the matter of the signal at Hidden Valley Road further consideration and to come to Council at the next meeting to talk about it.

Mayor Brookshire advised Mr. McDuffey that a review of the water and sewer rates is now being made. Council let a contract in April to Weston and Sampson and a report will be made next month. In connection with the Auditorium-Coliseum, it is one of the finest complexes in the South; many other cities come to Charlotte to see ours and have literally copied the facilities. He stated the facilities are extremely well managed and under a very responsible authority.

He stated our city limits extension policie relates closely to the 1959 state statutes on annexation with respect to density of development and the ability of the city to extend services.

Mayor Brookshire stated regarding open spaces for future educational use, it would be more appropriate to present this request to the School Board.

He stated in connection with the speed limit signs for school, this is under discussion at the present time between Mr. Hoose and the school officials. He stated Mr. Hoose will work closely with the school officials and will work it out to their satisfaction.

Councilman Whittington stated a Council committee met with Dr. Ellis, Chairman Doc Martin of Park and Recreation Commission, Mr. Otts, Mr. Diehl, Mr. Whelchel and Mr. Tucker, a resident of Huntingtown Farms, concerning the park shelter. This meeting on the site indicated to Council that the people in Huntingtown Farms had a problem; this was a wooded area, heretofore flood land and never used for anything. Most of the people bought homes with the assumption that this would remain a wooded area. Than came the park and at the request of the citizens some things were deleted such as the amphitheater the footbridge was put back in across the creek; everything was resolved except the picnic shelter.

Councilman Whittington stated he and Mr. Tuttle went there with Members of the Park and Recreation Commission and the people in the area, and it is their opinion that the shelter should be moved down the hill as far away from the rear property line of the people on Ramblewood as possible; the shelter will still be used for the purpose it is being used there with a supervisor to oversee the programs going on in the park.

Councilman Whittington moved that the Park and Recreation Commission be requested to move the shelter down the hill. The motion was seconded by Councilman Tuttle.

Councilman Short asked the attitude of the membership of the Park and Recreation, and Councilman Whittington replied based on his conversation with the Chairman, they would be opposed to moving the shelter.

The vote was taken on the motion and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a five minute recess at 9:05 o'clock p.m., and reconvened the meeting at 9:10 o'clock p.m.

ORDINANCE NO. 997-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF THE FRONT 200 FEET DEPTH OF PROPERTY ON THE SOUTH SIDE OF MONROE ROAD, FROM NEAR RICHLAND ROAD TO NEAR MCALWAY ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Short and unanimously carried adopting the subject ordinance changing the zoning from R-9MF and O-6 to B-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at page 432.

ORDINANCE NO. 998-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF 537 FEET OF THE FRONTAGE PROPERTY ON LAWYERS ROAD AT THE SOUTHEAST CORNER.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was adopted changing the zoning from R-12MF to O-6 of the 537 feet of frontage on tract of land at the southeast corner of Lawyers Road and Idlewild Road North as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at page 433.

ORDINANCE NO. 999-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON BOTH SIDES OF RANDOLPH ROAD, EXTENDING FROM CHASE STREET TO DAVIS STREET, AND PROPERTY AT 2100, 2101 AND 2104 CRESCENT AVENUE.

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

The ordinance is recorded in full in Ordinance Book 15, at page 434.

Councilman Whittington moved that the Planning Commission make a study of Randolph Road from Davis Road down to Laurel Avenue for O-6 zoning, with a recommendation to Council. The motion was seconded by Councilman Smith.

Mr. Fred Bryant, Assistant Planning Director, stated in considering the request under the subject petition, the Planning Board considered what Mr. Whittington has asked for, and studied Randolph Road, not only down to Laurel, but down to the creek where it would connect with existing O-6 zoning. The Planning Commission is recommending that the portion here be approved with the understanding as the need develops and there is an indication that the owners of the additional property are concerned and ready for O-6 zoning, they believe that Laurel Avenue would be the next logical stopping point. That the Planning Commission does not propose the change in zoning until there is some indication from the owners of the property they desire the rezoning.

Councilman Whittington stated if the residents of the block from Chase Street to Laurel are made aware of this study, they would ask tomorrow for the change, as they have asked him individually. He stated he thinks it is in order for the Planning Commission to proceed now.

Mr. Bryant stated the general feeling of the Commission was they would like to have some indication from the property owners that they desire the office zoning, and Mr. Whittington has indicated they do desire the zoning, and if this is the case, they would be glad to set it up for a public hearing on that basis as a recommendation of the Planning Commission.

The vote was taken on the motion and carried unanimously.

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

PETITION NO. 68-59 BY CHARLES W. MCCLURE FOR CHANGE IN ZONING OF PARCEL OF LAND AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND B AVENUE DENIED.

Councilman Alexander moved that the subject petition for a change in zoning from O-6 to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and carried unanimously.

ORDINANCE NO. 2-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY AT 2131 EASTWAY DRIVE.

Councilman Short moved adoption of the subject ordinance changing the zoning from R-6MF to O-6 of a lot 100' x 180' at 2131 Eastway Drive. The motion was seconded by Councilman Stegall, and after discussion the vote was taken and carried on the following vote:

YEAS: Councilmen Short, Stegall, Alexander and Smith.

NAYS: Councilmen Tuttle and Whittington.

The ordinance is recorded in full in Ordinance Book 15, at page 436.

ORDINANCE NO. 3-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF TRACT OF LAND ON THE NORTH SIDE OF IDLEWILD ROAD BEGINNING EAST OF INDEPENDENCE BOULEVARD CENTERLINE AND EXTENDING EASTWARD ALONG IDLEWILD ROAD, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried adopting the subject ordinance changing the zoning from R-9 to R-9MF as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 437.

ORDINANCE NO. 4-Z AMENDING CHAPTER 23, SECTION 23-29 OF THE CITY CODE GRANTING CONDITIONAL APPROVAL FOR OFF-STREET PARKING FOR OFFICE PURPOSES ON A TRACT OF LAND ZONED R-6MF EAST OF THE OLD RIGHT OF WAY FOR EASTWAY DRIVE NORTH OF BISCAYNE DRIVE.

Councilman Smith moved adoption of the subject ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at page 438.

PETITION NO. 68-13 BY DELTA REALTY CORPORATION AND AMERICAN LEGION POST 400 FOR A CHANGE IN ZONING FROM R-12 TO B-2 OF A TRACT OF LAND ON THE EAST SIDE OF DELTA ROAD BETWEEN ALBEMARLE ROAD AND HICKORY GROVE ROAD, DEFERRED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, decision was deferred on the subject petition pending further study by the Planning Commission.

DECISION ON 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.

Councilman Whittington stated he would like to make the following suggestion to Council and he does this after voting against Mr. Hopper's request for O-6 zoning on Eastway Drive. That if his petition along with all the R-9 and R-6MF were put together, that this would make a good office parking zoning on Eastway Drive. He stated he thinks the same thing is true here on The Plaza.

Councilman Whittington moved that no action be taken on the subject petition and refer it back to the Planning Commission, along with the area along the Plaza where we now have business next to or in close proximity to and bring a recommendation back to Council for business or office zoning along that area of the Plaza. The motion was seconded by Councilman Tuttle.

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

COUNCIL ADVISED OF REQUEST FOR AMENDMENT TO PETITION NO. 68-48 BY MRS. SUSAN R. WHISNANT.

Council was advised that a petition has been filed by Mr. Hugh Casey, Attorney for Mrs. Susan R. Whisnant to amend the original petition so that the area requested for rezoning will be an area fronting 100 feet on Crosby Road, two lots wide, and extending back 150 feet. That the City Attorney advises if the amendment is allowed it will not nullify the previously invoked 20% Rule, and decision on the request for the amendment should be made by the City Council on the day of the public hearing.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON OCTOBER 9 TO CONSIDER CHANGES IN THE TEXT OF THE ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE TO PERMIT PLANNED UNIT DEVELOPMENTS.

Councilman Tuttle moved adoption of the subject resolution setting public hearing on Wednesday, October 9 at 7:00 o'clock p.m., in the County Commissioner's Board Room to consider changes in the text of the zoning ordinance and the subdivision ordinance to permit planned unit developments. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 191.

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

Motion was made by Councilman Tuttle adopting the subject resolution authorizing the refund of taxes in the amount of \$10.00 which were levied and collected in error and which the city-county tax collector has certified that proper written demand has been made for the refund and the taxes in question were paid in error. The motion was seconded by Councilman Stegall and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 192.

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

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

- (a) Ordinance No. 5-X ordering the removal of weeds and grass on property adjacent to 708 McAlway Road.
- (b) Ordinance No. 6-X ordering the removal of weeds and grass on property adjacent to 1120 Pharr Street.
- (c) Ordinance No. 7-X ordering the removal of weeds and grass on property to the rear of 301 West Park Avenue.
- (d) Ordinance No. 8-X ordering the removal of weeds and grass on property to the rear of 1833 Parsons Street.
- (e) Ordinance No. 9-X ordering the removal of weeds and grass on property adjacent to 3025 Simpson Drive.
- (f) Ordinance No. 10-X ordering the removal of weeds and grass on property adjacent to 2525 Knollwood Drive.
- (g) Ordinance No. 11-X ordering the removal of weeds and grass on property at the end of Dare Drive.
- (h) Ordinance No. 12-X ordering the removal of weeds and grass on property adjacent to 216 East Park Avenue.
- (i) Ordinance No. 13-X ordering the removal of weeds and grass on property adjacent to 3612 Darby Avenue.
- (j) Ordinance No. 14-X ordering the removal of weeds and grass on property adjacent to 5321 Ruth Drive (left).
- (k) Ordinance No. 15-X ordering the removal of weeds and grass on property adjacent to 5327 Ruth Drive (right).

The ordinances are recorded in full in Ordinance Book 15, beginning at Page 439.

REAPPOINTMENT OF W. L. ISENHOUR, JR. AND RALPH P. COCHRANE TO THE BUILDING STANDARDS BOARD APPROVED.

Councilman Short moved approval of the reappointment of Mr. W. L. Isenhour, Jr., General Contractor, and Mr. Ralph P. Cochran, Electrical Contractor, to the Building Standards Board for terms of three years each, as recommended by the City Manager. The motion was seconded by Councilman Stegall, and carried unanimously.

RESOLUTION ORDERING THE MAKING OF IMPROVEMENTS ON DRUID CIRCLE, FROM MORETZ AVENUE TO STATESVILLE AVENUE.

Upon motion of Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, the subject resolution was adopted to make improvements by constructing roll type curb and gutter and installing storm drainage facilities for a total distance of 3,475 front feet; the total project cost being estimated at \$35,886.00 of which the city's share is estimated at \$22,957.00 and the cost to be assessed against the owners of property abutting upon the improvements estimated at \$12,929.00, at an estimated \$3.85 per front foot.

The resolution is recorded in full in Resolutions Book 6, at Page 193.

PUBLIC HEARING ON ORDINANCE REGULATING THE OPERATION OF DAY CARE CENTERS SET FOR MONDAY, SEPTEMBER 23.

Councilman Short moved that a public hearing be held on Monday, September 23 on an ordinance regulating the operation of Day Care Centers. The motion was seconded by Councilman Whittington and carried unanimously.

Councilman Whittington stated he has received a lot of calls from people concerned about this ordinance and this hearing and he would hope that the hearing would be well publicized.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Mr. Veeder, City Manager, stated the subject amendment includes what Council has previously approved informally in connection with the budget; it includes the recommendations included in the understanding the City had with the refuse collectors; includes additional changes based on the need to take another look at additional employment problems that have come to light; also it takes into account the necessity to maintain internal salary relationships based on the other changes. These things have been incorporated plus some other aspects, not the least of which is the provision relating to overtime rates.

Councilman Tuttle moved the adoption of the subject resolution. The motion was seconded by Councilman Stegall.

Mr. Veeder stated for the balance of the fiscal year it will cost an additional \$576,000 and for a full year it will cost approximately \$700,000.00.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, beginning at Page 195.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

The following contracts for the construction of sanitary sewer mains were presented for Council approval:

- (a) Construction of 1,090 feet of 8-inch main to serve Hidden Valley No. 9 Subdivision, inside the city, at the request of Hobart Smith Construction Company, at an estimated cost of \$6,205.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Construction of 1,150 feet of 8-inch main in North Tryon Street inside the city, at the request of Commenco Corporation, at an estimated cost of \$5,920.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received, and will be refunded as per terms of the agreement.
- (c) Construction of 250 feet of 8-inch main to serve 3133 East Independence Boulevard, inside the city, at the request of Kaets Incorporated, at an estimated cost of \$1,585.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

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- (d) Construction of sanitary sewer trunk to serve Queen City Speedway Property, outside the city, under New Sewer Extension Policy, at the request of Queen City Speedway, Inc., at an estimated cost of \$1,887.50. All cost of the construction will be borne by the applicant whose deposit in the amount of \$1,887.50 covering the preparation of engineering plans, specifications and construction has been received and will be refunded in accordance with the terms of the contract.

Councilman Short moved approval of Items (a), (b) and (c) and that action on Item (d) be deferred. The motion was seconded by Councilman Tuttle for discussion.

Councilman Tuttle asked why he is asking for the deferment of Item (d)? Councilman Short replied Item (d) is in connection with a raceway which the City has had considerable questions about; that it has sought various means of attempting to stop the building of this race track; attorneys have now been employed for the purpose of dealing with the facility that has been built there according to the information given him by Lieutenant Ginn of our Police Department. Although Mr. Gaskey promised there would be no dust, there is a considerable problem in that regard; although it was promised there would be no traffic, there is a considerable problem in that regard. That this is a request to proceed under the D-2 plan for extending sewer lines, and the city sort of forms a partnership with the individual in question. The city's part is to process the sewerage and to provide a rebate of money. He stated he does not think the city should enter into what amounts to a partnership to operate a facility of this sort at the airport.

Mr. Veeder, City Manager, stated the request is something that is needed by the speedway; what they have in the way of alternatives he does not know. While there may be some strong feelings about some aspects of this operation, he has some reservations about carrying over those feelings as relates to the use of an established policy that relates to water and sewer extension.

After further discussion, Councilman Stegall made a substitute motion to approve Items (a), (b), (c) and (d). The motion was seconded by Councilman Smith, and carried by the following vote:

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

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

Motion was made by Councilman Whittington, and seconded by Councilman Short to approve agreements to acquire options for purchase of property for the Airport Terminal Expansion (20 Year Program), as follows:

- (a) Agreement to acquire from Southern Real Estate and Insurance Company an option at a cost of \$500.00 to purchase property of C. H. McCoy and wife; Nell McCoy Underwood and husband, and W. J. McCoy and wife, (heirs of W. J. McCoy), which stipulates a price of \$2500 per acre, or a total of \$110,000 for an estimated 44 acres. Said option extends for one year from May 1, 1968.

- (b) Agreement to acquire from Southern Real Estate and Insurance Company an option at a cost of \$100.00 to purchase property of A. W. Mercer and wife, Joyce M. Mercer, in the sum of \$35,000, at a rate of approximately \$1,750 per acre for approximately 20.24 acres of land. Said option extends for one year from May 6, 1968

Councilman Alexander stated he has doubt about going into the total expansion of our airport, and he would hope that some future City Council would not let this go beyond the ten year plan; that he cannot conceive of a total expansion of Douglas Municipal Airport this close in to the City as rapidly as Charlotte is developing.

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

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Stegall, seconded by Councilman Smith, and un-animously carried, approving appraisal contracts, as follows:

- (a) Contract with T.R. Lawing for appraisal of one parcel of land for Kings Drive Improvement.
- (b) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land for Airport Expansion.
- (c) Contract with Robert R. Rhyne, Sr. for appraisal of one parcel of land for Kings Drive Improvement.
- (d) Contract with Alfred E. Smith for appraisal of one parcel of land for Airport Expansion.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Stegall to approve the following property transactions:

- (a) Acquisition of 19,612 square feet of property which is a portion of old Central High School Athletic Field and vacant land along the creek, from Charlotte Parks and Recreation Commission, at \$6,700.00 for easement to provide relocation of Duke Power Company K. V. transmission line from Seventh Street to Tenth Street for the Northwest Expressway.
- (b) Acquisition of 94,688.60 square feet of property along Minuet Lane near South Boulevard, from Concrete Supply Company, at \$1.00 for Tyvola Road Extension.
- (c) Acquisition of 29,348.20 square feet of property along Minuet Lane near South Boulevard, from Robert H. Smith and wife Ruby S., at \$1.00, for Tyvola Road Extension.
- (d) Acquisition of 1.148 acres of property on the south side of the Airport, in Berryhill Township 35, Block 25, Lot 8-A, from Charlotte Police Pistol and Recreation Club, at \$8,000.00, for the airport capital funds terminal expansion.
- (e) Advertisement of sale of two parcels of land with the opening bid on parcel at 520 Solomon Street at \$1,000, and the opening bid on parcel at 500 Solomon Street at \$4,000.00.

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Councilman Short asked if there is any possibility of getting public housing on a lot 200 by 300 feet? That it seems you could get eight or twelve units.

Councilman Smith asked when the Tyvola Improvements will be made? Mr. Cheek, City Engineer, stated some money was set up for the planning of Tyvola Road last year; the transactions here are donations of rights of way; the purpose is to get htis right of way intact from new U. S. 21 over as far as the Southern Railroad.

The vote was taken on the motion and carried unanimously.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with W. C. Lee and wife, Caroline T. Lee, for graves 1 and 2, in Lot No. 15, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with D. Yates Haefner and wife, Willanell G. Haefner for graves 1, 2, 3 and 4, in Lot No. 321, Section 3, Evergreen Cemetery, at \$189.00.
- (c) Deed with Hugh H. Haefner and wife, Grace G. Haefner, for graves 5, 6, 7 and 8 in Lot No. 321, Section 3, Evergreen Cemetery, at \$189.00.
- (d) Deed with Mrs. Lilla Burwell Welch for Graves 4 and 5, in Lot No. 14, Section 2, Evergreen Cemetery, at \$120.00.
- (e) Deed with William T. Castleberry and wife, Mrs. Virginia W. Castleberry for Lot No. 42, Section I, Oaklawn Cemetery, at \$645.00
- (f) Deed with Alfred M. Sparrow and wife, Betty W. Sparrow, for Lot No. 34, Section 1, Oaklawn Cemetery, at \$645.00.
- (g) Deed with Mrs. Louise W. Elliott for Lot No. 403, Section 4-A, Evergreen Cemetery, at \$189.00.
- (h) Deed with Harry L. Dalton for Lot No. 377, Section 3, Evergreen Cemetery, at \$378.00.
- (i) Deed with Holman B. Christenbury & wife Dora P. Christenbury, for Graves 10 and 10A, in Lot No. 15, Section 2, Evergreen Cemetery, at \$120.00.

HEARING ON PETITION FOR TAXICAB RATE INCREASE SET FOR MONDAY, SEPTEMBER 16.

Councilman Whittington moved that a public hearing be set for Monday, September 16 on petition filed jointly by taxicab companies for rate increases. The motion was seconded by Councilman Tuttle, and carried unanimously.

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SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO MRS. NEZZIE O. KING.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, a special officer permit was authorized issued to Mrs. Nezzie O. King for a period of one year on the premises of K-Mart, 3700 North Independence Boulevard.

CONTRACT AWARDED DEWEY BROTHERS COMPANY, INC. FOR CAST IRON FRAMES AND GRATES AND HOODS.

Motion was made by Councilman Whittington, seconded by Councilman Smith, and unanimously carried, awarding contract to the low bidder meeting specifications, Dewey Brothers Company, Inc., in the amount of \$9,416.88 on a unit price basis for 200 cast iron frames and grates and 200 hoods.

The following bids were received:

Dewey Brothers Co., Inc.	\$9,416.88
Knoxville Foundry Company (Not meeting specifications)	\$8,433.75

CONTRACT AWARDED DEWEY BROTHERS COMPANY, INC., FOR CAST IRON MANHOLE RINGS AND COVERS.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Dewey Brothers Company, Inc., in the amount of \$12,012.46 on a unit price basis for 420 cast iron manhole rings and covers.

The following bids were received:

Dewey Brothers Co., Inc.	\$ 12,012.46
Knoxville Foundry Company	13,020.00
Emporia Foundry, Inc.	13,440.00
Sumter Machinery Company	14,154.00
Russell Pipe & Foundry Co.	14,175.00

CONTRACT AWARDED DEES EQUIPMENT COMPANY FOR ONE POWER SWEEPER.

Councilman Whittington moved award of contract to the low bidder, Dees Equipment Company, in the amount of \$3,494.00 for one power sweeper. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Dees Equipment Co.	\$ 3,494.00
G. H. Tennant Co.	3,560.00

CONTRACT AWARDED CREECH MOTORCYCLE COMPANY, INC., FOR FOUR STANDARD SOLO TYPE MOTORCYCLES.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Creech Motorcycle Company, Inc., in the amount of \$7,438.49 on a unit price basis for four standard solo type motorcycles.

The following bids were received:

Creech Motorcycle Co., Inc.	\$ 7,438.49
Harley Davidson Motor Co.	10,043.02

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CONTRACT AWARDED GOIN EQUIPMENT SALES, INC. FOR FIVE TRUCKSTER UNITS.

Councilman Alexander moved award of contract to the only bidder meeting specifications, Goin Equipment Sales, Inc., in the amount of \$8,708.65 on a unit price basis for five truckster units. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Goin Equipment Sales, Inc.	\$ 8,708.65
Harley-Davidson Motor Company (Not meeting specifications)	9,218.69

CONTRACT AWARDED MOTT'S OIL EQUIPMENT AND SERVICE, INC., FOR GASOLINE TANK AND PUMP INSTALLATION.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Mott's Oil Equipment and Service, Inc., in the amount of \$2,513.68 for the installation of a 10,000 gallon gasoline tank and pump.

The following bids were received:

Mott's Oil Equipment & Service, Inc.	\$ 2,513.68
Southern Pump & Tank Company	2,633.93

CONTRACT AWARDED A. P. WHITE & ASSOCIATES FOR CONSTRUCTION OF WATER MAIN ALONG U.S. 29 NORTH AND MCCULLOUGH DRIVE TO THE RESEARCH PARK.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, A. P. White & Associates, in the amount of \$85,034.00 on a unit price basis for construction of water main along U.S. 29 North and McCullough Drive to the Research Park.

The following bids were received:

A. P. White & Associates	\$ 85,034.00
Sanders Brothers, Inc.	89,261.00
Boyd & Goforth, Inc.	92,821.05
Thomas Structure Company	93,165.50
C. M. Allen & Co., Inc.	93,464.50
Crowder Construction Co.	101,481.25
Blythe Brothers Company	112,130.00

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

Councilman Stegall moved that award of contract for purchase of six two-wheel drive vehicles with cabs be deferred for one week. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

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

CONTRACT AWARDED SIMPSON PHOTO SERVICE, INC. FOR PHOTOGRAPHIC LAB EQUIPMENT.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Simpson Photo Service, Inc., in the amount of \$54,487.00 on a unit price basis for photographic lab equipment for the law enforcement center.

The following bids were received:

Simpson Photo Service, Inc.	\$ 54,487.00
Metalab Equipment Company	73,193.00

LITTER REQUESTED CLEANED OFF LOTS THAT HAVE HAD THE WEEDS AND GRASS REMOVED.

Councilman Tuttle stated the city is doing an excellent job in cleaning up weeds, but in clearing up the weeds there is a lot of litter left on property such as beer cans, old garbage cans and rubber tires. He requested that something be done about the litter left on the lots after the weeds are cut.

REPORT ON CONDITION AT INTERSECTION OF REMOUNT ROAD AND TOOMEY AVENUE.

Councilman Alexander asked if anything has been done about the approach to the dog pound at the intersection of Remount Road and Toomey Avenue? Mr. Bobo, Administrative Assistant, replied this will take a larger piece of equipment than the Street Department has and they are planning to rent the equipment to go in and cover the trash and clean it up. Councilman Stegall stated a ditch has been cut along the street to prevent anyone from backing over and dumping anything in there.

CITY MANAGER REQUESTED TO INVESTIGATE CHILL WATER PLANT AND COME BACK TO COUNCIL WITH RECOMMENDATIONS.

Councilman Alexander stated when they returned from their Texas trip, he mentioned the Chill water plant which furnishes heat and refrigeration; that it interested him from the point that it should be considered to see if we could come up with something similar for use in Charlotte. That he invisions it as being our first public utility; that he sees much benefit to the building programs in Charlotte.

Councilman Alexander suggested that the City Manager be authorized to look into the chill water plant and come back with some suggestions as to whether or not we should consider developing plans for a chill water plant.

Mr. Veeder replied he has discussed this with Mr. Alexander and with Mr. Cheek in trying to get additional information and he will have something further for consideration along that line.


SANITARY DEPARTMENT EMPLOYEES COMMEDED ON GOOD JOB.

Councilman Stegall commended the sanitary department employees for catching up on their work so rapidly; they have done a good job and it shows what good employees we do have.

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ADJOURNMENT.

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



Ruth Armstrong, City Clerk