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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, August 21, 1972, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Finley, Kratt, Moss, Ross, Royal and Turner present.

ABSENT: Commissioner Sibley.

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INVOCATION.

The invocation was given by Reverend Paul Horne.

MINUTES APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, approving the minutes of the last meeting on Monday, August 7, 1972, as submitted.

HEARING ON PETITION NO. 72-41 BY W. P. CHERRY AND SON, INC. ET AL, FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE WEST SIDE OF PARK ROAD, EXTENDING FROM 3500 THROUGH 3620 PARK ROAD, POSTPONED UNTIL SEPTEMBER 18, 1972.

The hearing was called on the subject petition for a change in zoning from R-9 to R-12MF and Council was advised a protest petition had been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Charles Henderson, Attorney for the petitioners, stated he is confirming an earlier request made by letter on Tuesday, August 15, that this matter be postponed. As indicated in that letter, he is representing five different property owners; there are 10 acres of land and there is not complete agreement within those people. He did not feel it would be fair to the City Council and Planning Commission nor to himself to present a plan that he cannot say firmly will be carried out. At the time the letter was filed there was no known opposition to the petition. The following day a petition in opposition was filed. Mr. Henderson stated he has handed out a map showing the people in opposition - there are three behind the property and four on one end.

The City Attorney advised City Council has authority, within its discretion, to continue any scheduled public hearing.

Mr. Tom Cannon, Attorney representing the opposition, stated there are a number of people present with him today, and they want to be heard; a number of them are working people and they cannot come and go as they like.

After further discussion, Councilman Jordan moved that the hearing be postponed until Monday, September 18. The motion was seconded by Councilman Whittington and carried unanimously.

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HEARING ON PETITION NO. 72-42 BY ARMAND T. DANIEL, ET AL, FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF 1,833 ACRES OF LAND AT 2800 SELWYN AVENUE.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, explained the location, zoning and surrounding property. He stated the property is basically surrounded on three sides by some type of residential use. The zoning pattern is one of single family residential zoning to the rear; multi-family zoning to the north, business and office zoning across Selwyn Avenue and south along Selwyn from the property.

Councilman Short asked in what way the present use of this property varies from the O-6 motel? Mr. Bryant replied the principal difference is the building does not meet the separation requirements required of a motel in an office district. The office district requires a 100 foot separation between motel use and any adjoining residential zone. This building does not meet that requirement particularly on the Tranquil Avenue side and probably not on the rear. He stated the structure that was on this site burned sometime ago and it was rebuilt and the permit was issued for an apartment building, and it was designed as an apartment usage. Somewhere along the line it was converted to something which the building inspection department has determined to be a motel operation rather than an apartment operation.

Mr. Armand T. Daniel, petitioner, was present and presented his case. He stated he was forced to bring this petition to Council by the Zoning Department as they contend he is operating a motel, and his contention is that he is not. He stated he bought the property in 1946 and it was rundown; he reconditioned the building from one end to the other, inside and outside, furnished it with new furniture and increased the rent from \$900 a month to \$3,000 a month. It was the finest apartment house in Charlotte completely furnished in 1948. Two years ago it burned to the ground. He stated he has rebuilt; first he had furnished apartments with all utilities. The only thing he has done now is to add a few more services; they put in telephones, color cablevision, linens and cooking utensils.

Mr. Daniel stated if the rezoning request is denied, the Inspection Department will come back and say they are operating a motel; then his only recourse is to go to court. He stated his interpretation of the law is he is not violating any laws.

Councilman Withrow asked if he rents by the day? Mr. Daniel replied Mr. Jamison told him he had a report that he was renting 50% by the day, and that he was renting some for a part of a day. He stated it is less than 15%. That it is 5 and 12/100% that have been rented on a daily basis. He stated he is operating the same as he did 20 years ago; it has always been rented on a short term basis. There is a man moving out today; that he had a fire and he has been there 11 weeks while his home was being repaired.

Mr. Daniel stated there is nothing in the code or any regulations that say how you can rent an apartment. The main difference between a motel room and an apartment is the kitchen facilities. The regulations say a dwelling unit with private baths with kitchen facilities shall be had, designed and constructed for permanent occupancy. Mr. Daniel stated they are designed and constructed; they have the units, they have the kitchens, and they have people who stay on a permanent basis. He stated there is nothing in the city's regulations that say this has to be rented by the month, the year, or the week or any other method.

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Councilman Short stated the law is such that a sales tax is due on money paid by someone staying at a motel, and a sales tax is not due on rent paid by those who occupy an apartment. He asked if he is paying sales tax to the city? Mr. Daniel replied every apartment house in Charlotte that is renting to people for less than three months is subject to sales tax. He stated he is paying it and a lot of them are not.

Mr. Daniel stated they have an ad under apartments in the yellow pages of the telephone directory, and there is another little ad under the motel section. The ad says they rent by the week, and they have two bedroom units and they have larger units.

Mr. John Ingle, Attorney for the protestants, stated over 200 signatures are on the petition, and about 15 of them are present today. He passed around a copy of the daily rates charged at the Manor House, and stated the brochure states there is no time limit. He stated all the citizens out there do not want the petition approved and they do not want the property rezoned for business. The primary reason is they do not think it would constitute good planning. This property is practically surrounded by single family residences and they are nice residences. If this is rezoned it would almost double the size of the business area in this particular community. In the past, attempts have been made to extend this and these attempts have been turned down; they have decided there is enough business area there. There is only one real large street that goes through, and that is Selwyn Avenue. If it were rezoned to business, and the place burned down then he could build anything that B-1 would permit - a restaurant or a bar.

Mr. Ingle stated the whole community is solidly opposed to the rezoning. A representative of a real estate firm has told them in his opinion if the zoning is changed to B-1 it would adversely affect the property values in that community. It would create additional traffic problems.

He stated Mr. Daniel made application for a building permit to build apartments. That he does not know what he is running, whether it is a motel or an apartment, but Mr. Daniel knew when he made application that he could not run a motel there.

Mr. Ingle stated they do oppose it and hope the petition will be denied.

Council decision was deferred for a recommendation of the Planning Commission.

COUNCILMAN WITHROW LEAVES MEETING.

Councilman Withrow left the meeting at this time, and was absent until after the following hearing.

HEARING ON PETITION NO. 72-43 BY NORTH CHARLOTTE ACTION ASSOCIATION FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY ON MERCURY STREET, 37TH STREET, PATTERSON STREET, HERRIN AVENUE, WARP STREET AND CARD STREET IN THE NORTH CHARLOTTE AREA.

The scheduled hearing was held on the subject petition on which a protest petition had been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, explained the location, zoning and surrounding properties. He stated this is a request to change the zoning of a multi-block area in the North Charlotte Community. The area is used predominately for single family residential purposes; a railroad runs through the property. The subject property is zoned R-6MF and is adjoined on two basic sides by existing industrial zoning; there is other multi-family zoning to the south and to the west of the property in the direction of 36th Street; then a combination of business and office zoning around the business portion of the Davidson and 36th Street Intersection.

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Reverend Paul Horne, speaking for the North Charlotte Action Association, stated in January at their Delegates Council Meeting they were approached by John Wayne Adams of Adams Heating and Plumbing and asked if they would sign a petition to request the city to change the multi-family zoning to I-2 for light industrial purposes. The Delegates discussed the request and turned it over to the people who lived in that particular vicinity and asked them to take the bull by the horn. They were in contact with Mr. Adams about the property and asked him for information as to the use of the property. Mr. Adams gave them the information, and they heard nothing more until the day it was to be presented to City Council for rezoning. Council refused to grant the request.

Reverend Horne stated the North Charlotte Action Association, made up of the people in the North Charlotte area, is seeking to keep that community as stable and as alive as possible. They met with the Planning Commission leader and asked what he would recommend in order to keep the community stable. Looking at the development around it, the single family area, they felt the thing to do was to see if they could get the zoning changed from R-6MF to R-6. Last year their school was badly overcrowded, one of only two walk-ins in the whole county and no bussing, with the black and white ratio never having any difficulty in getting along. The people in the community desire that the community be stable. Approximately 20% of the property owners signed the petition for rezoning, and they are all residents of the immediate neighborhood.

He stated the prevailing housing pattern in the area is single family; the area is quiet and stable; it is integrated and most of the people know one another. Many are related by blood to one another, and they feel the change in zoning should reflect the housing pattern, and help in keeping the area a strong and stable community.

Councilman Short stated Reverend Horne stated 20% of the people signed the petition. He asked if he means 20% of the owners of this tract of land signed the petition? Reverend Horne replied 20% of the residents of that part of the area that would be involved in the change. That they made no attempt to get everyone in North Charlotte; they were concerned about what the people who would be affected the most would have to say and they were the people who lived in the immediate vicinity of the property being asked rezoned.

Reverend Horne stated the present R-6MF zoning makes the property open to all sorts of investment uses; none of which would be beneficial to the present condition of the area in making it a stable neighborhood. It opens the area to overcrowding, transients and later business construction; it creates pressures on the residents to sell their property, not to other homeowners, but to real estate brokers who hope to use the community for their own personal profit. He stated by changing the zoning to single family residential, they feel it will prevent the often repeated pattern of deterioration which occurs in older areas; this pattern usually goes from multi-family to business and office construction. One of their chief reasons for believing this should be done is that not too long ago, the area was surveyed for the NIP program. Petitions were circulated to all property owners in the area about their wanting the NIP program to come in. Out of the number sent out, they received some 60 to 70 back and out of those only four were against the NIP program. Those four were from realty outfits.

Also speaking for the petition was Mr. Dave Blevins, past president of the Fair Housing Association.

Councilman Short stated this neighborhood is largely built up. The idea here is not to promote single family building, but to preserve the development there against those who might want to come in and buy some houses and knock them out. Reverend Horne replied that is right; to stabilize the element they already have.

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Speaking in opposition to the proposed change was Mr. A. K. Anderson who stated he and his sister are trustees of an estate and they have two houses located on Herrin Avenue. That they oppose the change in zoning because it will reduce the value of the property. Mr. Hamilton Elliott also spoke in opposition to the rezoning stating he owns property in the area; that the petition for industrial zoning which was mentioned earlier did not include the whole area, it was for one piece of property only. He stated his property is rental property; that he is for what the majority of the landowners want and he also considers the people who rent from him. If there is anyway he can possibly keep their rent down, then he wants to do that. He feels this would be detrimental to them. That he owns four on Davidson Street, and one on Mercury Street. Others speaking in opposition were Mr. John Wayne Adams and Mr. Earl Withrow.

Councilman McDuffie stated he would like the Planning Commission staff to talk about older neighborhoods being rezoned for multi-family which would mean that five or six lots could be joined together and apartment houses could be built; otherwise nothing will be built; rent is lower, supposedly because of common grounds and utilities. That it would seem to defeat part of the purpose in changing it back to single family. Councilman Short stated this property is already developed and they are just trying to save what they have.

Councilman Short stated it has been said there are about 36 cases where lots are being zoned against the will of the owner; he asked if there are any cases where a non-conforming use would be created by this zoning? Mr. Bryant replied there are five existing duplexes which would become non-conforming; also there is one multi-family structure which would become non-conforming. Councilman Short suggested that the Planning Commission give very careful attention to those against the will of the owners, and to those that would be non-conforming.

Council decision was deferred for a recommendation of the Planning Commission.

COUNCILMAN WITHROW RETURNS TO MEETING.

Councilman Withrow returned to the meeting at this time and was present for the remainder of the session.

HEARING ON PETITION NO. 72-39 BY WILSON L. MILLS FOR ESTATE OF ELIZA LAMB MILLS FOR A CHANGE IN ZONING FROM I-1 TO R-9MF OF APPROXIMATELY 25 ACRES OF LAND SOUTH OF TUCKASEEGEE ROAD AND OPPOSITE EDGEWOOD ROAD AND COOLRIDGE AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location, zoning and surrounding properties. He stated it is adjoined on I-85 by the new Days Inn Motel; there are single family residences across Tuckaseegee Road from the subject property and the remaining adjoining property in the immediate vicinity is vacant. The subject property is also vacant. He stated there is a large amount of Industrial zoning paralleling I-85 and this comes up to within 200 feet of Tuckaseegee Road. Along Tuckaseegee Road within the 200 foot strip it is zoned single family residential; then the corner at Tuckaseegee and I-85 is zoned B-2. The subject property is predominately zoned industrial with the front portion zoned single family.

Mr. Rege Hamel, Attorney for the petitioner, stated they would like to build at least 350 apartment units on this 25 acre tract. At present it has a 200 foot buffer along Tuckaseegee Road; behind it the majority of the acreage is I-1, and they would like it changed to R-9MF. The property is owned by the Eliza Lamb Mills estate. Mr. Hamel stated his clients have an option to buy the property. He stated this property is use-locked; they cannot get across the strip in front, and they are blocked off from behind and cannot use their property one way or another. They are asking for the same zoning as the property that has already been rezoned approximately 1000 to 1600 feet up Tuckaseegee Road. He stated they are asking for the most they thought reasonable, but after looking at it and after multiplying it out, they can get by with R-12MF.

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Mr. Hamel stated they plan to use a subsidiary of Associated Mortgage Company; it will be financed with conventional loans and it will be in the semi-luxury range, with rentals from \$150 to \$200. Mr. Baugh, the architect, presented some site plans and stated they plan two controls for traffic coming in and out of the site and it will give a better flow of the traffic; they plan to back up to Tuckaseegee Road and have a buffer zone of a green area which would shield it off and enter the cluster developments from the back side. Their approach will be through a loop; they have greenway area and a little creek.

Mr. Stewart Childs, Attorney for the Estate, stated this land has been on the market for sometime, and they have had difficulty in selling it, because the single family zoning runs all along Tuckaseegee Road which in effect locks this property out on both sides.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

RESOLUTION ORDERING THE MAKING OF IMPROVEMENTS ON GILBERT STREET, FROM NEWLAND ROAD TO THE DEAD-END.

The public hearing was held on a preliminary resolution stating the city's intent to finance proposed local improvements on Gilbert Street by special assessment.

Council was advised by the City Clerk that notice of the hearing had been published and all property owners had been notified by mail in accordance with the General Statutes. That the petition was filed by 51% of the abutting property owners, representing 51.97% of the lineal feet of frontage, requesting that Gilbert Street, from Newland Road to the dead-end, be permanently improved by paving with a base course and surface course, a distance of 1,226 feet.

Mrs. Arthur L. Tutt, one of the property owners on Gilbert Street, stated some of the other owners are also present; two had to leave to go to their work. One was especially interested as she lives in the very last house on the street; she works at night and it is around 11:15 before she gets home; when the weather is bad she has to creep down the road. She stated they hope Council will approve and adopt a resolution ordering the making of improvements on Gilbert Street, from Newland Road to the dead-end.

No opposition was expressed to the petition.

Mr. Bobo, Assistant City Manager, stated the majority of the property owners petitioned for the improvements and staff recommends the resolution be approved.

Councilman Whittington moved adoption of a resolution ordering the making of improvements on Gilbert Street, from Newland Road to the dead-end. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Pages 323-324.

Councilman McDuffie stated this is the same kind of proposition the city needs for the business community when more than 51% of a block is developed as North Tryon Street is. This is already zoned business and over 50% is already developed. What is lacking is someone to go by and get the 50% to sign if they want the remainder of the street curbed and guttered. Mr. Bobo stated as businesses build on this street on the undeveloped properties this will be remedied as they are required to install curb and gutter. Councilman McDuffie stated that is when they develop and he is talking about in the meantime when most of the street is developed, and we have to wait for their convenience at the inconvenience and safety of the public. What is needed is to strengthen the rule so that the city can do it automatically.

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CITY ATTORNEY INSTRUCTED TO PREPARE AN ORDINANCE AMENDING CHAPTER 19, ARTICLE I OF THE CITY CODE TO ALLOW TAXICAB DRIVERS TO OWN THEIR OWN VEHICLES, AND CITY MANAGER REQUESTED TO MAKE A STUDY OF THE CAB COMPANIES AND NUMBER OF CERTIFICATES HELD AND A RATE STUDY FOR COUNCIL'S INFORMATION.

The scheduled hearing was held on petition of Charlotte Cab Company, Victory Cab Company and Metrolina Cab Company to amend the city code to allow taxicab drivers to own their own vehicles.

Mr. John Ingle, Attorney, stated he represents the Charlotte Cab Company and Metrolina Cab Company; that he was representing Victory Cab Company and at this point Victory has discontinued operation.

The petition today requests that individuals be allowed to own their own taxicabs rather than leasing them from the companies. One of the advantages would be lower costs, both in maintenance and insurance. He stated he has sent Council a copy of the letter from an insurance man who serviced some of the cab companies and handled their insurance. In the letter he cited the case of Charlotte Cab Company who was paying about \$678 per cab per year. If an individual owned the vehicle and he was on the assigned risk plan he would pay a little over \$212 less insurance a year on this. That would result in a net savings of over \$200 a year on each taxicab individually owned.

The cost of maintaining the vehicles has skyrocketed over the last three years, and it is the feeling of the cab company if a man owned his own vehicle he would take better care of it.

Mr. Ingle stated it would allow small businessmen to go into business for themselves. An individual who met the qualifications could buy his own vehicle and equip it and put it on the line, and work as much as he would like and earn whatever he could over and above the regular fee charged for dispatcher service and depot service and radio service.

He stated the taxicab inspector told him since January, 1969, over 700 applicants have gone through his office. That runs about 275 a year, and that is almost 3/4 of a man a day. Under the lease plan an individual can come in and lease a cab for a week, or three days and decide he does not want to work any more and terminate his lease at the end of the week and forget the whole thing. As a result there are a lot of cabs idle. He stated they feel if a man bought a taxicab and had this investment he would probably go out and work in the industry. This would improve the taxicab service. There will probably be fewer accidents involving taxicabs, and whenever there is an accident there will probably be a lower rate of liability on the part of the driver of the vehicle.

Mr. Ingle stated there are two major cab companies in Tulsa, Oklahoma. Tulsa Yellow Cab and Checker Radio Company are the companies; both operate just alike. They have a mixed-blend of services; there are some vehicles leased and about 50% are owned by individuals and operate under the colors of one of the two companies. He read a portion of a letter from the Yellow Cab Company concerning the operation of privately owned taxicabs in which they state their experience with individually owned cabs has been good, and they feel these men are superior; they have invested their money and plan to work full time, and are interested in the type service they render, and they are safe drivers.

Mr. Ingle stated Mr. Troy Brown and Mr. Jay King are present and they are the principals in the Charlotte and Metrolina Cab Company. That they have been talking to their drivers and the overwhelming majority are in favor of this; that over 50% of them would like to go ahead and get their cabs as soon as they can. To lease a cab for a week costs \$112.00. Under the ownership system the proposed service would be \$37.50 a week. This reduces the lease payment from \$112 down to \$37.50. This would not be a method of passing on the cost to the individual driver.

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Councilman Whittington asked if there has been any thought given on how the cabs can be purchased? Mr. Ingle replied initially the cab company would only have the cabs they have now if they wanted to sell those; but it would be just like purchasing any other vehicle; they could go to one of the automobile dealers and buy their own vehicle and equip it according to the code specifications and put it on the line. Councilman Whittington asked approximately how many drivers could do this in the next two weeks? Mr. Ingle replied he understands that approximately 30 to 35 drivers. He stated if the code is changed it would permit any of the taxicab companies to operate under this. He stated their feeling is the certificates would remain with the companies; they would continue to lease vehicles and if anyone wanted to buy his own vehicle and operate under their authority they could do that; the drivers would have their own insurance; an individual policy would be issued to them.

Councilman Alexander asked if this is approved can Council expect the cab companies to come and ask for an increase in rates? Mr. Ingle replied he understands that Yellow Cab is planning to do that; that the companies he represents are not planning to do that in the near future. Councilman Whittington stated he has a letter from Yellow Cab stating they are preparing cost estimates now to come to Council for a rate increase.

Councilman Jordan stated he likes the idea of the individuals operating the cabs; that most cities do this now, and it has been very successful; there is a tendency to take care of the cabs more.

Speaking for the proposed change was Mr. Roy Smith, a driver with Charlotte Cab Company, who stated he now drives under the lease plan and he would like to own his own cab.

Councilman Whittington stated in the 12 years he has been on City Council, nearly everything the cab companies have requested this Council has given it to them. Today the taxi service in Charlotte is totally inadequate; in fact we almost do not have any taxi service. He stated he would like to recommend three things, and include these three things in a motion. (1) That Council instruct the City Attorney to study Tulsa and other taxi ordinances as it relates to individual drivers owning their cab and operating under a radio system and a depot. (2) That the City Manager and his staff make an indepth study of the number of certificates that are inactive in the city today and find out why these certificates cannot be activated or removed from the cab company. (3) Knowing that Yellow Cab is proposing to come to Council with a rate request increase, that the City Manager and his staff also put this into the first and second items that he mentioned and give Council something before passing the ordinance that Mr. Ingle is requesting so that once and for all we can get this cab situation straightened out, hopefully remedied, and to give better service to the citizens.

Councilman Whittington stated he called one Cab Company last week for two and a half hours and the line was busy; that he has a letter from a lady who waited for three and half hours on a cab and the line was busy. The reason is they are busy or they are not running them because they do not have drivers; but the truth is there is no service. Something has to be done; and it seems these three steps should be taken.

Councilman Whittington moved that the three steps he outlined be made. The motion was seconded by Councilman Jordan.

Councilman Short stated the motion would not provide for the ownership plan until after there is a rate increase? Councilman Whittington replied no; that the City Attorney has said he did not want to write an ordinance on the ownership plan until he has an opportunity to study it; and he would also like the City Manager's staff to make these other studies and come back to Council with recommendations, and whichever one comes first, it will be acted upon.

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Mr. Underhill, City Attorney, stated with Mr. Ingle's help he can come back to Council more quickly than the rate study and the study of the number of certificates. Councilman Alexander stated from what has been presented today he sees nothing to prevent Council from voting yes or no on permitting the ownership of the cabs by individuals. That we need a further study in the overall cab operation in the City of Charlotte which is not relevant to the ownership of cabs at this point. That he would like to act on each of these points separately. That he does not think Council should hold up the ownership of the cabs.

With permission of Councilman Jordan who seconded the original motion, Councilman Whittington changed his motion and moved that the City Council instruct the City Attorney to prepare an ordinance amending Chapter 19, Article I. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Whittington moved that City Council request the City Manager to make a thorough study of the cab companies and the number of certificates they have, and that the staff make a study of taxi rates and give Council information and recommendations to upgrade the taxicab service in Charlotte. The motion was seconded by Councilman McDuffie.

Councilman Alexander asked Mr. Whittington if he has a letter from Yellow Cab Company concerning rate increases, and Councilman Whittington replied he has. He asked Mr. Carstarphen to write Yellow Cab Company in behalf of a citizen who claimed she spent three and half hours trying to get a yellow cab. That when she called him about this, every day at a convenient time he would call a particular cab company and in each instance, every time he called the line was busy. He then asked Mr. Carstarphen to write them a letter stating the lady's complaint and also his complaints. The letter he has is in reply to that.

Councilman Alexander stated he would like to amend the motion that Council give no consideration for increasing taxicab rates until the study requested is brought back to Council. Councilman Whittington stated his motion is only that a study be made by the City Manager.

The vote was taken on the motion and carried unanimously.

NO ACTION TAKEN ON REQUEST OF W. T. MINOR TO PERMIT THE REFILEING OF A PETITION FOR A CHANGE IN ZONING OF PROPERTY ON EASTWAY DRIVE PRIOR TO EXPIRATION OF TWO YEAR PERIOD.

The request of Mr. W. T. Minor to permit the refileing of a petition for a change in zoning of property on Eastway Drive prior to expiration of the two year waiting period was presented to Council.

Mr. Cart Carmichael, Attorney for Mr. Minor, stated the purpose of the request is to try to get the property changed from office to B-1. He stated there is industrial zoning on one side, a railroad track behind it and catty-cornered across it was recently changed from office to business.

Mr. Carmichael stated Mr. Minor has a purchaser for this lot. A man wants to pay \$50,000 to put a discount service station on the corner. At present the lot is vacant. He stated he does not believe there is another use you can make of this property with the railroad track there; no one is going to build an office building nor would anyone put up an apartment building.

He stated he is requesting the City Council on its own motion to direct Mr. Bryant to put this petition, the original petition, on for the September public hearing date. He stated he appreciates the fact that no one wants Eastway to turn into another Independence Boulevard or South Boulevard; but he does not think it follows the domino theory that if you allow this zoning, all the rest of Eastway is gone, particularly in this neighborhood as from this lot all the way up to the Plaza, it is already developed in residences. Below this particular lot there are the railroad tracks, the Westinghouse development, and Garinger High School. The nature of it will operate against another Independence Boulevard.

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Mr. Carmichael stated he understands there is no opposition from the residents nor the business people out there. He stated out of the \$50,000 for this lot, every bit of it will be given as a gift to Christ Episcopal Church Foundation with the condition that all the money must be used in that Foundation's outreach program for the benefit of the inner City of Charlotte. He stated that means there will be no private profit made from this sale. This will be administered by a three man board of trustees.

Mr. Carmichael stated although the original petition was approved by the Planning Commission, it was voted down by the City Council. That he has been advised the reason was that Council wanted to wait until Mr. Bryant finished a study of Eastway. The study has been finished, and he understands it does not speak one way or the other regarding this petition.

Councilman Short stated Mr. Minor has been bringing this matter up with Council for a year or more. On one occasion he told Mr. Minor if he wanted the matter reheard that he would be glad to move accordingly. That he does not remember if he ever made such a motion; but he is not going to make such a motion again, and he is not going to vote for any such motion because he found from that point on Mr. Minor just assumed that he would vote for the zoning. Councilman Short stated the critical matter is there are 68 homes in a little pocket on Weldon Avenue, Blackwood Avenue and on the south side of Eastway Drive. These homes are not so old, and in fact they tend somewhat toward fairly new homes. That he believes they have a value of about \$1,500,000 in the aggregate. He stated further zoning of business in this neighborhood, up against those homes, and in the buffer, is going to harm the value of those homes far more than the \$50,000 he is talking about. Business is trying to move in against these homes from the intersection of Plaza and Eastway, and from the intersection of Commercial and Plaza, and from the intersection of Sugar Creek Road and Eastway. He stated in his opinion it is going to be against the public interest, rather than in the public interest. These homes appear to be well maintained; it is a solid, stable residential situation. This is going to be the signal, if we had any more business zoning up against these homes, for just what has been said. These people want this rezoning because they would like to have this triangle turned into business; they are not opposed to the rezoning at all. Councilman Short stated that is the problem; we need this housing out there more than we need business. The minute that service station is put in that buffer zone, the next man is going to quit painting his house and maintaining it, and is going to come in one day and say this is not a very good place to live right next door, and then some future council in not so long a period of time is going to have to let this \$1.5 million worth of homes go because no one wants them and no one is trying to save them. He stated he believes if we do not abolish the buffer zone this will remain a stable residential neighborhood indefinitely in the future. He stated he is not going to vote to rehear it and he is not going to vote for the rezoning if it does come up.

Mr. Carmichael stated he disagrees when he says they are asking to remove the buffer because he is only talking about one small lot, and he says small in comparison with the rest of the unimproved Commercial Avenue. The lot right next to it is zoned industrial, and Mr. Minor is not asking for industrial but for business. The only place around it where it is zoned the same is across on the other side of Commercial, and on the other side of Eastway. Councilman Short replied the critical factor is the 68 homes, and not the railroad and not what someone diagonally across the road is zoned. These 68 homes deserve to be protected.

Councilman Whittington stated he told Mr. Short six months ago if he wanted to make a motion to rehear the petition he would not object to hearing it, and he does not again today. But when this came up the first time he voted to overrule the Planning Commission to deny the change for the same reasons that Mr. Short has explained. The Council overruled the Planning Commission at that time; not because it was waiting on any plan for Eastway Drive, but because Council was doing then as it has done since, everything to protect business encroachment on Eastway Drive. Just prior to Mr. Minor coming to Council, a petition had been turned down on the property between Garinger and the Burger King to make it all business. That is the reason he voted against it, and if it is heard again he will have to vote against it.

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Mr. Carmichael stated he disagrees that when you allow one change then you are faced with following the dominoes all along the street. That each has to be judged on its own.

MAYOR BELK LEAVES MEETING.

Mayor Belk left the meeting at this time, and Mayor pro tem Alexander presided for the remainder of the session.

RESOLUTIONS APPROVING SALE OF LAND IN REDEVELOPMENT PROJECTS.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, adopting a resolution of the City Council of the City of Charlotte Approving the Sale of Land to Mr. Gam C. Jung, an individual, in Redevelopment Project No. N. C. R-60, at a total price of \$85,800.00 to be used for the development of a restaurant.

The resolution is recorded in full in Resolutions Book 8, at Page 325.

Councilman Whittington moved adoption of a resolution of the City Council of the City of Charlotte Approving the Sale of Land to Charlotte Progress Association for Economic Development in Redevelopment Project No. N. C. R-78, at a total purchase price of \$42,850 for 25 single family parcels fronting on the relocated Fontana Street. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 326.

ORDINANCE NO. 563-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF EASTWAY DRIVE, NORTH OF SOUTHERN RAILROAD ON PETITION OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Petition No. 72-32 for a change in zoning from I-2 to R-9MF was presented for Council's consideration. Council was advised a protest petition has been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property; and the Planning Commission recommends the property be changed to B-2 rather than the original R-9MF.

Councilman Short suggested that the property be zoned for B-1 as he thinks it is a better safeguard to the very expensive and very fine Northpark Shopping Center being built there.

Councilman McDuffie moved that the ordinance be adopted changing the zoning from I-2 to B-2 as recommended by the Planning Commission. The motion did not receive a second.

Councilman Short moved that the ordinance be adopted changing the zoning from I-2 to B-1. The motion was seconded by Councilman Withrow.

Councilman McDuffie made a substitute motion to change the zoning from I-2 to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

After discussion, the vote was taken on the substitute motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 237.

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PETITION NO. 72-34 BY EDWARD C. GRIFFIN FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A TRACT OF LAND AT THE EASTERLY END OF LANTANA AVENUE, EAST OF SHARON AMITY ROAD AND NORTH OF MONROE ROAD, DENIED.

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

PETITION NO. 71-57 BY M. R. GODLEY FOR A CHANGE IN ZONING OF LAND BOUNDED BY FREEDOM DRIVE, BROWNS AVENUE AND THRIFTWOOD DRIVE, POSTPONED UNTIL THE NEXT MEETING.

The subject petition for a change in zoning from R-6 to R-9MF was presented for Council's consideration.

Councilman Whittington asked if the zoning can be changed to office without another public hearing? Mr. Underhill, City Attorney, replied it would require another public hearing.

Councilman McDuffie moved that the petition be changed from R-6 to R-15MF. The motion was seconded by Councilman Whittington.

Councilman Whittington stated this has been hanging fire for a long time; Council asked the Planning Commission to make a study of this area and that study has not been completed, and all this time the petitioner has been waiting to know something about his property. It has been heard two or three times before and what is being done is an improvement in that neighborhood; it would raise it from R-6 to R-15MF.

After further discussion, a substitute motion was made by Councilman Withrow to postpone decision on the petition until the next Council Meeting. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Whittington stated this piece of property has been before Council four or five times, and Council asked the Planning Commission last July to give a recommendation on a development plan for this area so some disposition could be made of this petition. He suggested if other members of Council concur, that the Planning Commission put this on the docket for office institutional zoning, O-6 to be heard sometime in the fall so some consideration of this property can be made one way or the other. Doctor's offices are just up the street, a cemetery just below it, and residential property behind. What would be wrong with an office park? That this is trying to protect the Westchester Development. Mr. Fred Bryant, Assistant Planning Director, replied it would be a spot zoning situation for office. The end of the office-business development is about a block and half away; from that point on it is a solid pattern of residential zoning.

Councilman Short stated this should be treated as a suggestion at this point. The office zoning would not bring new population into the area which has been the basic problem complained about on the west side. Rather this would be a facility that just services those already there. Councilman Withrow stated you can build a multi-family in office zoning or you can build a motel. Mr. Bryant stated you can build an R-6MFH density in office zoning also.

Councilman Whittington stated he is just trying to upgrade this particular property in the interest of the residents of the west side who oppose it.

Mr. Bryant stated he feels the total need lies in the restudy of the whole area. The reason the Planning Commission has not come forward with anything areawide is they feel it would be a mistake now to spend several months that would be necessary in order to re-study this entire area now that we are less than a year away from the total completion of the general development plan overall. Following that they will be doing very comprehensive restudies of all the areas of the city with the known principles of general development planning approved at that time. He stated they feel it would be a mistake now to go into piecemeal re-orientations of full segments of the community without knowing what our total orientation is under the general development concept.

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ORDINANCE NO. 564-Z AMENDING CHAPTER 23, SECTION 23-35 OF THE CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND ON THE SOUTH SIDE OF MILTON ROAD, BEGINNING AT BARRINGTON DRIVE, AND EXTENDING EASTWARD ON PETITION OF MIL-GROVE CORPORATION.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance changing the zoning from O-15 to B-1SCD as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 19, at Page 238, and the site plan is on file in the Office of the City Clerk.

CITY MANAGER INSTRUCTED TO CONFER WITH PARK AND RECREATION COMMISSION, CHIEF GOODMAN AND CHIEF LEE FOR RECOMMENDATION ON THE FEASIBILITY OF PLAN FOR PARK SECURITY AS PRESENTED BY COUNCILMAN WHITTINGTON.

A resolution concurring in the expansion of the Park Security Program by the Park and Recreation Commission by adding three park police positions to the authorized strength of the Park and Recreation was presented for Council's consideration.

Councilman Whittington stated for the most part the Park and Recreation summer programs are over for 1972, and he does not think the urgency of implementing this program is present at this time. For that reason he asked some of the members of Council to defer action on the park security program at the last meeting until he could be present.

Councilman Whittington stated the time has come when Council should propose innovative programs to assist the Park and Recreation Commission with their security problems. To this end he has conferred with Mr. Clarence Walker, Chairman of the Commission, and he believes he thinks well of his suggestion and would welcome the assistance. That he also conferred with Chief Lee, Fire Department, about the use of fire personnel to patrol the parks, either with their fire equipment or on foot with walkie-talkie radios for communication. He stated he is only making a suggestion today. That Chief Lee did not say he agreed with the suggestion and he did not say he disagreed with it; he thought it could be done and he did say there would probably be some problems with the suggestion.

Councilman Whittington stated he would like for Council to look at what he is talking about, and then afterwards he wants to make a motion that Council ask the city manager to confer with the Park and Recreation Commission officials, with Chief Goodman who has already agreed to instruct and train the park security guards when Council authorizes them, and with Chief Lee, whose personnel could be used if these three departments and the city manager think this is feasible.

He then referred to a map and pointed out the availability of fire stations and fire service personnel to our parks. Fire Station No. 1, behind City Hall, is 4/10 of a mile to Marshall Park to be developed at the corner of Third and McDowell Street; it would only be 7/10 of a mile to Independence Park on Independence Boulevard. Fire Station No. 2, located on South Boulevard, is 4/10 of a mile to the Royal Court Park; and only 6/10 of a mile from that station to Latta Park. Fire Station No. 9, located on East Boulevard, is just across East Boulevard from about half of Freedom Park; or if you looked at the entire length of Freedom Park, it is only 7/10 miles away. Fire Station No. 6, located on Laurel Avenue, sits right in the middle of Morgan Park, Colonial Park on Providence Road, Edgemoor Park, Eastover Park and Grier Town Park. Fire Station No. 15, located right off Shamrock at Eastway, is only 3/10 miles away from the Methodist Home Park and 8/10 miles from Shamrock Park. Fire Station No. 5, located on the west side, is 6/10 miles from Bruns Avenue Park and 9/10 miles from Biddleville Park. Fire Station No. 18 is 5/10 miles from the West Charlotte Park and 1 and 2/10 miles from Double Oaks Park.

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Councilman Whittington stated he thinks this would work if we all look at it in a cooperative spirit and a spirit of cost to the government in inflationary times.

Councilman Whittington moved that Council request Mr. Burkhalter, City Manager, to confer with Park and Recreation, Chief Goodman and Chief Lee and get their opinions of whether they think it would be feasible to put this into operation, and make a recommendation back to Council by September 11. The motion was seconded by Councilman Jordan.

Councilman Whittington stated if they say this will not work then we should go to the police department or back to the Park and Recreation's suggestion.

Mayor pro tem Alexander asked if this program would run around the clock, and Councilman Whittington replied Chief Lee's answer to him was that he would consider it in the day time.

Mr. Walker, Chairman of the Park and Recreation Commission, stated he has discussed this with Mr. Whittington, and is very much impressed with it as a very innovative idea for some of their long range problems on security, and for doing it in a way that hopefully could be done very economically in terms of utilization of funds and personnel. He stated he may not have made himself clear to Mr. Whittington when this was discussed. That the closing of the 50 summer playgrounds is not that important an item in terms of their need for overall security. The summer playgrounds are active programs generally during the daytime within the parks, and there are adult supervisors present. The things that have been giving them more problems have been within parks where there is no supervision, and incidents occurring at the community centers. He stated the need for three additional security guards is not something that is postponed because of the closing of the summer playground program. It is here now, and they need it for things that are entirely apart. He stated they do think Mr. Whittington's suggestion has tremendous potential in their overall program, and they would work toward implementing it. But he does not see it as a replacement of this particular program which they have presented to Council which involves the two security guards they have, plus those they propose to add.

Councilman Whittington stated he emphasized the summer program being nearly over because his idea is new and when the Park and Recreation came up with their idea it was new, and Council has not heard from the Police Department. That he would like a little time to bring all of this back to Council, and one way or the other the Park's request for assistance will be answered.

He stated one of the things Chief Lee said to him is the fire department has neighborhood inspections and programs where they go into an industrial plant and set up a fire plan in case that particular plant had a fire. So their equipment is away from the station anyway. No one knows when it is away whether a fire is going to break out next door or whether it will break out back near the fire station, and the same would be true with the equipment in the park. It is also conceivable that a truck from No. 9 Station in the park in the middle of the day and an alarm would come in, there would be a safety factor with that many children. But on the other hand it could be a deterrent and would do much to improve relationships between the public and the young people and the fire department. Mr. Walker stated they are excited about the potential of it, although it may not be something that will be in lieu of the guards they are asking for.

Mayor pro tem Alexander asked if the motion is in lieu of action on the resolution as presented, and Councilman Whittington replied it is.

Councilwoman Easterling asked if the idea is to use on-duty firemen? Councilman Whittington replied yes. Mayor pro tem Alexander asked if this would be moving a piece of equipment from its regular fire station to a particular park? Councilman Whittington replied that is a possibility; that he is not making a suggestion on how it could be done; but he is asking that these four departments study this plan and come back with recommendations.

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Councilman Withrow stated there are so many parks in the city, and as the new parks are added on Tuckaseegee and other places, he does not see how three people will get around to the parks. That he would like to suggest these three persons be put into the police department, and each park be made a part of the policeman's patrol. We have zone patrols and they could make it a regular schedule to go to each park and check it rather than three men getting around to all the parks.

Mayor pro tem Alexander asked if it is the park's intention that the three men be used all over the city in all parks? Mr. Walker replied there are 75 parks and it is obvious they cannot patrol all the real estate in an adequate way with five people. But they have community centers and places they can identify as being the places where trouble is more likely to happen and where patrol is more definitely needed. That he does not want to suggest that these three guards are what they consider to be the answer to the problem; it is what they consider to be a movement in the right direction for an answer.

Mayor pro tem Alexander stated he thought all this idea grew out of the unfortunate incident that took place at Bonnie Brae. Mr. Walker replied it did not grow out of that; they were working on this and they have been meeting periodically with Chief Goodman and representatives of the city and county police department for some time. A good many of the programs that have been presented were in process for over a year.

Councilman Withrow stated the park on Park Road is going to be a huge park, and with three people riding from one big park to the other, they will be riding all the time. But the police department is zoned and they are in the area, and if they were given three more policemen, and they were given the responsibility of checking every park, it looks to him as though they could cover all the parks. Mr. Walker replied he can see one immediate technical problem with that, and that is the very parks Mr. Withrow is talking about are all outside the city limits and none are scheduled to be taken into the city by annexation.

Councilman Short stated the Park and Recreation Commission has suggested the three security guards; Mr. Whittington has made his suggestion; and Mr. Withrow suggested the police department have a detail for this purpose. That he thinks Mr. Withrow's suggestion should be considered along with the other two suggestions. That Chief Goodman has indicated he is in a position to provide training and equipment for this purpose in a degree perhaps better than anyone else could. One of the problems with minority recruitment now being discussed by the Civil Service Board and the Police Chief is there is no room on the table of organization in the police department because they are up to full staff. A by-product of putting this into the police department would give an opportunity to employ three and could be a help in our situation of minority employment which is something that is concerning a number of people in the city establishment. He stated all three of these ideas should be considered.

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

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITION FOR ZONING CHANGES.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted setting date of hearing on Monday, September 18, on Petitions No. 72-44 through 72-48.

The resolution is recorded in full in Resolutions Book 8, at Page 327.

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PRIVILEGE LICENSE APPLICATIONS FOR "PRIVATE DETECTIVE", APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the following privilege license applications for "private detective":

- (a) E. B. Watson, N. C. State License No. 30.
- (b) William C. Wilson & Associates, N. C. State License No. 136.
- (c) Robert L. Thompson, N. C. State License No. 324.
- (d) Robert E. Lee, N. C. State License No. 170.
- (e) Melvin O. Smith, N. C. State License No. 11.
- (f) William Benjamin Jones, N. C. State License No. 56.
- (g) Joseph B. Whitaker, N. C. State License No. 329.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION, ADOPTED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the following ordinances affecting housing declared "unfit" for human habitation were adopted; each property owner had indicated the orders would not be contested:

- (a) Ordinance No. 565-X ordering the dwelling at 500-02 West Park Avenue to be vacated and closed.
- (b) Ordinance No. 566-X ordering the dwelling at 616 Waco Street to be vacated, demolished and removed.
- (c) Ordinance No. 567-X ordering the dwelling at 212 Soloman Street to be vacated and closed.
- (d) Ordinance No. 568-X ordering the demolition and removal of the building at 230 Badlwin Avenue.
- (e) Ordinance No. 569-X ordering the demolition and removal of the building at 1308 East Fourth Street.
- (f) Ordinance No. 570-X ordering the dwelling at 633 South Torrence Street to be vacated, demolished and removed.
- (g) Ordinance No. 571-X ordering the dwelling at 2508 Booker Avenue to be vacated and closed.
- (h) Ordinance No. 572-X ordering the dwelling at 1706 Cliffwood Place to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 239, and ending at Page 246.

ORDINANCES ORDERING REMOVAL OF WEEDS AND GRASS, ADOPTED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington to adopt the following 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:

- (a) Ordinance No. 573-X ordering the removal on property adjacent to 5413 Park Road.
- (b) Ordinance No. 574-X ordering the removal on property adjacent to 1025 Waccamaw Street.
- (c) Ordinance No. 575-X ordering the removal at 1305 West Boulevard.
- (d) Ordinance No. 576-X ordering the removal on property adjacent to 2807 Lake Avenue.
- (e) Ordinance No. 577-X ordering the removal on property adjacent to 3928 Plainview Road.
- (f) Ordinance No. 578-X ordering the removal on property adjacent to 3921 Plainview Road.
- (g) Ordinance No. 579-X ordering the removal on property at the corner of Gilbert and Newland Road.
- (h) Ordinance No. 580-X ordering the removal on property adjacent to 2617 Booker Avenue.

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- (i) Ordinance No. 581-X ordering the removal on property adjacent to 2321 Sanders Street.
- (j) Ordinance No. 582-X ordering the removal on property adjacent to 1504 Norris Avenue.
- (k) Ordinance No. 583-X ordering the removal on property at the rear of 1101 South Boulevard.
- (l) Ordinance No. 584-X ordering the removal on property adjacent to 814 East Morehead Street.
- (m) Ordinance No. 585-X ordering the removal on property adjacent to 2525 Knollwood Lane.

Councilman Withrow stated he would like the lot at 410 Lexington Avenue added to this; the property is located behind Pritchard Memorial Baptist Church; that he understands they have called in about 20 times trying to get this lot cleared of weeds and grass and rats and no one has taken care of it. Mr. Hopson, Public Works Director, advised this is in the works now.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 253 and ending at Page 259.

RESOLUTION INCREASING THE RATE OF CONTRIBUTION TO THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM AND AUTHORIZING A RETROACTIVE COST OF LIVING INCREASE TO RETIRED MEMBERS OF THE SYSTEM.

Councilman Jordan moved adoption of the subject resolution. The motion was seconded by Councilman Short, and after discussion, the vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 328 and ending at Page 329.

CHANGE ORDERS IN CONTRACTS FOR THE GREENVILLE NEIGHBORHOOD CENTER, AUTHORIZED.

Motion was made by made by Councilman Whittington, seconded by Councilman Short and unanimously carried, authorizing the following change orders in contracts for the Greenville Neighborhood Center to reflect a net savings of \$6,886.65:

- (a) Change Order No. G-1, in contract with Barger Construction Company, reducing contract price by \$12,900.00.
- (b) Change Order No. G-2, in contract with Barger Construction Company, increasing contract price by \$3,976.35.
- (c) Change Order No. M-1, in contract with Climate Conditioning of Charlotte, increasing the contract price by \$329.00.
- (d) Change Order No. E-1, in contract with Driggers Electric and Control Company, increasing the contract price by \$60.00.
- (e) Change Order No. P-1, in contract with Thompkins-Johnston, Inc., increasing the contract price by \$1,648.00.

CLAIM OF MRS. L. A. BERRY FOR AUTOMOBILE DAMAGES, DENIED.

Councilman Withrow moved that the claim in the amount of \$1,084.50 filed by Mrs. L. A. Berry for automobile damage be denied as recommended by the City Attorney. The motion was seconded by Councilman Short.

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Councilman Whittington stated he went out on Providence Road with this lady and rode with her to where she made her left turn; that he does not think there is any question but it is her fault. But if a car in the outbound side of Providence Road is in the inside lane at that intersection, you cannot see that car unless that shrubbery is kept cut low all the time.

The vote was taken on the motion and carried unanimously.

SUGGESTION THAT SITE DISTANCE ORDINANCE AT INTERSECTIONS BE PLACED ON THE CIVIL PENALTY BASIS.

Councilman Short asked if we cannot have a campaign of enforcement on the site distance ordinance. That it is summertime and the foliage is out, and you cannot ride around town without realizing there are a lot of violations of this site distance ordinance at intersections. He asked if this could be put on the civil penalty basis and turn it over to Chris Griffin's department? Mr. Hopson, Public Works Director, replied this is handled by Traffic Engineering, and it is turned over to Public Works when they cannot get the people to cut it back, and Public Works sends crews out to cut it back. Councilman Short stated it seemed that the civil penalty almost put the whammie on litter; it does seem to work; it is so much better than trying to haul them into court. That he just wonders if it is not possible to consider putting the site distance ordinance on this same basis.

SUBROGATED CLAIM OF INSURANCE COMPANY OF NORTH AMERICA ON BEHALF OF FIRST UNION NATIONAL BANK FOR AUTOMOBILE DAMAGE DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to deny the subject claim in the amount of \$823.10 as recommended by the City Attorney.

CLAIM OF W. HERBERT BROWN, JR., ATTORNEY FOR DOBBY F. WALLACE FOR PROPERTY DAMAGES AND PERSONAL INJURIES DENIED.

Councilman Whittington moved that the subject claim in the amount of \$1,500 for personal injury and \$225.00 for property damage be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION AUTHORIZING REFUND OF TAXES LEVIED AND COLLECTED THROUGH ILLEGAL LEVY.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing the refund of taxes in the amount of \$825.00.

The resolution is recorded in full in Resolutions Book 8, at Page 330.

ENGINEERING CONTRACT WITH RALPH WHITEHEAD AND ASSOCIATES FOR DESIGN AND PREPARATION OF PLANS FOR TYVOLA ROAD EXTENSION, FROM I-77 TO SOUTH BOULEVARD, APPROVED.

Councilman Whittington moved approval of the subject contract for the design and preparation of plans for the Tyvola Road Extension, from I-77 to South Boulevard, at a fee of \$63,200. The motion was seconded by Councilman Jordan, and carried unanimously.

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Councilman McDuffie stated Tyvola Road is going to be a real nice street with a separation at the railroad track that Sugar Creek Road deserves to have. This Council should today affirm that the problem at Sugar Creek Road will be looked into. That the arms come down out there about 10 times a day and there is no train, and it backs traffic up for three miles, and when you get the trains and all the other traffic on that street, it will have ten times the traffic you have on Tyvola. The funds being spent on Tyvola are out of proportion. Councilman Whittington stated two years ago he made the motion to do what is being done now on Tyvola; it just takes a little time.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AND INSTALLATION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the following contracts for the construction of water mains and the installation of sanitary sewer mains and trunks, were approved:

- (a) Contract with R & W Development Company for the construction of approximately 410 feet of 8" C. I. water main and one fire hydrant in Tom Hunter Road, outside the city, at an estimated cost of \$2,700.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction, wherein the applicant will be reimbursed 100% of the cost of water mains 8" in diameter and larger, at the rate of 35% per quarter of the revenue derived from said mains until the entire amount has been reimbursed or until the end of 15 years, whichever comes first.
- (b) Contract with David R. Lanter, Harry W. Burke and Harold L. Cooler, a partnership, for the installation of approximately 150 feet of 12" C. I. water main, 3,500 feet of 8" C. I. water main, 250 feet of 6" C. I. water main and four fire hydrants, in the intersection of Delta Road, Lawyers Road and Albemarle Road, outside the city, at an estimated cost of \$23,600.00. Funds will be advanced by the applicant under the terms of the existing city policies as related to such water main construction, wherein the applicant will be reimbursed the full cost of all mains 8" in diameter and larger and 50% of all cost of water mains 6" in diameter and smaller, at the rate of 35% per quarter of the revenue derived from said water mains until the entire amount has been reimbursed, or until the end of fifteen years, whichever comes first.
- (c) Contract with Hagaman Animal Hospital for construction of approximately 155 lineal feet of 8" sewer extension in Park Road, inside the city limits, in the amount of \$2,180.00. The applicant has deposited \$2,180.00, which represents 100% of the total estimated project cost, and will be refunded as per agreement.
- (d) Contract with White Stores, Inc. for construction of approximately 1,160 feet of sewer line to serve 5130 South Boulevard, inside the city limits, at an estimated cost of \$12,400.00. The applicant has deposited the total cost of the project, and will be refunded as per agreement.
- (e) Contract with Family Dollar Stores for the construction of approximately 7,350 feet of 8" sewer line to serve Family Dollar Stores' property on Old Monroe Road, outside the city limits, at an estimated cost of \$84,000.00. The applicant is to deposit 10% of the total estimated project cost, plus the estimated cost of the right of way. Bids will be taken and applicant will post remainder of money.
- (f) Contract with Wilkvard Company for the construction of approximately 475 feet of 8" sewer line in Eastway Drive, inside the city limits, at an estimated cost of \$5,225.00. The applicant has deposited the total estimated project cost and is to be refunded \$2,863.19 under existing policies regarding reimbursements for sewer lines as is now being used by the City.

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- (g) Contract with Eckerd's Drugs, Inc. for the construction of approximately 190 feet of 10" sewer line and trunk at 1111 Hawthorne Lane, inside the city limits, at an estimated cost of \$2,240.00. The applicant will pay the total cost of the project and will not be refunded any portion of the cost since this is a local sewer main, all in accordance with existing policies regarding reimbursements for sewer lines as is now being used by the City.

RIGHT OF WAY AGREEMENT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR WATER MAIN CONSTRUCTION IN ASHMORE DRIVE.

Councilman Withrow moved approval of a right of way agreement with North Carolina State Highway Commission for the construction of a 6 inch diameter water main in Ashmore Drive for a distance of approximately 1,320 feet. The motion was seconded by Councilman Jordan, and carried unanimously.

ORDINANCE NO. 586-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE PURSUANT TO ARTICLE 13-1.2 OF THE CITY CODE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance ordering the removal of an abandoned motor vehicle located at 3526 Manchester Drive.

The ordinance is recorded in full in Ordinance Book 19, at Page 260.

AMENDMENT TO LEASE WITH DOBBS HOUSE, INC. AT AIRPORT FOR ADDITIONAL FLOOR SPACE IN LOBBY, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject amendment to a lease with Dobbs House, Inc., at Douglas Municipal Airport for an additional 442 square feet of floor space in the lobby for a gift shop for a term of five years with a minimum guarantee of \$65,000 was approved.

PROPERTY TRANSACTIONS, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 10,684.70 square feet of easement at 2645 Horseshoe Lane, from Torrence B. Wilkinson and wife, Emma H., at \$905.00, for sanitary sewer to serve Airport Industrial Park.
- (b) Acquisition of 27,401.92 square feet of easement at 4200 Interstate-85, from Car-Ky Land Company, at \$1,055.00 for Upper Irwin Creek Interceptor Sanitary sewer construction.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH CAROLINA MARKING DEVICES, INC. FOR CITY OWNED PROPERTY LOCATED AT 600 SOUTH MINT STREET.

Councilman Jordan moved adoption of the subject resolution authorizing the Mayor to execute a lease agreement for five years, with options to renew on a year to year basis for a maximum of five additional years, at an annual rent of \$1,500.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 331.

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RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION SETTING FORTH THE RESPONSIBILITIES OF THE CITY AND THE COMMISSION FOR THE NORTHSOUTH AND NORTH-WEST EXPRESSWAY PROJECTS.

Councilman Jordan moved adoption of the subject resolution, which motion was seconded by Councilman Withrow for discussion.

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o After discussion, the vote was taken on the motion, and carried unanimously.
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r The resolution is recorded in full in Resolutions Book 8, beginning at Page
are 32.

ORDINANCE NO. 587-X TRANSFERRING CAPITAL IMPROVEMENT FUNDS FOR RIGHT OF WAY ACQUISITION FOR THE NORTH CALDWELL STREET BRIDGE.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance authorizing the transfer of funds in the amount of \$15,000.00.

The ordinance is recorded in full in Ordinance Book 19, at Page 261.

CONTRACT BETWEEN THE CITY OF CHARLOTTE-MODEL CITIES DEPARTMENT AND CHRIST THE KINGS CENTER FOR SUMMER ENRICHMENT PROGRAM APPROVED.

After discussion, Councilman Whittington moved approval of the subject contract in the amount of \$10,261.00. The motion was seconded by Councilman Short, and carried unanimously.

SPECIAL OFFICER PERMITS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the following Special Officer Permits were approved for a period of one year each:

- (a) Renewal of permit to Frank W. Haas for use on the premises of city cemeteries.
- (b) Renewal of permit to Lewis James Jackson for use on the premises of Johnson C. Smith University.
- (c) Renewal of permit to William Oran McDowell, Jr. for use on the premises of SouthPark Shopping Center.
- (d) Renewal of permit to Troy Tim Ray for use on the premises of Charlotte Park and Recreation Commission.
- (e) Renewal of permit to Calvin C. Robinson for use on the premises of City Cemeteries.
- (f) Renewal of permit to Willie Joel Vincent for use on the premises of K-Mart, 6025 Pineville Road.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON REQUEST OF RAYMOND LEE CRAIG FOR ISSUANCE OF ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB IN THE CITY OF CHARLOTTE.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject resolution setting date of public hearing on Monday, September 11, 1972.

The resolution is recorded in full in Resolutions Book 8, at Page 334.

*CORRECTION

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CONTRACTS AUTHORIZED.

Councilman Short moved that contract be awarded the low bidder, Baucom Battery Service in the amount of \$10,970.06, on a unit price basis, for automotive batteries for all departments. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Baucom Battery Service	\$10,970.06
Joint & Clutch Service, Inc.	11,118.21
Battery & Ignition Dist., Inc.	11,537.37

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Palmer's Rowan Stationers, Inc., in the amount of \$4,158.00, on a unit price basis, for city automobile license decals for 1972.

The following bids were received:

Palmer's Rowan Stationers, Inc.	\$4,158.00
Weldon, Williams & Lick, Inc.	5,594.40

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Quality Equipment and Supply Company, in the amount of \$50,737.50, on a unit price basis, for five front end refuse collection bodies.

The following bids were received:

Quality Eqpt. & Supply Co.	\$50,737.50
Worth Keeter, Inc.	53,975.00
Controlled Environment	56,655.00
Sanco Corporation	65,370.00

Councilman Withrow moved award of contract to the low bidder, Hersey Products, Inc., in the amount of \$14,325.00, on a unit price basis, for 500 - 5/8 inch cold water meters, displacement type. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Hersey Products, Inc.	\$14,325.00
Badger Meter, Inc.	14,965.00
Rockwell Mfg. Company	14,975.00
Neptune Meter Company	16,200.00

Motion was made by Councilman Jordan to award contract to the low bidder, Badger Meter, Inc., in the amount of \$3,151.50, on a unit price basis, for 50 - 1 inch cold water meters, displacement type. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Badger Meter, Inc.	\$3,151.50
Hersey Products, Inc.	3,192.50
Rockwell Mfg. Company	3,245.00
Neptune Meter Company	3,564.00

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Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Rockwell Mfg. Company, in the amount of \$27,175.00 on a unit price basis, for 40 cold water meters, displacement and compound type.

The following bids were received:

Rockwell Mfg. Company	\$27,175.00
Hersey Products, Inc.	28,048.50
Badger Meter, Inc.	30,915.76
Neptune Meter Company	34,104.00

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded to the only bidder meeting specifications, Hersey Products, Inc., in the amount of \$29,785.00 on a unit price basis, for 160 cold water meters, MFT-MCT type.

Bid received not meeting specifications:

Neptune Meter Company	\$28,965.00
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COUNCILMAN MCDUFFIE LEAVES MEETING.

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

CITIZEN REQUESTS THAT CITY MANAGER BE INSTRUCTED TO BILL THE COMMITTEE PROPOSING THE PASSAGE OF THE BOND PACKAGE FOR THE PLACEMENT BY CITY CREWS OF SIGNS FOR THE PASSAGE OF THE BONDS.

Mr. Tom Sykes stated there has been an incident this week relative to illegal signs being placed by city work crews. He would like to ask that the city manager's office be instructed to bill the committee proposing the passage of the bonds on September 2 for the placing of 450 signs on street right of way. He stated this was campaign literature for a bond election and the opposing side was not offered the work crews of the city to place 450 signs. That he has been before Council on numerous occasions where a committee is appointed to promote an item such as this, and a committee should also be appointed to oppose an item such as this. There are citizens in this community who always are opposed to anything this Council or other Councils might do.

Mr. Bobo, Assistant City Manager, stated the Mayor has already instructed staff to have this done.

After further discussion, Mr. Sykes passed around information against the bond issue including a penny. Mayor pro tem Alexander and Councilman Jordan requested the record to show they did not accept the penny.

Mayor pro tem Alexander stated he understands the Mayor is already looking into the question that Mr. Sykes has raised.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF WALTER J. BLACK.

Councilman Jordan read the following resolution, which was adopted unanimously as everyone stood for a moment of silence:

"WHEREAS, it is with deep regret that the City Council learned of the death of Walter J. Black on Monday, August 14, 1972; and

WHEREAS, Walter J. Black served the City long and faithfully as a member of the Fire Department for 37 years, having been appointed its Chief in 1963 and served in that capacity until his retirement in 1971.

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WHEREAS, Walter was Chief of the Fire Department during its most progressive years; he helped establish the fire school at Central Piedmont Community College, organized the City's Arson Squad, and was responsible for modernizing fire fighting operations; and

WHEREAS, the City of Charlotte is indebted to Chief Black for his long and dedicated service to the Charlotte Fire Department and to the citizens of the City; and

WHEREAS, since his retirement, he has been serving as Potentate of Oasis Temple of the Shrine, and had entered the field of politics as a candidate for the North Carolina House of Representatives.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Charlotte, do, by this resolution and public record, recognize his significant contribution to the Charlotte Fire Department and to the citizens of Charlotte, and that the deepest sympathy of the Mayor, Members of the City Council, and his many friends at City Hall, is hereby extended to the family of Walter J. Black, and that his name be and the same is hereby memorialized and honored; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family, and that this resolution be spread upon the minutes of this meeting.

CONSIDERATION OF APPOINTMENT TO PLANNING COMMISSION WITHHELD UNTIL THE NEXT COUNCIL MEETING.

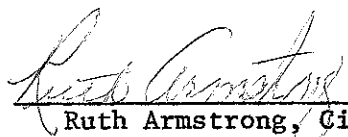
Councilwoman Easterling stated she has felt for sometime that we have waited long enough to appoint members to the Charlotte-Mecklenburg Planning Commission. That since the two members' terms expired June 30, Council should be about this business. On July 10, she nominated Mrs. Kim Jolly to fill one of the vacancies, and she moved the appointment of Mrs. Jolly to the Planning Commission. The motion was seconded by Councilman Whittington.

Mayor pro tem Alexander stated since he is presiding as Mayor he is at a disadvantage, and he would like the opportunity to submit a name for consideration.

Councilwoman Easterling stated there are two vacancies, and she has nominated Mrs. Jolly, but she will give Mayor pro tem Alexander every consideration and withhold the motion until the next meeting.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 5.

Councilman Jordan moved that the meeting be adjourned until 10 o'clock a.m., Tuesday, September 5th, at the Mecklenburg County Courthouse, for the purpose of canvassing the returns of the special bond election to be held on September 2nd. The motion was seconded by Councilman Whittington, and carried unanimously.


Ruth Armstrong, City Clerk