

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, February 15, 1965, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Smith, Thrower and Whittington present.

ABSENT: Councilmen Dellinger and Jordan.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and as a Joint Body held Hearings on Petitions for changes in the Zoning Map and/or Ordinance. The following members of the Commission were present: Mr. Sibley, Chairman, and Mr. Gamble, Mr. Lakey, Mr. Olive, Mr. Stone, Mr. Suddreth, and Mr. Toy.

ABSENT: Mr. Ervin, Mr. Jones, and Mr. Turner.

* * * * *

INVOCATION.

The invocation was given by Dr. H. H. Bryan, Associate Minister of Covenant Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, the Minutes of the last meeting on February 8th were approved as submitted.

PETITION NO. 65-8 FOR CHANGE IN ZONING OF BLOCK FRONTING ON RANDOLPH ROAD, BOUNDED BY RANDOLPH ROAD, HODGSON ROAD, HADRIAN WAY AND CHILLINGWORTH, WITHDRAWN.

The Council was notified that a letter has been received withdrawing Petition No. 65-8 by Estate of John Randolph for change in zoning from R-15 to R-12MF of the block fronting on Randolph Road, bounded by Randolph Road, Hodgson Road, Hadrian Way and Chillingworth.

HEARING ON PETITION NO. 65-2 AMENDED FOR CHANGE IN ZONING OF TRACT OF LAND NORTH OF KELLER AVENUE BEGINNING WEST OF THE CENTERLINE OF BEATTIES FORD ROAD.

The public hearing was held on Petition No. 65-2 Amended by Spangler Land Company for change in zoning from R-6 to R-6MF of an 11.733 acre tract of land north of Keller Avenue, beginning 200 ft. west of the centerline of Beatties Ford Road.

The Planning Director advised this 11 acre tract of land lies north of Keller Avenue and extends up and falls short of I-85 Bypass; it is an interior piece of property between Senior Drive and Beatties Ford Road, and does not come out to Beatties Ford Road. At present the tract of land is vacant; on the Senior Drive side it adjoins for the most part the rear lines of property which is laid out for housing and is undeveloped as yet; on the NS boundary it adjoins property that fronts on Beatties Ford Road and is essentially vacant. At present the property is zoned R-6 and is adjoined on the Senior Drive side by single family zoning; on the I-85 side and Beatties Ford Road side it is adjoined by B-1 zoning and also by B-1 zoning across Keller Avenue. Mr. McIntyre called attention that the petitioner asked for R-6MFH zoning a month ago but reduced the request and now asks for R-6MF. That the rear line of lots on Senior Drive is contiguous to this property.

Mr. Everett Curlee, representing the petitioner, stated they would like to get this changed to R-6MF. That the apartments which they plan to build will help the neighborhood and will be in keeping with the R-6MF requirements.

Councilman Whittington asked if the petitioner has discussed their plans with the people living on Senior Drive, and Mr. Curlee replied he felt sure this has all been worked out.

Councilman Smith commented that at the last presentation when this petition was amended Council discussed with Mr. McIntyre about the "H" which is for high-rise and this would have been too many apartments in the area which they have. That he understands the Planning Office is working towards a correction to better define high rise.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-11 FOR CHANGE IN ZONING OF STRIP OF LAND ON THE WEST SIDE OF BEATTIES FORD ROAD, FROM KELLER AVENUE TO A POINT SOUTH OF I-85.

The scheduled hearing was held on Petition No. 65-11 by Spangler Land Company for change in zoning from R-6 to B-1 of a strip of land on the west side of Beatties Ford Road, from Keller Avenue to a point south of I-85.

The Planning Director advised this property adjoins the property just discussed and lies between that property and Beatties Ford Road and is a strip of land about 200 ft. deep, extending from Holly Street north to almost I-85. Across Beatties Ford Road is a variety of business establishments already in place. At present the zoning is R-6; across Beatties Ford Road the property is business.

Mr. Curlee, representing Spangler Land Company, stated there are no definite plans but they will be in keeping with the requirements of the area.

No opposition was expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-12 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF WESTERLY HILLS DRIVE, BEGINNING NORTH OF WILKINSON BLVD.

The scheduled hearing was held on Petition No. 65-12 by N. C. National Bank and Gaston G. Galloway, Trustees, for change in zoning from R-6MF to O-6 of a tract of land 100' x 200' on the east side of Westerly Hills Drive, beginning 550 ft. north of Wilkinson Boulevard.

Mr. McIntyre, Planning Director, explained the location of the property and stated at present it is vacant land and is adjoined along its southerly boundary by a block of business buildings just being completed. That a Discount House has just been established in one portion of the business block. Immediately to the north of the property is vacant land and immediately behind the property is also vacant. Directly across Westerly Hills Drive, the property is developed with single family and duplex residential structures. At present the zoning is R-6MF; immediately to the north the zoning is R-6MF and across the street immediately to the South the property is B-1. That the property is located about two city blocks from Meredith Avenue.

Mr. Tom Creasy, Attorney for the petitioner, stated he appeared about a month ago and requested that the southerly most part of this land be rezoned from

O-6 to B-1 and this was done. That it was their idea at that time that this 100' strip would be a buffer zone between the B-1 and R-6MF, and they now request this be rezoned to O-6 as it is more in keeping with the intended development of the property. That to their knowledge there is no objections to the change.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-13 FOR CHANGE IN ZONING OF LOT AT 119 BRANDYWINE AVENUE.

The public hearing was held on Petition No. 65-13 by R. H. Moeller for change in zoning from R-6 to O-6 of a lot at 119 Brandywine Avenue, on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring a 3/4 majority vote of Council to approve the requested change in zoning.

The Planning Director stated this is the first lot on Brandywine Avenue after you leave the corner of Brandywine and Selwyn Avenue; at present the property is occupied by a residence and is adjoined on the Selwyn Avenue side by a vacant lot on the corner and the rear property line of other residential property fronting on Selwyn Avenue and on the opposite side by the side line of a residential lot on Brandywine Avenue. That generally it is adjoined by residential development all the way down Brandywine. Directly across Brandywine Avenue is a single family house and diagonally across the street is a business development at the corner of Selwyn and Brandywine with a shopping center variety of retail outlet buildings; at present time the property is zoned R-6 and is adjoined on Brandywine side by single family zoning which extends down Brandywine; along the rear portion of the side lot line it is adjoined by an office building which fronts on Selwyn Avenue; the adjoining vacant corner lot is zoned for business. Directly across the street is single family and diagonally across is a business establishment.

Mr. Brock Barkley, attorney for the petitioner, stated the intended use of the property is for an office building. That the corner lot is zoned for business and the lot next to it on Selwyn Avenue is office-institution which separates it from the residential lots down the street. That they are asking that their lot be zoned for office institutional to give it the same relationship. That across the street is all business and this area has been business for a long time. That the time is coming when business is going to spread; that his impression is that the Planning Commission has recently recommended having an office zoning separating a business zoning from a residential zoning. That he thinks it will not do any damage to anyone. That it is an office building with restrictions and will not detract from the neighborhood any more than a residence that is 25 to 30 years old.

Mr. Ken Griffin, Attorney representing the people opposing the change in zoning, stated it is true these houses are some 30 years old. That this particular lot in 1935 was subject to residential restrictions and the seller of the lot obligated himself to restrict everything within 200 ft. That according to the deed of trust the house was already built when the lot next door was sold; so you have a situation where one large lot down Brandywine Road was cut up into about 7 or 8 separate lots with everybody receiving restrictions on their property. That the property all along the back is all residential. That they do not begrudge Mr. Moeller what he can get for his property except it decreases the value of their property. That there is sufficient space all up and down Park Road for business property.

Mr. W. J. Elvin, resident of Brandywine Avenue, stated that the corner of Selwyn and Brandywine has been a white elephant for the last ten years and it was helped when the high speed highway was made through to the Shopping Center. That this is only one reason there should be some change made; not in zoning but it should be one-way traffic on the street before any rezoning is done. That there is no need for an office building at this location. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-14 FOR CHANGE IN ZONING OF 7 LOTS ON THE NE SIDE OF TEMPLETON AVENUE, FROM EUCLID AVENUE TO NEAR CALDWELL STREET.

The scheduled hearing was held on Petition No. 65-14 by W. W. Gotherman et al, for change in zoning from R-6MF to O-6 of 7 lots on the northeast side of Templeton Avenue, from Euclid Avenue to near Caldwell Street.

The Planning Director advised this petition covers most of the property in the block on Templeton Avenue extending from Euclid to Caldwell with the exception of the few that front on Caldwell. At present it is developed for residential use and one of the properties is occupied by a nursing home. Directly across Templeton Avenue from the property the development is also residential with single family, duplex type homes. Diagonally across the northerly side of property are vacant lots and residential structures that now front on Caldwell; along the rear lines of the lots in question the development is essentially office which serves the general contractors offices; immediately on the out-of-town side of the property across Euclid is residential; at present the property is zoned for multi-family residential use and is adjoined on two sides by office zoning; property directly across Templeton is multi-family zoning as is the property across Euclid Avenue.

Mr. Paul Ervin, attorney, stated he represents the petitioner and his associates who would like to build an office building. That because of the increasing demands for office space, property of this sort which lies between property that is already designated as office space and property designated as residential areas is coming in demand for use as office or institutional buildings. All of this block has already been changed to office space; that at present a nice building is located there. He passed around an exhibit for the Council and Commissioners to view, and called attention to the area colored in green and stated this is already zoned O-6; the areas shaded in red is the area they are requesting to be changed. That the building is to serve people in the contracting field and it is backing up to the building which is in operation for the Associated General Contractors; that the Associated General Contractors receive the plans of practically every major project which is underway in North Carolina and in the City of Charlotte; that their members come in to see these plans and the purpose of their proposed building will be to provide space for men in the contracting field in various ways such as sub-contractors and general contractors and will have offices where they will have ready access to the plans which are on display in the office of the Associated General Contractors. Mr. Ervin stated further there has been a record transition in the nature of all the property along Morehead Street. That Euclid Avenue which has become a major cross-town thoroughfare is a natural dividing line and their petition does not cross Euclid Avenue but lies entirely on the town side of Euclid Avenue. That the property is a rather dilapidated residential area and lying between that and the YMCA is an industrial building with considerable parking space around it. That if this petition is granted it will provide for an orderly and proper change of residential requirements and will be an asset to the City and will not in any way hurt anyone. That he is not sure whether there is any objections to the proposed change, but they notified every person by letter who might in any way be interested so they would have an opportunity to know that the request was being made. That the building as planned will not cover the

entire area either with its parking lot or with the building itself and the property owners on both sides joined with them in this request. Mr. Ervin stated that the Wessel's Nursing Home joined in the petition.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-15 FOR CHANGE IN ZONING OF PROPERTY ON THE WEST SIDE OF PINEVILLE ROAD, FROM LANCE PROPERTY TO PERIMETER BOUNDARY LINE.

The public hearing was held on Petition No. 65-15 by Baugh and Mouchet, Inc. for change in zoning from R-9 and B-2 to I-2 of property on the west side of Pineville Road from Lance property to Perimeter Boundary Line.

Mr. McIntyre, Planning Director, stated this property is on the edge of the perimeter area at Pineville Road and Sharon Road West, and the property immediately beyond is occupied by Lance Company. The property consists of a strip of land 300 feet in depth on westerly side of South Boulevard and includes much land in the right of way of the Southern Railroad. Except for the railroad there is practically no development on the balance of the land within the area with one minor commercial building immediately at the end of Sharon Road West on the westerly side of Pineville Road. At present time the property has business zoning along the Pineville Road and residential zoning from railroad tracks west to the perimeter line and across Pineville Road the property is zoned for business.

No objections were expressed to the proposed change in zoning. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-16 FOR CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF MILTON ROAD ADJACENT TO COCHRANE JR. HIGH SCHOOL.

The scheduled hearing was held on Petition No. 65-16 by Ed. Griffin Development Company for change in zoning from R-9 to R-9MF of property on both sides of Milton Road adjacent to Cochrane Jr. High School.

Mr. McIntyre, Planning Director, stated the petition covers a tract of vacant land that is immediately on the out-of-town side of Cochrane Jr. High School with a frontage on Milton Road; it also adjoins the land that is in use as the Devonshire Elementary School; a small portion of the property is a segment of vacant land that lies on the opposite side of Milton Road from the main body of the property and fronts at Cochrane Jr. High School; that portion of the property is also vacant. Immediately behind that property there is essentially vacant land; in the near vicinity there are single family residences on Tipperary Place. Also immediately behind a portion of the property is the rear area of residential lots on Ruth Drive; the out-of-town side of the main body of the property is vacant land and he understands is being developed by the petitioner. The zoning of the property at present is R-9 and is adjoined on all sides by single family zoning and there is business zoning in the near vicinity which extends along Milton Road; and there is also a small area of multi-family zoning in the near vicinity behind the property on Milton Road for business extending along Joyce Drive.

Mr. Ben Horack, attorney representing the petitioner, stated the schools cover the northerly part of the property and basically everything else is now vacant land. That the property is low-lying swampy land which is not really economically suitable for single family residential property. That

if the property is rezoned the owner plans to pull down the dirt from the back portion of the property lying east of Milton Road. He pointed out from a photograph the Tel & Tel right-of-way which runs entirely along the southerly line of the property. That the Petitioner owns all of the property and has on the planning boards plans to develop it for single family development; and they feel the multi-family zoning is the logical transition use between the school property on the north and the balance of the property on the south. That the major part of the property on the southerly side of the property is owned by the Petitioner and he plans to develop a single family area in logical concert to the multi-family section. There are no single-family dwellings immediately adjoining this property.

No objections were expressed to the proposed change in zoning. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-17 FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE NORTH SIDE OF CENTRAL AVENUE BEGINNING EAST OF LANSDALE DRIVE.

The public hearing was held on Petition No. 65-17 by Ed. Griffin Development Company for change in zoning from R-9MF to B-1 of a tract of land 300 x 811 ft. on the north side of Central Avenue beginning 500 ft. east of Lansdale Drive

The Planning Director advised this piece of land on the northerly side of Central Avenue is adjoined on the easterly side by the residential subdivision Lansdale; immediately behind the property in question the land is vacant, and immediately on the out-of-town side the property is adjoined by a single family residence and a large tract of land; directly across the street from the property in question there is some vacant land, a business building under construction at the intersection of Rosehaven Drive; also residential structures for some way across the street from the property in question. At present time the property is zoned R-9MF and is adjoined on the in-town side by R-9 and adjoined on the out-of-town side by R-9MF; directly across the street the property is in part zoned for business and part for multi-family family development.

Mr. Ben Horack, attorney for the petitioner, stated the request is to change the zoning from R-9MF to B-1. That about a mile from the property is the Eastway intersection and Central Avenue. As you come up from the intersection you pass a business section where a large A & P Super Market is located, the city cemetery is on the opposite side of Central Avenue, and the service station under construction is on the corner property at Rosehaven Drive and Central Avenue; the other corner has not been fully developed but has a sign indicating it is for sale or will lease; about 1600 feet down is business property which has not been very well developed at the Sharon Road-Lawyers Road intersection. That the property extending from Eastway to Sharon has been fairly well sprinkled with areas already designated as B-1; the A & P Market was zoned for business in the 1962 overall plan and the property immediately across the street from the property in question was zoned by Council in May, 1963. Mr. Horack stated that the petitioner owns the property to the rear and proposes to develop it as a single family sub-division and in the process will leave 150 ft. buffer strip which is presently zoned R-9MF. They feel this is the logical use of this Central Avenue property and that it has already been recognized.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-18 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF I-85 EAST OF JOHNSON MOTOR LINES.

The scheduled hearing was held on Petition No. 65-18 by Spangler Land Company for change in zoning from R-6 to I-2 of a tract of land approximately 1500 ft. x 1500 ft. on the north side of I-85 east of Johnson Motor Lines.

Mr. McIntyre, Planning Director, stated this is a tract of vacant land on the northerly side of I-85 and is a short distance west of Beatties Ford Road intersection. It is adjoined along its westerly side by vacant land owned by the Petitioner, and immediately beyond is the Johnson Motor Lines; along the northerly boundary lying between the subject property and Hoskins Road is vacant land; along its westerly boundary the property is adjoined by land that has been used for school purposes and at present is being used as administrative offices by the School Board. Across I-85 are single family residences; along its westerly boundaries the property is adjoined by I-2 zoning and along its northerly boundary is adjoined by single family residences, and similar zoning applies to property immediately to the west; directly across I-85 the property is zoned for single family use.

Mr. Everett Curlee, representing the petitioner, stated he would like to point out the college property which adjoins on one side. The plans for developing the land will be for I-2 zoning.

No objections were expressed to the proposed change in zoning. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-19 FOR CHANGE IN ZONING OF TWO LOTS ON THE SW SIDE OF W 5TH STREET, BEGINNING SE OF IRVIN AVENUE.

The public hearing was held on Petition No. 65-19 by Shecut D. Segrest for change in zoning from B-2 to I-1 of two lots on the southwest side of West Fifth Street beginning 144 ft. southeast of Irvin Avenue.

The Planning Director explained the location and stated this petition covers two lots on West 5th Street in the middle of a block; the lots at present are occupied by depreciated residential structures and directly across the street the property is adjoined by additional depreciated residential structures and is adjoined on its side lot line by multi-family, business and institutional establishments which front on Irvin Avenue. On the opposite side line of the property towards Clarkson Avenue the property is adjoined by residential structures; diagonally across the street from the property in question is a service station and in towards town along 5th Street is a variety of business uses. At present the property is zoned B-2 and is adjoined on all sides by B-2 zoning.

Mr. Henry Harkey, attorney for the petitioner, stated this property has been zoned B-2 for many years. That the purpose of the request is to move a neighborhood type laundry two blocks towards town; it is now on 5th Street and sets on the town side of Irvin Creek in the path of the North-South Expressway. That they have \$100,000 worth of machinery and have been in the neighborhood for seven years and do not want to leave the neighborhood but they have to move out of the Expressway. That they have found the location and have bought it. That they bought two old homes approximately 50 years old; they were single family residences and the only ones in the neighborhood; on the left of the property is a four-family rental unit and on the right is a two family duplex; to the left rear is business occupancy now, and to the rear is Trade Street and Builders Hardware; to the right coming to town is a Meat Center under construction now, between

3MBBJ

there and town is an old house, a vacant lot and the railroad; then you are behind the Mecklenburg Hotel; he passed around photographs of their present building and stated it will be torn down. That they propose to build a similar building; they will really be moving into a less desirable area than at present, because they are moving closer to the railroad. He stated this request for change is in the middle of the block and it could be called "spot zoning", but this is not "spot zoning" as this is a B-2 neighborhood and they are already in it and have been operating a laundry with about 8,000 sq. ft. That it takes 8 or 9 thousand sq. ft. for the modern day machinery; they have been operating in a B-2 area for seven years and at the time it was built it was permissible and the neighborhood has not changed upwards; it has changed down grade for commercial. That they cannot replace their own building in their own neighborhood under the present B-2 zoning as it permits a laundry of only 4,500 sq. ft. and they cannot build the building they are replacing as they have to have 8 or 9 thousand sq. ft. to put the machinery in, and therefore have to jump the classification from B-2 to I-1.

No opposition was expressed to the proposed change. Council decision was deferred two weeks.

HEARING ON PETITION NO. 65-20 FOR CHANGE IN ZONING OF TWO LOTS ON THE NE SIDE OF GLENWOOD DRIVE, BETWEEN DEWOLF STREET AND I-85.

The scheduled hearing was held on Petition No. 65-20 by Richard M. Salisbury for change in zoning from R-6 to B-2 of two lots on the northeast side of Glenwood Drive between Dewolf Street and Interstate 85.

The Planning Director stated this is a piece of property presently developed for single family residential use and is adjoined on one side by I-85 and the property fronts on Glenwood Avenue; it also corners on Dewolf Street so the property streets on three sides. Immediately to the rear there is a vacant lot and additional residential development on Dewolf Street. Zoning at present is R-6 and directly across Glenwood Avenue is O-6 and diagonally across Glenwood Avenue is property fronting on I-85 and zoned B-1.

Mr. Henry Harkey, Attorney for Mr. Salisbury, stated this property is surrounded by business property and is one of four corners - the other three corners being zoned for business. That this is the corner at the ramp; they are asking for business zoning as they are on the highway; across the street the other two corners are now B-1 and both are to be occupied by service stations. They are the remaining corner of the four corners; they are now O-6 and they are on the highway and the other three corners are B-1 and for the economic use of the land they have to be B-1. That the lot is 100 x 150 feet; behind it is a vacant lot; to the left is Dewolf Street and across the street on Dewolf Street is a vacant lot and across Glenwood to their left front is a vacant lot; at present this lot has three low-cost rental units on it. Mr. Harkey stated they propose to tear down the three units and to build either a service station in keeping with the other three corners or to build an office display room, show room for Mr. Salisbury's textile supply business. The property is no longer fit for residential use as the property is at the end of the ramp.

No objections were expressed to the proposed change in zoning. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-21 TO GRANT APPROVAL FOR CONDITIONAL STORAGE OF PETROLEUM PRODUCTS ON BOTH SIDES OF SADLER ROAD NEAR INTERSECTION OF MT. HOLLY ROAD WITH SADLER ROAD.

The public hearing was held on Petition No. 65-21 by Crown Petroleum Corp. to grant approval for conditional storage of petroleum products on property now zoned I-2 located on both sides of Sadler Road near the intersection of Mt. Holly Road with Sadler Road.

Mr. McIntyre, Planning Director, stated this is a request to locate additional storage tanks on Crown Petroleum Corp. property; generally speaking, this particular piece of property is in the middle of the tank farm located in the Mt. Holly Road area. The property is zoned Industrial and is surrounded by industrial zoning.

Councilman Smith stated these tanks are already on the ground and the company needs to install them and it would be of benefit to them if the Planning Commission approves the use to bring their recommendation back to Council this afternoon.

No objections were expressed to the petition. Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 65-22 TO AMEND ART. III, DIV. I, SECTION 23-31, TABLE OF PERMITTED USES, CATEGORY (c) TO PERMIT FREIGHT TERMINALS AND TRUCK TERMINAL IN I-1 DISTRICTS.

The scheduled hearing was held on Petition No. 65-22 by the Charlotte City Council to amend Art. III, Div. I, Section 23-31, Table of Permitted Uses, Category (c) to permit "Freight Terminals", and "Truck Terminals", in I-1 Districts.

The Planning Director stated this is Council's proposed change in the wording of the Zoning Ordinance. Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 65-23A FOR CHANGE IN ZONING OF STRIP OF LAND ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, EXTENDING FROM I-85 TO AN EXTENSION OF THE CENTERLINE OF EDGEWOOD ROAD.

The public hearing was held on Petition 65-23A by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to O-6 of a strip of land 200' in depth on the south side of Tuckaseegee Road, extending from I-85 to an extension of the centerline of Edgewood Road, on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring a 3/4th majority vote of Council for approval of the proposed change.

The Planning Director advised this petition covers a piece of property at the intersection of Tuckaseegee Road and I-85; it is partially occupied by a house and partially vacant. Directly across Tuckaseegee Road is vacant land and some residential development. Immediately behind the land is vacant; the property at present is zoned for single family usage and across Tuckaseegee Road the zoning is single family and immediately behind the property in question is multi-family zoning.

Miss Nordica Jamieson stated there are some points which have been brought out in the previous hearings which she would like to repeat. "Where do you draw the line; it's a natural barrier; the houses are 25 years old and

property not economically feasible for use". She asked if it would not be better to have office buildings, than cheap houses. Miss Jamieson stated she is speaking for the petition; that she no longer lives at this location.

Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-23B FOR CHANGE IN ZONING OF PROPERTY ON THE NW SIDE OF I-85 EXTENDING SOUTH OF TUCKASEEGEE ROAD TO WITHIN ABOUT 700 FT. OF MULBERRY CHURCH ROAD.

The public hearing was held on Petition No. 65-23B by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9, R-9MF and I-2 to I-1 of property on the northwest side of I-85 extending from 200' south of Tuckaseegee Road to within about 700' of Mulberry Church Road.

The Planning Director advised this tract of land is large and extends for a considerable distance along I-85 on its northerly side, running almost from Tuckaseegee Road in a westerly direction almost to Mulberry Church Road. There is very little development in this large area at present; there is a motor freight storage lot at present. The property adjoins on its westerly side essentially vacant land and partly by a cemetery; there are a few scattered residences along Tuckaseegee Road. Zoning of property at present is partially zoned for single family and partially for multi-family and part of it I-2. The adjoining zoning generally along the northerly side is single family residential with a small band of multi-family along the northerly side of a portion of the property.

No objections were expressed to the proposed change. Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 65-23C FOR CHANGE IN ZONING OF PROPERTY ON THE SE SIDE OF I-85 EXTENDING FROM MULBERRY CHURCH ROAD TO ASHLEY ROAD, AND EXTENDING TO WITHIN 200' OF ALLEGHANY ST. AND DENVER AVENUE AND TO THE REAR OF LOTS ON PEBBLEBROOK DRIVE AND DANFORTH LANE.

The scheduled hearing was held on Petition No. 65-23C by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9, R-9MF, B-2 and I-2 to I-1 of property on the southeast side of I-85 extending from Mulberry Church Road to Ashley Road, and extending to within 200 ft. of Alleghany Street and Denver Avenue and to the rear of lots on Pebblebrook Drive and Danforth Lane.

Mr. McIntyre, Planning Director, explained the location of the property stating this is a large area lying on the southerly side of I-85 and extending generally from Ashley Road westerly to Mulberry Church Road. To a large extent the area is undeveloped; there are some few areas of development. One area on the southerly side of I-85 is now occupied by a bakery; a service station at the intersection of I-85 and Mulberry Church Road; along Mulberry Church Road there are some houses in the area. The property borders along its westerly line vacant land with some residential development at the Withrow intersection; along its southerly line it borders the rear portion of residential property on Denver Avenue; along its easterly boundary the property comes in close proximity to Harding High School; otherwise it adjoins for the most part portions of residential subdivisions which at present consists of vacant lots or lots with newly constructed houses on them.

Miss Jamieson stated she would like to speak in favor of both this petition and the previous Petition No. 65-23B.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-23D FOR CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF I-85 EXTENDING FROM MULBERRY CHURCH ROAD TO A POINT WEST OF BOYER STREET AND SOUTHWARD TO THE REAR OF LOTS ON THE NORTH SIDE OF WITHROW ROAD.

The public hearing was held on Petition No. 65-23D by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF and B-2 to I-1 of property on the south side of I-85 extending from Mulberry Church Road to a point approximately 400' west of Boyer Street and southward to the rear of lots on the north side of Withrow Road.

The Planning Director stated this is a very large tract of land lying south and west of the intersection of I-85 and Mulberry Church Road; there are some few scattered houses on it, otherwise it is essentially vacant land. Along Mulberry Church Road it adjoins property which is partially developed residentially and proposed to be rezoned for industrial use; along the southerly boundary it adjoins the rear lots of residential property on Withrow Road; along its westerly boundary it adjoins mostly vacant land with a small portion adjoined by a trailer park. Property at present is zoned R-6MF and B-2. It adjoins multi-family along the southerly boundary with a proposed industrial center across Mulberry Church Road and an existing industrial zoning along the westerly boundary.

No objections were expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-23E FOR CHANGE IN ZONING OF PROPERTY ON THE WEST SIDE MULBERRY CHURCH ROAD EXTENDING FROM NEAR HAVELOCK AVENUE TO A POINT NORTH OF DENVER AVENUE.

The scheduled hearing was held on Petition No. 65-23E by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-9MF to B-2 of property on the west side of Mulberry Church Road extending from near Havelock Avenue to a point approximately 200' north of Denver Avenue.

Mr. McIntyre, Planning Director, advised this is a small section of property which lies a short distance south of the property under Petition No. 65-23D; it is located on the westerly side of Mulberry Church Road and extends from Denver Street on toward Wilkinson Boulevard. The property is vacant with the land across Mulberry Church Road partially used for residential purposes and partially vacant. The land between the property in question and Wilkinson Boulevard is not presently developed. Along the west the property is adjoined by vacant land; the zoning of the property is multi-family and adjoined on two sides by business zoning and across Mulberry Church Road is industrial zoning.

No opposition was expressed to the petition. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-23F FOR CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF I-85 EXTENDING FROM REAR OF LOTS ON SHEETS CIRCLE TO A POINT WEST OF LITTLE ROCK ROAD WITH A DEPTH RANGING ABOUT 100' NEAR SHEETS CIRCLE TO ABOUT 500' AT LITTLE ROCK ROAD.

The public hearing was held on Petition No. 65-23F by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-12 to B-2 of property on the north side of I-85 extending from the rear of lots on Sheets Circle to a point approximately 250' west of Little Rock Road with a depth ranging from about 100' near Sheets Circle to about 500' at Little Rock Road.

The Planning Director advised this petition covers property lying on both sides of Little Rock Road, north of I-85. For the most part the property is vacant; is adjoined on the north by vacant land with one property developed for residential purposes; adjoined on south by I-85 and at the northwest corner of I-85 and Little Rock Road is a motel. At present the zoning is for single family use and is adjoined along the rear by property zoned for single family with the property on the west side of Little Rock Road that is included in the petition; adjoined on the south side by B-2 zoning and is the zoning of the property where the motel is located.

Mrs. H. C. Davis stated she lives on Little Rock Road on the northeast corner across from the motel and she is in favor of the change in zoning.

Mr. Preston Aron speaking in favor of the change in zoning stated he lives up the road from Mrs. Davis and owns 30 acres of land. That he is not asking for his property to be rezoned at this time. That across the road from his property is business and all up and down I-85 business is being built and he thinks it only fair that the change in zoning be permitted.

No opposition was expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON PETITION NO. 65-23G FOR CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF I-85 BEGINNING WEST OF LITTLE ROCK ROAD AND EXTENDING ALONG I-85 ABOUT 900 FT. WITH A DEPTH OF APPROXIMATELY 400 FEET.

The scheduled hearing was held on Petition No. 65-23G by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-12 to B-2 of property on the north side of I-85 beginning approximately 700 ft. west of Little Rock Road and extending along I-85 about 900 ft. with a depth of approximately 400 ft.

Mr. McIntyre, Planning Director, stated this is a small piece of property in the general vicinity of the property just discussed; that it is a distance removed from Little Rock Road to the west on the north side of I-85. The property lies west of the motel and a small trailer park in the area, extending along I-85 and backs up I-85 approximately 400 ft. to vacant land. It adjoins to the rear by vacant land and to the side by vacant land. The zoning at present is single family and adjoins the business area at the northwest corner of Little Rock Road and I-85, otherwise the adjoining zoning is single family use.

No objections were expressed to the proposed change, and Council decision was deferred for two weeks.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a recess at 3:35 p.m. and reconvened the meeting at 3:45 p.m.

CRIME PREVENTION COMMITTEE RECOMMENDS TO COUNCIL THAT CHARTER BE REVISED TO PROVIDE FOR THE APPOINTMENT OF CHIEF OF POLICE BY THE CITY MANAGER.

Mr. Carlton Fleming representing the Crime Prevention Committee stated he has a recommendation of the Committee to the Council relative to the proposed charter revision. That first they would like to commend Council for this action which has been undertaken in such a fine manner to update the city charter. That it is a needed venture and is one in which Council took the lead along with the Mayor and has gone about the job in a proper fashion by selecting a Commission of very outstanding citizens to study the problem with their own consultants in the picture and he is sure Council has given very sincere and dedicated consideration of the propositions put before them all along the line.

Mr. Fleming stated their recommendation is in respect to only one feature of the charter but a feature which they feel is very significant and one which deserves the Council's most dedicated consideration. The only provision of the city charter with which the Crime Prevention Committee has any direct relationship is the provision which relates to the method of appointing the head of the police department. The recommendation which they have for Council is not a recommendation based on personalities or the events of the moment. They feel that the job which must ultimately be done on the city charter is a very long range type of task. The city charter will perhaps outlast all of us, so the consideration is not basically the type of job that any member of the council presently might do under that charter or anyone of the department heads or actually how any of the present citizens might react to the present incumbents in the frame work of the charter; but rather how the charter will react over a long period of time and what is best for the sound administration of the City of Charlotte in general and specifically this afternoon of the point he would like to bring before Council - the police department itself. The Committee has given this particular portion of the charter very serious consideration. The sub-committee, of which Mr. David Craig is chairman, went into the question thoroughly and actually had two lengthy committee meetings before the final conclusion was reached by the 33 man Crime Prevention Committee on the subject of the appropriate method of appointment of the head of the police department. The recommendation to the Council is that the police chief under the new charter be appointed by the City Manager. The reports of the Charter Review Commission as prepared by the North Carolina League of Municipalities shows that in the 75,000 and over category in population in North Carolina, no city other than Charlotte provides for appointment in its charter of the chief of police by any other method than the City Manager. Charlotte is the lone exception. The other cities of the state 75,000 and over provide in their charters for the appointment of the chief of police by the city manager. A survey was made of some 53 cities across the United States with a population from 100,000 to 500,000 which have the council-manager form of government, and of the 53 there is not a single one, other than the City of Charlotte, in which presently the City Council appoints the chief of police. The city manager does that without concurrence of a civil service commission, by the city council or any other bodies in 33 out of the 53 cities, and in only 5 of the 53 cities does the city manager appoint with the consent and approval of the city council. That these statistics should not persuade us, because everybody else in North Carolina does it this way and the vast majority of the cities in the United States do it that way is necessarily the way the City of Charlotte should do it; but it gives reason to speculate a little and wonder if perhaps there are some sound reasons for this method of administration, for this system which is so prevalent in other places, in which the city manager is given the responsibility for the operation of the police department and is given the responsibility for the selection of its head. They found that the city manager as the administrative head should have responsibility for operation of the police department; he is the man to whom the Council should be able to turn, to whom the public should be able to turn, to pin down the ultimate

responsibility for the operation of that department. If he is to have responsibility for the operation of the department, he should have the authority to select its chief officer - the chief of police. On the other hand the city council is the legislative body of the city, the policy making body of the city; it is the body which should not be burdened with the responsibility of appointing the chief of police. That is a function which is a burden to the city council because it has no way to assume day to day control of the department - police department, fire department, city engineering department or any other. Our city council is made up of dedicated citizens who are not professionals of city government. They are made up of people drawn from our citizenship who make it their business to seek to attend to the affairs of the city in the best way they can but on a part time basis.

That if the Council is not in a position to give hour by hour supervision to a department, they feel it should not be charged with 100% responsibility for that department. That responsibility should rest with the city manager. He is the man to whom council should be able to turn and he is the man who should have the responsibility for selecting the head of that department.

Councilman Thrower asked if Mr. Fleming is familiar with the present set up, and Mr. Fleming replied as he understands it the city council has the authority to appoint the chief of police and to remove the chief of police after a hearing with the chief being responsible to the city council and to the city manager under the provisions of the present charter. That on that point, he would like to bring to council's attention some language which has probably already been brought to its attention and that is from the report of the N. C. League of Municipalities which was made to the Charter Review Commission which reads as follows: "There is however, a marked difference between the appointive authority of the manager under the Charlotte charter as compared with the authority granted by the general statutes under the statutory plan "B", council-manager government, and other charters. A total of 8 administrative offices and department heads are removed from the appointive authority of the manager under Charlotte's charter. In comparison the general law does not exclude any officer or department head and the majority of North Carolina charters, if they exclude any, only exclude two or three officers such as the city clerk, treasurer or city attorney. The model city charter which is put out by the National League of Municipalities, excludes only the city clerk. Charlotte's charter grants less authority to the manager to make key administrative appointments than other North Carolina charters and a great deal less than is contemplated by general law or recommended by national standards. The present charter severely restricts the manager's appointive authority which is basic to a sound administrative practice, yet requires him to be responsible for the administration of all the departments. The model city charter recommends that the manager be given administrative responsibility only for those departments where he also has authority to appoint and remove the department head and other employees. This present imbalance between responsibility and authority is a serious weakness in a structural organization which should be thoughtfully studied by the commission" Another comment which the North Carolina League of Municipalities made is, "The charter provides that the police chief is accountable for the faithful performance of his duties not only to the city council but to the city manager as well. In addition, it is obviously an unsound administrative practice to hold the manager responsible for the administration of the department, yet to deny him the authority to select the man of his choice, the head of the department, or if necessary to select his replacement. This dual accountability required of the chief and the unsound administrative practice where the manager, as the city's chief administrator, is denied the basic authority to appoint and remove the department head is a serious charter deficiency."

Mr. Fleming stated the Crime Prevention Commission recommends to Council that it give serious consideration to the correction of this serious charter deficiency. And in so doing they believe the Council would not surround any

of its proper functions as a legislative and policy making body of the city but would strengthen their proper function as a legislative and policy making body by delegating to the professional administrator, the city manager, the responsibility for this department as well as the authority to appoint and remove its head.

Councilman Smith asked in their study of the crime, if they went into the court structure? Mr. Fleming replied they have not studied the court structure. That the court structure is now in a state of change as the legislature now has under consideration a court improvement bill which would revise rather drastically the structure of the courts which operate both for the city and county. That the Crime Commission has not specifically made a study of that particular problem. Councilman Smith asked if they have a recommendation on who appoints the recorder and Mr. Fleming replied they have not made a study of that question and he has no authority to make any recommendation on that particular item. Councilman Smith stated if the city manager is going to appoint the chief he should take over all the appointments from the recorder all the way through. Mr. Fleming stated he does not think that would necessarily follow because what is involved here is the administration of a department and he thinks under the system of government which is generally considered to be a three way system of government - administrative, judiciary and a legislative branch - that it is not necessarily appropriate for the chief administrative officer to appoint a judicial officer.

Councilman Smith stated council advises with the city manager before a chief of police is appointed because he has supervision over the police department and he should report to council anything that should be corrected. However, he thinks it would put the manager in a very vulnerable spot politically and would shake his own administration as this is a very sensitive point in the city government. They could be jeopardizing a fine city manager to be in this sensitive spot, where seven people could spread this. Mr. Fleming replied this is a very critical and important area of the whole question - how should the popularity of the police chief enter into the picture. That the popularity or unpopularity of the police chief would probably not have near as much influence on the action of the city manager as it would on an individual councilman. That every councilman has to respond to the letters and telephone calls and inquiries and the political pressures which he is subjected to. That he thinks the city manager is much more immune than an individual councilman; that the council would find itself in a happier position if it was not charged with the responsibility of the selection of a police chief and would find itself in a happier position if it could turn to a professional who ought to be the best we can get as a manager to head the city administrative departments to make him accountable for this and everything else that goes on in city administration.

Mr. Fleming stated their recommendation differs from the charter commission in that they feel the appointment should be the responsibility of the city manager acting alone without the approval of the City Council.

Councilman Smith asked what happens if the city manager wants to set up a little empire, isn't the police department one good place to start, and Mr. Fleming stated it would be one good place to start, and the city council would be one good place to start to fire that city manager.

Councilman Bryant stated this could probably be the case in any department we have. Councilman Smith stated you are not as sensitive in any other department as this, this is his whole point.

Councilman Albea stated if the city manager appointed a chief of police which the council didn't approve of, then it would be their responsibility to fire a good manager to get rid of the chief and that is what he is afraid of.

Mr. Fleming stated he thinks the city manager should be responsible for all city administrative functions; that this is true of other departments as well as the police department. That if the city manager is not performing his functions properly then we need a better city manager than the one we have. Councilman Thrower stated the chief is directly responsible to the city manager now; and Mr. Fleming replied he does not think anybody is responsible in an administrative structure to any individual who has no control over him; that the administrative head must have the authority for hiring and firing of those department heads for whom he is responsible. That this is the Committees conclusion and a conclusion which is prevalent throughout municipal government.

Councilman Bryant stated it disturbs him that Charlotte might be the only city out of almost hundreds that fly in the face of this particular thing; he wonders what we have that nobody else has, and Mr. Fleming replied a 25 year old charter for one thing.

Mr. Fleming stated further that when we find that virtually every city of our size in the United States does it another way it at least should give the occasion to pause and wonder about why we do it this way. That the cities in North Carolina over 75,000 have all had charter reviews within the last few years. Some are as late as 1962 and 1963 - Greensboro in 1959, Raleigh in 1957, and Winston-Salem 1949.

Councilman Bryant stated one of the key phrases which he doesn't believe that anybody can justify in any type of administration is dual accountability. He does not believe in any business, if you have dual accountability, you can have a good operation.

Councilman Smith stated in connection with the spreading of responsibility seven ways, if the press and other pressure groups would get on the city manager and he was under the strain well he would fire the chief at any point which he thought might involve himself, and the council is protected somewhat because the pressure is spread. Councilman Bryant stated he cannot rationalize spreading the responsibility over seven men; that is a tough way of doing business. Councilman Thrower stated that time after time the city government has delegated responsibility to other agencies and they gradually loose control of these things and in some cases all council does is give them money and that is one of his main arguments. That you give away all of your elective powers.

Councilman Smith called attention that there were eight appointments which Mr. Fleming read in his report and the Council has tentatively agreed to eliminate the fiscal end of it as they feel this is proper for the city manager.

Mayor Brookshire requested Mr. Fleming to draw a line of demarcation between administrative and the legislative authority under the council-manager form of government. Mr. Fleming stated the basic philosophy is that what we normally think of as the legislative function - that is setting the policy of city government, setting the course in which it is to flow, making legislative decisions is the absolute responsibility of the council; but insofar as day to day administration and the actual operation of the city departments is concerned, there are several ways it can be done. One way is just have the city council responsible, you don't have to have a city manager. A council with a part time man can do it in a town of a few thousand people, but when you reach the size and complexity which we have reached, it has generally been assumed on a national scale there are only two ways to do it. You either have a strong mayor form of government or you have to have the city manager form of government. That we have picked the city manager form and the result is that the city manager, if he is to be a firm administrative head, must have the authority which is commensurate with that responsibility. That he thinks Charlotte is just out of step and is not on par with the progressive cities of this state or across the country who have devoted themselves to the

principles of the council-manager form of government. That he thinks Charlotte is the best in everything but he also feels there are many, many times when we can improve, and Council took a major step forward in improvement when it suggested that the charter be revised. Charlotte was progressive under the 25 year old charter but Council recognized that the charter was in need of improvement and he thinks this is one area in which there is need of improvement.

Mayor Brookshire stated Mr. Fleming has expressed his thoughts on the matter but a lot more concisely and logically than he could express them himself. That he did not know Mr. Fleming was coming up this afternoon and when he asked for recognition he did not know for what purpose but he does thank him for having come and having spoken most logically about this matter now before members of City Council. That no decision has been reached and he thinks unquestionably what has been said will be weighed by members of Council. That in his book Mr. Fleming has put it in proper prospective.

Mr. W. J. Elvin stated he entirely disagrees with almost every suggestion put forth by Mr. Fleming.

ORDINANCE NO. 308-Z AMENDING CHAPTER 23, SECTION 23-40 PROVIDING FOR THE STORAGE OF PETROLEUM PRODUCTS IN AN I-2 ZONE LOCATED ON BOTH SIDES OF SADLER ROAD.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 308-Z Amending Chapter 23, Section 23-40 providing for the storage of petroleum products on both sides of Sadler Road, in an I-2 zone area, as recommended by the Planning Commission and requested by Crown Central Petroleum Corp., was adopted.

The ordinance is recorded in full in Ordinance Book 14, at Page 135.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MARCH 15TH ON ZONING PETITIONS AND PROVIDING FOR PUBLICATION OF NOTICE.

Councilman Bryant moved adoption of Resolution Providing for Public Hearings on March 15th on Zoning Petitions No. 65-24 through 65-31, and Providing for Publication of Notice Thereof. The motion was seconded by Councilman Albea and carried unanimously.

The resolution is recorded in full in Resolutions Book 4, at Page 484.

CONTRACT WITH DERITA WOODS UTILITIES, INC. TO PROVIDE WATER SERVICE AND A SEWERAGE SYSTEM TO SERVE DERITA WOODS SUBDIVISION, AUTHORIZED.

Upon motion of Councilman Bryant, seconded by Councilman Albea and unanimously carried, a contract with Derita Woods Utilities, Inc. to provide water service through a master meter and the installation of approximately 12,155 feet of water mains and 8 fire hydrants at an estimated cost of \$42,000.00 and for the installation of a sewerage system to serve Derita Woods Subdivision, outside the city, with the applicant to finance all construction cost, and own, operate and maintain same until such time as any part or all of the mains are incorporated into the city at which time they will become the property of the city without any cost, was authorized.

ANNUAL REPORT OF PROGRESS UNDER THE WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENTS AUTHORIZED.

Councilman Thrower moved approval of the annual report of progress under the Workable Program for Community Improvements to the U. S. Housing and Home Finance Agency, as submitted by the Director of the Redevelopment Commission. The motion was seconded by Councilman Albea, and carried unanimously.

RIGHT OF WAY AGREEMENT WITH THE NORFOLK & SOUTHERN RAILWAY COMPANY FOR INSTALLATION OF WATER MAIN BENEATH TRACKS IN EASTWAY DRIVE, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried authorizing the Mayor and City Clerk to sign a right-of-way agreement with the Norfolk & Southern Railway Company for the installation of a 12" water main beneath their tracks in Eastway Drive, between Shamrock Drive and The Plaza.

LICENSE APPLICATION TO THOMAS O. IRBY AND FREDDIE W. QUINN FOR DETECTIVE AGENCY APPROVED.

Councilman Whittington moved approval of the license applications to Thomas O. Irby and Freddie W. Quinn for the operation of a Detective Agency. The motion was seconded by Councilman Bryant, and carried unanimously.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, the Mayor and City Clerk were authorized to sign a deed with Mrs. Mary Akers Scruggs for the transfer of Cemetery lot No. 253, Section 3, Evergreen Cemetery, at \$283.00.

CONTRACT AWARDED GENERAL ELECTRIC SUPPLY COMPANY FOR PEDESTRIAN SIGNALS.

Motion was made by Councilman Bryant awarding contract to the low bidder, General Electric Supply Company, for 128 one-way two-section incandescent "Walk" and "Don't Walk" Pedestrian Signals, as specified, in the amount of \$5,642.75. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

General Electric Supply Co	\$ 5,642.75
Graybar Electric Co., Inc.	5,680.99
Mill-Power Supply Co.	5,694.17
Eagle Signal Div., E.W.Bliss	5,695.49
Westinghouse Elec. Supply Co	5,721.85
Marbelite Co., Inc. (Base)	7,619.03
(Alternate)	12,328.36

CONTRACT AWARDED DOVER ELEVATOR COMPANY FOR 2 ELEVATORS AND TRANSFER OF FUNDS FOR PURCHASE AUTHORIZED.

Councilman Bryant moved award of contract to Dover Elevator Company on their low base bid in the amount of \$34,193.00 for the installation of two fully automatic elevators in City Hall and that transfer of funds in the amount of \$34,193.00 be authorized from the Contingency Account No. 3570 to Account No. 505.531. The motion was seconded by Councilman Albea.

Councilman Smith asked if Dover Elevator Company is a subsidiary of another company and the City Manager replied no. Mr. Veeder stated he believes Dover bought out what was Monarch Company in Greensboro.

Mr. Beatty, Purchasing Agency, advised that Dover is a company which has been in operation for about 25 years; they rank 3rd in the United States. That in the last two years they bought out Monarch and Monarch has nothing to do with this particular installation. Mr. Beatty stated this is a modernization job and we will use part of our old equipment and will have a warranty policy with Dover not only on the present system but also on the new installation.

Councilman Smith stated generally when you have Otis Equipment and you adjust it you would use Otis material so you would have it all the same because usually you run into a repair situation and it is a tendency for one manufacturer to blame the equipment that is already there. That generally speaking he thinks it is a bad policy from an engineering point to service an elevator with another man's part.

Mr. Beatty stated the city plans to use the horse machine, the brake, platform and the sling and the counter-weights at the bottom of the pit as these items are still in good condition and have been examined and investigated by the State. That the inspector said there is no reason to throw away \$10,000 worth of good merchandise. He stated further that the service on the elevator from Dover will be \$164.00 a month which will include the service on the two new elevators and all the old equipment which is left in.

The City Manager advised that he has been very conscious of this situation and has made a point of checking it carefully every step of the way with Mr. Beatty and he thinks the bids as received are such that the best course of action for the city is to accept the low bid of Dover Elevator Company.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Dover Elevator Company (Base Bid)	\$ 34,193.00	(2 elevators)
Otis Elevator Company (Base Bid)	46,336.00	(2 elevators)
Dover Elevator Company (Alternate Bid)	17,464.00	(1 elevator)
Otis Elevator Company (Alternate Bid)	22,544.00	(1 elevator)

CONTRACT AWARDED SYNDER'S RELOADING SERVICE FOR LEAD PROJECTILES.

Councilman Whittington moved award of contract to Synder's Reloading Service, the low bidder, in the amount of \$1,748.94, for an estimated yearly requirement of lead projectiles, as specified. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Synder's Reloading Service	\$ 1,748.94
Markell, Inc.	1,893.75
Monroe Hardware Co., Inc	2,878.50
Allison Irwin Company	3,022.43

ORDINANCE NO. 309 AMENDING CHAPTER 16, SECTION 16-30 OF THE CITY CODE TO PROVIDE THAT TAPPING FEES SHALL NOT APPLY WHEN A PUBLIC UTILITY COMPANY MAKES A CONNECTION TO A CITY-OWNED WATER MAIN OUTSIDE THE CITY LIMITS UNDER CERTAIN CONDITIONS.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 309 Amending Chapter 16, Section 16-30 of the City Code to Provide that Tapping Fees shall not apply when a public Utility Company makes a Connection to a City owned Water Main outside the City Limits, was adopted.

The ordinance is recorded in full in Ordinance Book 14, at Page 136.

RIGHT OF WAY ACQUISITIONS FOR SANITARY SEWER EASEMENTS AND NORTHWEST EXPRESSWAY AND CONDEMNATION OF TRACT OF LAND IN ALLEGHANY STREET WIDENING.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, the following property transactions were authorized:

SANITARY SEWER EASEMENTS

- (a) Acquisition of right of way 10' x 69.07' in Cinderella Road from Nance Trotter Realty Company, in the amount of \$1.00 for sanitary sewer Kentwood Trunk.
- (b) Acquisition of right of way 10' x 437.08' in Cinderella Road, from Nancy A. Starrette, W. H. Starrette, Evelyn A. Layne, in the amount of \$218.54, for sanitary sewer Kentwood Trunk.
- (c) Acquisition of right of way 10' x 909.98' in Cinderella Road, from Nancy A. Starrette and W. H. Starrette, in the amount of \$454.94, for sanitary sewer Kentwood Trunk.
- (d) Acquisition of right of way 10' x 183.20' in Burroughs Street, from Frank W. Faires, in the amount of \$91.60, for sanitary sewer Kentwood Trunk.

NORTHWEST EXPRESSWAY

- (e) Acquisition of 9,300 sq. ft. of property at 830 N. Church Street, from Miss Carrie Nash, in the amount of \$13,000.00.
- (f) Acquisition of 31,637 sq. ft. of property at corner 10th and McDowell Street, from Julia S. Arey, in the amount of \$21,000.00.
- (g) Acquisition of 3500 sq. ft. of property at 520 N. McDowell Street, from John Morrison and wife, in the amount of \$7,000.00.
- (h) Acquisition of 36,311 sq. ft. of property at 929-35 E. 8th Street, from Robert B. and Margaret B. Street, in the amount of \$18,500.00.
- (i) Acquisition of 5,829 sq. ft. of property at 516 N. McDowell Street, from James Wallace Hemphill et al, in the amount of \$14,500.00.
- (j) Acquisition of 6,500 sq. ft. of property at 509-11 Jackson Avenue, from Edwin C. Mattick and wife, in the amount of \$14,500.00.
- (k) Acquisition of 16,469 sq. ft. of property at 538 Independence Blvd., from Commercial Development Corporation in the amount of \$31,000.00.

- (l) Acquisition of 6,866 sq. ft. of property at 1016-18 E. 7th Street, from Horace B. and Louise C. McGill, in the amount of \$10,800.00.
- (m) Acquisition of 4,650 sq. ft. of property at 1012-16 Elizabeth Avenue, from N. C. National Bank Trustees for I. D. Blumenthal, in the amount of \$18,000.00.
- (n) Acquisition of 11,015 sq. ft. of property at 1025-27 Elizabeth Avenue, from Sydney and Lena L. Levin, in the amount of \$23,250.00.

ALLEGHANY STREET WIDENING PROJECT.

- (o) Condemnation of 8,142.10 sq. ft. of property on the east side of Alleghany Street, between Wilkinson Blvd., and Havelock Avenue, owned by Margaret C. McNeely and Sam S. McNeely, Jr.

TRANSFER OF \$500 FROM CONTINGENCY ACCOUNT TO POLICE DEPARTMENT FOR USE IN SUPPLEMENTING MEALS FOR PRISONERS.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, \$500.00 was authorized transferred from the contingency account to the proper account in the police department to supplement meals for prisoners.

The City Manager advised this would supplement the meals already provided by giving the prisoners fruit and milk.

CONTRACT AUTHORIZED WITH SPRINGFIELD UTILITIES, INC. FOR THE INSTALLATION OF A WATER MAIN, WATER SERVICES AND A SEWERAGE SYSTEM, IN SPRINGFIELD SUBDIVISION, OUTSIDE THE CITY LIMITS.

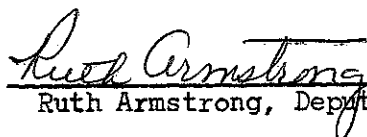
Councilman Thrower moved approval of a contract with Springfield Utilities, Inc. for the construction of water mains, water services and a sewerage system to serve the Springfield Subdivision, Outside the city, which includes the construction of approximately 13,100 ft. of mains and eleven fire hydrants at an estimated cost of \$49,500.00 with the applicant to finance all construction cost, and own, operate and maintain same until such time as any part is annexed at which time they will become the property of the city and the city can acquire the sewerage collection and treatment system. The motion was seconded by Councilman Whittington and carried unanimously.

NEXT MEETING OF CITY COUNCIL SET FOR MONDAY, MARCH 1, 1964.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the next meeting of the City Council was set for Monday, March 1, 1964.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, Deputy City Clerk