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

ABSENT: None.

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

ABSENT: Commissioners Albea and Ashcraft.

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#### INVOCATION.

The invocation was given by Reverend Paul Leonard, Minister of the Church in the City.

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting on Monday, December 2, were approved as submitted.

HEARING ON PETITION NO. 68-98 BY QUEENS GRANTS, INC., FOR A CHANGE IN ZONING FROM R-12 TO R-20MF (CONDITIONAL) OF A TRACT OF LAND FRONTING ON THE NORTHERLY SIDES OF LUMARKA DRIVE, ROCKY FALLS ROAD AND PICADILLY DRIVE, AND SOUTHEAST OF THE CENTERLINE OF SEABOARD RAILROAD.

The public hearing was held on the subject petition.

Mr. W. E. McIntyre, Planning Director, stated this is a tract of vacant land lying along the southwesterly side of the Seaboard Airline Railroad in the near vicinity of Burtonwood Subdivision, diagonally across the Seaboard Railroad; it is about 4,200 feet coming out along the Seaboard Railroad from Rama Road. The property is bordered on one side by the railroad; it is surrounded generally by land that is now essentially vacant, although the land has been set out for a new residential subdivision which is in the process of being developed. About 1,200 feet from the subject property is a portion of the subdivision that is rather fully developed. In another direction, it is about 1,300 feet from the actual developed portion of the adjacent subdivision. Across the railroad is an area laid out for residential subdivision; this extends from the railroad over to Monroe Road; across Monroe Road is Woodberry Forest Subdivision.

Mr. McIntyre stated the property is zoned for single family development; all the property immediately adjoining the subject tract is zoned for single family development; a short distance from the property in question fronting on Monroe Road and extending back to the Seaboard Railroad is a multi-family area and a small area of I-1 fronting on the railroad.

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Mr. R. Beverly Webb, Attorney with Moore and Van Allen, stated he is representing the petitioners. He stated this is a unique petition as there is no land in Mecklenburg County zoned for R-20 (Conditional). This zone was adopted by Council several years ago and no one has seen fit to ask that it be applied for their land.

Mr. Webb stated approximately five years ago, about 400 acres in this general area was purchased by a joint venture - Kavanaugh Smith-Weaver. It extended from Monroe Road back over to Rama Road; it included the area which is not being developed as Stonehaven and Queens Grant Area over to Rama Road. The Weaver Company subsequently brought the corporation and all the land, and changed the name to Queens Grant, Inc. They decided rather than to continue the Queens Grant Subdivision, they would prefer to continue the Stonehaven Subdivision; the homes were of a higher cost and higher caliber than those in Queens Grant.

As each of these areas were sold to the developer, Queens Grants would upgrade the development; they put restrictions on the area that were more restrictive than the zoning. When they got to the part along the railroad, the developer, John Thomasson began meeting sales resistance. They had experts to look into this and they all said they would not be able to construct the caliber of homes being constructed in the center of the project.

It was decided that the most beneficial use for all the property involved would be a low-density high rent apartment area. They found the R-20 would fit their situation and that is why they are here today. They believe this will provide a low-density area and they can construct the same caliber of building and maintain the high character of the neighborhood.

Mr. Webb stated in going to the R-20 zoning they had to submit to the Planning Office a number of schedules, drawings and criteria to be sure they could comply with the ordinance requirements. The ordinance was designed to be strict as it was designed to allow multi-family housing in an area that would normally be single family. He stated they sent to the Planning Office land use maps showing exactly where the buildings would be located; they had to comply with the requirements such as 70% of the area remaining open; including a 25 foot area between cluster of buildings and provide for the necessary setbacks and screening area.

Mr. Allen Saltzman, Architect, presented drawings showing what is proposed and how it has been submitted. He stated because this is conditional zoning, they must make decisions now that the owner will have to live with; that they have tried to design the apartments to fit in with the single family houses being developed around it. That single family homes face on the street, then in the required setback of the back yards of the apartments, the areas will be a natural growth buffer - the buffer that exists between the back of the single family lots face on Rocky Falls and Picadilly and the buffer has to be a minimum of 40 feet - in places it is 100 feet. He stated they will have three natural groupings; there will be three entrances where you can get out of the apartments; it is an interior apartment project. That a green belt buffers the project from the railroad, from the single family, from the outside and forms a break in the middle of the project and gives the three groupings.

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Mr. Saltzman stated they are talking about two-story buildings and two basic types - flat apartments where the entire apartment is on a single floor with another apartment on the floor above; townhouse type apartments in which there will be an apartment on two different levels. The front door of the flat apartments face out on the landscaped courtyard. The townhouses are closer to single family residences by nature of the building; the flats are different and are further away from the single family development and they have tried to get a natural transition.

Mr. Saltzman stated on the outside, facing on the street, are single family residences; there will be three entrance roads into the apartments; there will be the green belt with the stream and additional planting. Behind the single family is the green belt, then townhouses which will appeal to families closer related to single family housing; further into the project are the flats and they are down towards the railroad tracks. The drives through the project are circulation roads and will not have parking directly on them; parking areas tend to be close to the units but not on the main drives; they have allowed enough setback so that it may become a dedicated street if the Planning Department suggests it would be a good idea. With the low density of 8.60 units per acre, they have the land and it will be used to serve the apartments in the area.

He stated they have three basic uses for the land:

- (1) The apartments and the parking.
- (2) The green belt which includes recreational areas.
- (3) A community club house where they expect to have swimming pools and some meeting rooms and areas where people in the group can get together.

Mr. Saltzman stated only two stories will be habitable; if the land slopes off steeply then there will be foundation walls perhaps two and one half stories high; this area will be a crawl-space; it may be storage area, but will not be habitable.

He stated the first story of thy two story building will be brick; there will be four units of apartments; the same appearance will be used for the townhouses. The townhouses are set in and out to break the line; the design was picked to fit in with the single family dwellings.

Mr. Webb stated except at the three driveway areas, they are not requesting that the multi-family zoning go to the street; it will only go to the rear lot lines.

Mr. Webb stated this is a part of what was originally a 400 acre tract and the petitioner owns on all four sides. If this is not good then the first person it will not be good for is the petitioner. He stated the area around this is not developed; there will be no frontage on streets; the only way the zoning could spread would be towards John Thomasson's present development; that Mr. Weaver met with the property owners and told them that he would put restrictions now on the lots adjoining this property because he does not intend to spread out; that he would contain this project with restrictions; that there will be an increase in traffic; that you cannot build housing of any sort without this; that the

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first area to be built will have the traffic going across the railroad to Monroe Road, but eventually some will go out Rocky Falls Road. He stated they are contemplating 293 units and 40 of those will be one bedroom starting at rentals of \$140; no children are contemplated for this group; the bulk of them will be two-bedrooms; 64 are three bedroom units at a rental of \$265. Under the existing zoning, they can build approximately 55 three, four or five bedroom homes. Mr. Webb stated under this zoning, they have to build they way they say they are going to build.

Mr. Michael Weaver, President of Queens Grant, stated they are developing the property in Stonehaven and what would be the extension of Queens Grant; they have worked closely with Mr. John Thomasson. That both Mr. Thomasson and he feel that it would be to their best interest and the interest of the development of the property to put a nice apartment project on the railroad tracks.

Mr. Glen Hardymon, Attorney with the firm of Kennedy, Covington, Lobdell and Pittman and also a resident of the area, stated he has been asked to speak on behalf of some of the residents who oppose this particular rezoning. Mr. Hardymon filed a protest petition containing some 853 signatures of this area. He stated this shows the people are totally opposed to this. He stated this project has to fail on two grounds: first, the request should be denied on broad general grounds of plain bad zoning; this is a tremendous area of several square miles that is totally committed to residential use; an R-12MF strip has been there a good while but is vacant along Old Monroe Road; there is the I-1 zone, but the Alexander Children's Home owns 460 acres that provides a permanent buffer between anything that might develop on some of the I-1 land. The entire area is totally and completely residential; it is developing uniformly and rapidly; there are over seven builders out there building right now. There have been two previous requests for rezoning which were denied. Both were located on a main road and were denied as the theory was this is a residential area and should not be changed. This would change the residential character of this community.

Mr. Hardymon stated the city code provides that the Council must make certain specific findings in order to approve a petition for rezoning. That it shall find that the proposed development will be compatible with general neighborhood development plans; will not place excessive traffic load on local streets; and that the site plan will minimize any adverse affect on any single family residential area.

He stated the general development plan of this area is residential; how can any apartment project be compatible with a residential area; that Mr. Thomasson is building five or six homes on Rocky Falls Road selling for about \$45,000; most of them are 2400 square feet and up; all of them have garages or carports. That at present they are getting about 1.8 per square acre; they are planning to put in about 8.6 units per acre; this is a large increase in density for an essentially residential area. He passed around pictures of houses in the Stonehaven Subdivision and stated some sold for \$45,000; that Mr. Thomasson says you cannot put a house like this along the railroad; but can you put one beside an apartment building. That he is not sure that people who spend this type of money will want a house for \$45,000 next to an apartment where you have people who have no interest in the land. There are houses located along the railroad tracks and you can stand on the back steps and see the tracks; that they are rather large - one is a five or six bedroom house; all are very nice housing and this will probably be a forty or fifty thousand dollar house.

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Mr. Don Perrin stated he lives in one of the houses which backs up to the railroad; they find that the railroad is no liability; in fact they consider it an asset because no developer can put houses behind them; that he would not have bought the house if apartments had been located there rather than the railroad.

Mr. Hardymon stated single family dwellings can be built down there he stated the railroad is located 8 to 15 feet below the grade; houses along there could not see the railroad tracks because of the ridge; there is a 300 foot area that is relatively flat and a house located in that area would have a view of the tracks and any train; but this particular lot was located to have a natural ridge and shelter from the area.

He stated the flow of traffic will be towards Rama Road; that the parking spaces will provide for some 653 cars and if single family there would be 120 cars. This will create a safety hazard and will allow some 1,000 people on a 34 acre tract of land.

Also speaking in opposition to the rezoning was Mr. Herb Hunter.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-90 BY M. R. GODLEY FOR A CHANGE IN ZONING FROM R-6 TO B-2 OF AN 8.93 ACRE TRACT OF LAND ON THE NORTHEAST SIDE OF FREEDOM DRIVE, FROM BROWNS AVENUE TO THRIFTWOOD DRIVE.

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

Mr. W. E. McIntyre, Planning Director, advised the property fronts on Freedom Drive with the westerly boundary being Thriftwood Drive; it is adjoined on the east side by the rear property line of Thomasboro School; to the rear are single family homes and a duplex; directly across Freedom Drive are single family homes; Freedom Drive, coming towards town is essentially developed with single family homes; towards the west, there is vacant land and an antique shop.

The property is zoned R-6 and is adjoined on the east by R-6MF, otherwise, all the adjacent zoning is single family.

Mr. Charles Knox, Attorney for the petitioner, stated Mr. Godley owns about nine acres on Freedom Drive and it does not lend itself to single family dwellings. A petition was filed about five years ago and there was opposition and the petitioner voluntarily withdrew the petition. Located on the property now is a single family home and a warehouse type structure and he receives a revenue of \$250.00 and has a tax bill of \$1,650 per year. Mr. Knox stated Mr. Godley has talked with his neighbors and there is some opposition. That he has talked with all the residents directly across the street, on Freedom Drive, and they are not opposed to the petition for rezoning. That Mr. Godley went to them with a petition and they signed their names stating they would not oppose the petition. It includes the people across the street on Freedom Drive; it includes the people at the corner of Thriftwood - Mr. Abernathy - it includes the owner of the property at the intersection of Freedom Drive and Browns Avenue; that it is not a situation

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where all the neighbors who are directly affected are opposed to the petition. That the paper is signed by Mr. Horne, Mr. Abernathy, Mr. Barnette, Mr. Primm, Mr. Sherrill and Mr. Everette, and Mrs. Elenora Primm, who lives at 4300 Hovis Road, but owns property on Freedom Drive.

Mr. Knox stated that the traffic flow on Freedom Drive has increased and it appears this nine acres would best be fitted for some business use.

Mr. Owen Ross stated he lives on Thriftwood Drive and is representing the people who live in Westchester Subdivision. He filed a petition signed by the residents of the area in opposition to the rezoning.

Mr. Ross stated that Mrs. Primm lives on Hovis Road and this is located a good distance from the subject property. That he understands Mr. Barnett is interested in opening a filling station on this particular property. That the subject property is approximately six blocks from Interstate 85 and there is no business to speak of in the area; it is completely surrounded by residential property. That it backs up to school property and it will endanger the school children to have business in this area; that the school fronts on Bradford Drive and is zoned for business; this would box in a school with business property. He stated there is no traffic signal here at present and there is a tremendous amount of traffic. That the main objection is the increased traffic; that the building already there was built as a garage for the house next door and it turned out to be quite a garage; the owner was parking tractors and everything else back there which was against the zoning regulations and it was stopped. That it is now rented to a church and they have no quarrel with the church as they have kept the property up. That this area is so far removed from any business that it will be stuck out there in the middle of a residential area with no other business around with the exception of the antique shop. The road is narrow and approximately six feet from the road is a drainage ditch which has quite a drop-off and there have been two or three accidents already.

Also speaking in opposition to the rezoning was Mrs. W. L. Grimsley of 1526 Thriftwood Drive.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-91 BY RAYMOND MASON FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 50' x 176' ON THE EAST SIDE OF BEATTIES FORD ROAD, BEGINNING 330 FEET SOUTH OF RUSSELL AVENUE.

The scheduled hearing was held on the subject petition.

The Planning Director advised the subject property is located on the east side of Beatties Ford Road, a couple doors south of the Northwest Junior High School and is a single lot. There is a mixture of uses in this area at present with the predominate use being residential; there are some business establishments and office establishments in the area. On the north is a

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beauty parlor and beyond that is a restaurant; diagonally across Beatties Ford Road is a print shop and beyond that an insurance office; to the south the section is developed in single family structures down to a piece of property several lots away where an office has been established; diagonally across the street towards town is a beauty shop.

Mr. McIntyre stated the property is zoned O-6; Beatties Ford Road extending from Tate Street north to a short distance beyond Russell Avenue is zoned for office with the exception of the R-6MF zoning at Russell which is occupied by the School; immediately behind the subject property the zoning is R-6MF.

Mr. W.B. Nivens, representing the petitioner, stated the petitioner is a victim of an exercise of the right of eminent domain on the part of the State Highway Commission. The petitioner's property was originally located on Beatties Ford Road south of the subject property, and he does not believe it would make any substantial change in the use of the property. Mr. Nivens stated the taking of the property has worked a hardship on Mr. Mason; that Mr. Mason runs a private club and wishes to continue this operation at the subject location.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next council meeting.

HEARING ON PETITION NO. 68-92 BY MARY SAMPLE HAYES FOR A CHANGE IN ZONING FROM R-9 TO I-1 OF A 13.407 ACRE TRACT OF LAND BEGINNING APPROXIMATELY 1,250 FEET SOUTH OF TUCKASEEGEE ROAD, WEST OF BROWNS AVENUE.

The public hearing was held on the subject petition.

Mr. W. E. McIntyre, Planning Director, stated this is located a short distance off Interstate 85; the land is vacant and has no immediate adjoining neighbors; diagonally to the southwest, R. C. Motor Freight Lines has an establishment on I-85; and directly across from that is the Parcel Post establishment; a truck service is located on I-85; Mecklenburg Nursery is located to the northeast and there is vacant land to the west.

He stated the property is zoned single family on the east and south, and adjoins I-1 on the northwest, then R-6MF; to the north it is zoned for single family.

Mr. Dudie Clontz, representing Mrs Hayes as a friend, stated she proposes to sell a strip of land which is part of the Hayes Nursery to Mr. Scott Ackers and it adjoins property on I-85 that Mr. Ackers owns; that Mrs Hayes owns all the land across Tuckaseegee Road, and the land that surrounds the subject property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

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HEARING ON PETITION NO. 68-93 BY HARRY W. KOLE FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A TRACT OF LAND FRONTING 45 FEET ON THE WEST SIDE OF SHARON AMITY ROAD, BEGINNING ABOUT 183 FEET NORTH OF THE NORTHERLY MARGIN OF ALBEMARLE ROAD.

The scheduled hearing was held on the subject petition.

The Planning Director advised this is a very narrow wedge-shaped piece of land a short distance off the intersection of Albemarle Road and West Sharon Amity Road; it actually constitutes a portion of the corner property at the intersection; directly across Sharon Amity Road is a gas station; diagonally across is a gas station and immediately behind the property towards town and across Driftwood Drive is another gas station; that business now occupies two of the corners at the intersection and a third nearby corner formed by the intersection of Driftwood Drive and Albemarle; to the north is a house and vacant land; diagonally across Sharon Amity are some single family houses.

The subject property is zoned R-9MF and is adjoined along the south by B-1 with B-1 across Sharon Amity Road and across Driftwood Drive; it is adjoined on the north by R-9MF zoning.

Mr. H. Parks Helms, Attorney representing the petitioner, stated there is not enough frontage to the B-1 property from the intersection of Albemarle Road to give adequate ingress and egress and it is felt this petition for 45 feet would make the property more useable. That when the tract was purchased there were some objections to any further B-1 zoning on Driftwood, and Mr. Kole swapped a 50-foot pie-shaped tract on Driftwood for the 45 feet which he now has on Sharon Amity and which is the subject property. That the B-1 zoning will make a more reasonable use of the entire tract.

There were no objections expressed to the change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-94 BY RESIDENTS OF COLLEGE DOWNS FOR A CHANGE IN ZONING FROM R-12MF TO R-12 OF AN AREA BOUNDED BY UNIVERSITY CITY BOULEVARD (N. C. 49), A CREEK NEAR NOTTOWAY DRIVE, SUTHER ROAD AND A LINE ABOUT 1,200 FEET WEST OF MALLARD CREEK CHURCH ROAD.

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

Mr. W. E. McIntyre, Planning Director, stated this is an extensive area across University City Boulevard from the campus of the University of North Carolina at Charlotte. The property extends from N. C. 49 back to Suther Road; it is partially developed and partially vacant; the development on the portion of the property close to N. C. 49 is vacant with some apartments under construction and a number of single family homes; immediately behind the 49 frontage is a residential subdivision which is pretty well filled out with some few vacant lots; immediately behind the residential subdivision is vacant acreage that comes back to Suther Road; towards town on the southwest the land is vacant; across Suther Road it is essentially vacant with a few older residential structures. Adjoining the property on the northeast are a few single family structures and vacant land.

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Mr. McIntyre stated the property is zoned R-12MF; on Suther Road it is adjoined by multi-family zoning extending over to the railroad tracks and to the old Concord Road; the University property across N. C. 49 is zoned multi-family; towards town on the southwest, it is zoned single family.

Dr. Roy Witherspoon stated they were attracted to this area because of the terrain and the suitability of the property to lend itself to single family dwellings; also, because a very reputable builder had started building in the area. He stated they had heard that consideration was being given to a University City being planned around the University of North Carolina at Charlotte; they felt with the interest of the City and the University at heart it would be desirable to have single family dwellings in this area. He stated he comes as a representative of the neighborhood to request that the petition be considered to change the property from multi-family dwellings to single family dwellings.

Mr. Ben Horack, Attorney, stated the petitioners own only a small part of the area requested to be rezoned, and there is the situation where the property has been zoned for multi-family use since 1962 and they are asking now that it be changed. Mr. Horack stated he is representing a protester and his main concern is on behalf of John Crosland Realty Company who owns the property fronting on N. C. 49. The protest was signed by Concrete Brick and Tile Company which is the holder of property running along the creek at the intersection of the Old Concord Highway and the railroad and adjoins the Kirk property. Mr. Horack stated they feel that the Kirk property and the Concrete Brick and Tile property should be zoned the same. If the Kirk family property is left as multi-family, they feel that Concrete's property should also be left as multi-family. If it is zoned to single family, they ask that at least the 600 foot frontage be left as multi-family.

Mr. Horack stated the protesters are Concrete Brick and Tile; John Crosland Realty Company and John Crosland Company; then there is a separate protest petition by the Kirk family. That the 20% Rule was brought in by the owners of the property requested rezoned rather than adjoining property owners. That John Crosland Realty Company is not only a owner of part of the subject property but is also an adjoining owner.

Mr. Horack stated there is a small hatch area fronting on N.C.49 that is excluded from the petition. That John Crosland Company owns that area and there are now three apartment buildings comprising about 22 units that are in the final process of being completed. That John Crosland Company also owns the adjoining area. That the excluded area and the hatch area have been planned as a part of one apartment project - the first stage of which is nearly completed.

Mr. Horack stated there is a need for apartment facilities for the married students and faculty members of the University and the area has always been multi-family and when the people went out there with their single family homes, they should have known the zoning. He stated there are 170 acres involved in the petition.

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Mr. Faison Barnes, Attorney, stated he represents the Kirk family who owns 74 plus acres of the 170 proposed to be rezoned; they have owned a portion of the area for some 60 years and all of it has been in the Kirk family for more than 20 years; it comprises all the land that lies to the south of College Downs over to Suther Road except for the land owned by Concrete Brick and Tile. That the zoning was R-12MF before the houses were built; that the Kirk's have no immediate plans for the development of the property; they do object to this kind of rezoning; they own other property in the area; they are not builders and are not out to develop land and then move on. This is where they live and they are interested in the whole university concept.

Mr. Tommy Dillon of Mark Twain Drive stated at present there are approximately 40 families who have purchased single family residences; that this area will grow very fast; they want to preserve and protect it as a single family development. He stated they bought with the understanding that it would be for single family houses; they feel the apartments will be detrimental to the school; there have been approximately one million dollars invested and this will devalue their homes.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-95 BY HERMAN F. ANDERSON FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY FRONTING 257 FEET ON THE WEST SIDE OF OAKDALE ROAD, BEGINNING 190 FEET NORTH OF PLANK ROAD.

The public hearing was held on the subject petition.

The Planning Director stated the subject property is located across Oakdale Road from the Hoskins Filter Plant; it is presently being used for a residence and a printing shop; adjoining on the north, west and south are established single family homes; a short distance away is an electric sub-station near the corner of Oakdale and Bellhaven Boulevard.

The subject property and all the property on the west side of Oakdale Road is zoned for single family purposes; the property that corners on Oakdale Road and Bellhaven Boulevard is zoned as I-1; the Hoskins Filter Plant property is zoned for I-2.

Mr. Gene Anderson, of Anderson Press, stated they are not asking to establish a business where there is not one; they have been at this location for 25 years; they are simply asking for a change so they can add to their business and enhance the looks of the property. He called attention to the map and stated the dotted red line is the major thoroughfare projected as a part of the City of Charlotte; directly in front of their property and to the side with the exception of one lot the property is zoned I-2. That none of the adjoining property owners have filed a petition in protest. They went to the property owners and told them what their plans were and they were in agreement.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-96 BY JAMES S. HYNES FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT 70' x 211' AT 1500 HAWTHORNE LANE.

The public hearing was held on the subject petition.

The Planning Director stated the subject property is across Hawthorne Lane from Hawthorne Junior High School and the Jehovah Witnesses Institution; it is adjoined on the north by single family uses towards Kennon Street and the apartments located at Kennon and Hawthorne Lane. To the south the land is vacant; there is a platted and unopened street that borders a portion of the property to the south; behind the property the land is developed with single family structures; on the north a portion of the adjoining property is developed with duplexes. The property is zoned R-6MF; all adjoining zoning is R-6MF with the exception of the property immediately to the south which is zoned I-1 and extends in a southerly direction along Hawthorne Lane.

Mr. James Carson, Attorney for the petitioner, stated the subject property is a small lot approximately one half acre in size and located at 1500 Hawthorne Lane; that Mr. Hynes purchased the land recently and hopes to build an office building on the property similar to the one of Pell Cotton Company; because of the terrain this is the best use of the property; that it will serve as a buffer zone between the single family residences to the north and the industrial property to the south.

No one spoke in opposition to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-97 BY RICHARD J. AND WILLIAM E. JONES FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF THE PLAZA AND HICKORY GROVE-NEWELL ROAD FRONTING 572 FEET ON THE PLAZA AND 483 FEET ON HICKORY GROVE-NEWELL ROAD.

The scheduled hearing was held on the subject petition.

The Planning Director stated this is a pie-shaped tract of land at the south side of the intersection of Plaza Road and the Hickory Grove-Newell Road. The property in the near vicinity is already established as business property with a country store-gas station combination; directly across Plaza Road from the subject property are some houses and a Baptist Church; to the south is a residence and some vacant land. Directly across Newell-Hickory Grove Road the land is vacant. Three corners are zoned B-1 and otherwise the property is zoned for single family.

Mr. Ben Horack, Attorney, stated Humble Oil Company owns one corner; the other is owned by Phillips Petroleum Company; that the party in interest on the subject property is Cities Service who wants to build a service station. There are some houses around with some small houses on the opposite side of the street. Two corners are presently zoned for B-1 and presently marked for service stations.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

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**RESOLUTION CLOSING AND ABANDONING A PORTION OF BARCLAY DOWNS DRIVE.**

The public hearing was held on the petition of United States Steel and Carnegie Pension Fund, Inc., to close and abandon a portion of land on the westerly side of Barclay Downs Drive to facilitate relocation of Barclay Downs Drive.

Council was advised that the petitioner has deeded to the City a strip of land lying along the easterly boundary of Barclay Downs Drive; that the removal of the strip of land from dedication requested by the petitioner will result in the city exchanging property with the petitioner so that Barclay Downs Drive may be moved approximately 24 feet in an easterly direction at its intersection with Fairview Road. This will align Barclay Downs Drive with Telstar Lane on the opposite side of Fairview Road, thereby facilitating the flow of traffic through this intersection.

Mr. Bruce Wright, a resident of Barclay Downs Subdivision, stated they recognize that Celanese needs to be able to have better access from their office to Sharon Road and Fairview Road; they had hoped to stop the widening of Barclay Downs at Morrison Boulevard because the residents of Barclay Downs are concerned about a four lane highway going through the residential area where the traffic flow does not demand it.

After further discussion, Councilman Whittington requested the City Manager to set up a conference with Mr. Wright, Mr. Hoose and himself to discuss the widening of Barclay Downs Drive.

Councilman Jordan moved adoption of the resolution closing and abandoning a portion of Barclay Downs Drive. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 231.

**STATEMENT OF COOPERATION BY CHAIRMAN CHARLES LOWE OF THE COUNTY BOARD OF COMMISSIONERS.**

Mr. Charles Lowe, Chairman of the County Board of Commissioners, stated we hear a lot about cooperation and he came today to say "we are going to work with you all in every way possible to compliment and supplement what the City of Charlotte does; we are not going in anyway to compete with you on anything; there is not enough money; there is not enough time; there is not enough manpower to do this; we are here to work with you; we believe in you; we are not strangers to you; you are not strangers to us. We will be here to solve mutual problems and not to win any arguments. If we can help you, call upon us. This is what we want you to do; this is what we request you to do. We may not can do everything you want, but we will do our best to do all that we can. And if we don't do it - tell us about it, loud and clear. It will be a mistake of the head and not the heart if we don't do it. That street that everybody used to say separates us, as far as we are concerned has a red carpet right across it, and it is a two-way street. We will be crossing it and we invite you to cross it. We look forward to it; it is going to be a great day for Charlotte and Mecklenburg County when we have metro government and we will all be proud of the steps we have made."

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Mayor Brookshire replied those are welcome words and the City looks forward to the opportunity of operating closely with Mr. Lowe and his Board.

PUBLIC HEARING TO BE HELD ON REQUEST TO CHANGE NAME OF TWENTY-EIGHTH STREET, FROM COLLEGE STREET TO NEAR CATALINA AVENUE, TO MORETZ AVENUE, SET FOR MONDAY, JANUARY 20, 1969.

Council was advised that a request has been made to change the name of Twenty-Eighth Street, from College Street to near Catalina Avenue, to Moretz Avenue; and the name change is recommended by the Planning Office.

The City Manager presented a map of the street and stated that starting at Statesville Avenue, Moretz Avenue runs on a continuous basis across North Graham Street and continues until it gets in the vicinity of Pine Street; then the street name changes from Moretz to Twenty-Eighth Street and continues as Twenty-Eighth Street across North Tryon Street to College Street. He stated the obvious difficulty is the continuous alignment with two different names. That all the people with frontage on Twenty-Eighth Street were notified that this would be considered by Council today.

Councilman Stegall stated he has received several calls on this request; that one large wholesale concern would have to redistribute all of their catalogues and it would cost from five to six thousand dollars.

After further discussion, Councilman Whittington moved that a public hearing be held on the request on the third Monday in January - January 20, 1969. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 118-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHEAST CORNER OF GENERAL YOUNTS EXPRESSWAY AND CLANTON ROAD.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-6MF to B-1 of a 16.82 acre tract of land as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 73.

PETITION NO. 68-63 BY DELTA REALTY CORPORATION AND AMERICAN LEGION POST 400 FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE EAST SIDE OF DELTA ROAD BETWEEN ALBEMARLE ROAD AND HICKORY GROVE ROAD, DENIED.

Councilman Smith moved that the subject property be rezoned from R-12 to R-12MF as requested by the petitioner subsequent to filing the petition for a B-2 zone. The motion was seconded by Councilman Stegall.

Councilman Whittington requested Mr. Smith to amend his motion to include the portion on the east side of Delta Road not now R-21MF - down to the business property at Delta Road and Albemarle Road; that he does not want to leave the 300 feet in there. Councilman Smith amended his motion to include this portion, which amendment was accepted by Councilman Stegall.

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Councilman Short made a substitute motion to deny the petition for B-2. The motion was seconded by Councilman Tuttle, and after further discussion, the vote was taken on the substitute motion and carried unanimously.

HEARING SET FOR MONDAY, JANUARY 20, ON REQUEST OF DELTA REALTY CORPORATION AND AMERICAN LEGION POST 400 TO REZONE PROPERTY TO R-12MF.

Councilman Short moved that a public hearing be held on Monday, January 20th, on petition of the City Council to rezone a tract of land on the east side of Delta Road, between Albemarle Road and Hickory Grove Road and to include the portion on the east side of Delta Road not now R-12MF. The motion was seconded by Councilman Tuttle and carried unanimously.

REPLACEMENT OF ROOFING MATERIAL ON SPECTATOR DECK AT AIRPORT TERMINAL BUILDING AUTHORIZED.

Councilman Smith moved that the Airport Manager be authorized to replace the present roofing material of the spectator deck at the terminal building at an estimated cost of \$16,600.00. The motion was seconded by Councilman Stegall.

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

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

NEW LEASE BETWEEN CITY AND NORTH CAROLINA AIR NATIONAL ORGANIZATIONS FOR TERM OF 25 YEARS FOR PROPERTY AT THE AIRPORT, APPROVED.

Councilman Stegall moved approval of a new lease between the City and the North Carolina Air National Guard Organizations for a term of 25 years for 27.84 acres of property at the Airport. The motion was seconded by Councilman Jordan, and carried unanimously.

RENEWAL OF LEASE WITH LUTHER M. CREEL AND BERTHA FREY FOR FLOOR SPACE IN THE EXECUTIVE BUILDING, APPROVED.

Motion was made by Councilman Short, and seconded by Councilman Whittington approving the renewal of a lease with Luther M. Creel and Bertha Frey for 5,018 square feet of floor space on the fourth floor of the Executive Building, covering the space occupied by the City's Data Processing and Systems activities, for a term of one year at a total rental of \$18,817.50, or \$3.75 per square foot.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR, OR ILLEGALLY LEVIED.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing the refund of taxes in the total amount of \$48.06.

The resolution is recorded in full in Resolutions Book 6, at Page 233.

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RESOLUTION DISCONTINUING YEARLY CHARGES FOR PUBLIC FIRE HYDRANTS LOCATED OUTSIDE THE CITY LIMITS.

Councilman Smith moved adoption of the subject resolution discontinuing the yearly charge of \$26.67 for public fire hydrants located outside the city limits. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 234.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Upon motion of Councilman Whittington, seconded by Councilman Alexander and unanimously carried, the subject resolution was adopted amending the pay plan to include a new job class, Fireman-Mechanic, assigned to Pay Range 28, Steps D through F.

The resolution is recorded in full in Resolutions Book 6, at Page 235.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JANUARY 20 ON PETITIONS NO. 69-1 THROUGH 69-9 FOR ZONING CHANGES.

Councilman Tuttle moved adoption of the subject resolution which was seconded by Councilman Smith, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 236.

ACTION OF PARK AND RECREATION COMMISSION EXCHANGING TWO SMALL PIECES OF LAND IN HUNTINGTOWNE FARMS APPROVED BY CITY COUNCIL.

Councilman Whittington moved approval of the action of the Park and Recreation Commission exchanging two small pieces of land in Huntingtowne Farms with John Crosland Company. The motion was seconded by Councilman Stegall, and carried unanimously.

MAYOR AND CITY CLERK AUTHORIZED TO JOIN IN EXECUTION OF RIGHT OF WAY AGREEMENT WITH THE PARK AND RECREATION COMMISSION AND STATE HIGHWAY COMMISSION FOR RIGHT OF WAY ACROSS BIDDLEVILLE PARK, FOR I-77.

Council was advised the Park & Recreation Commission has approved an offer of the State Highway Commission to pay to the Park Commission \$62,350.00 for right of way for I-77 across Biddleville Park, comprising 6.491 acres. That as title to the land is held in the name of the City, it is necessary for the City to give its consent to the settlement.

Mr. Veeder, City Manager, stated while title of the land is vested in the City, the property has been used for park purposes and it seems only right that the Park and Recreation Commission get the money involved so they can use it for other park purposes.

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Councilman Alexander stated this will take away a much needed and much used park on that side of town, and he is concerned about the money being used to try to buy land in that area where park service can be rendered, rather than taking the money and locating a park in another area.

Councilman Tuttle moved that Mayor and City Clerk be authorized to join in the execution of the right of way agreement with the understanding that Council recommends to the Park and Recreation Commission that the money be re-invested as nearly as possible in this same area. The motion was seconded by Councilman Short.

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

MAYOR AND CITY CLERK AUTHORIZED TO EXECUTE ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF SANITARY SEWER LINE WITHIN RIGHT OF WAY OF THE NORTHWEST EXPRESSWAY AT I-77.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan and unanimously carried, authorizing the Mayor and City Clerk to execute the subject encroachment agreement.

CHANGE ORDER NO. 1 IN CONTRACT WITH BLYTHE BROTHERS COMPANY FOR NORTH-SOUTH EXPRESSWAY SEWER AT SEABOARD COASTLINE RAILROAD, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Smith and unanimously carried, the subject change order was approved providing for the installation of 193 feet of 24 inch concrete sewer pipe at a depth of 14 to 16 feet, increasing the contract price by \$3,860.00.

AMENDMENT TO GENERAL CONTRACT WITH LEE CONSTRUCTION COMPANY FOR ADDITIONS TO HOSKINS FILTER PLANT, APPROVED.

Councilman Whittington moved approval of the amendment to the subject contract as recommended by the City Attorney. The motion was seconded by Councilman Alexander.

Mr. Veeder, City Manager, stated this is over a two and half million dollar contract, with everything settled, but one problem remains. There is a leak in the clearwell. Continued efforts were made to have the leaks corrected; this has become a hang-up in getting the completed project cleared up to everyone's satisfaction. This amendment represents a negotiated closing out of the contract which Mr. George Rawlins, Henry Underhill, Mr. Franklin and he have worked out with Mr. Dick Thigpen, Jr., representing Lee Construction Company. That they think it is in the best interest of everyone to close this contract and allow the subcontractor to get rid of the leaks in the clearwell.

Mr. Henry Underhill, Assistant City Attorney, advised the contractor says he built the clearwell according to the city's specifications; he used the materials specified and if it leaks, he is not at fault because it was built as the city says it should be. Mr. Underhill stated they think now the material put into

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these joints could not handle the load of water that the clearwell will be required to handle. For this reason the problem developed between the contractor and the city's consulting engineer as to how to finish up this contract. With the exception of the leaks, the clearwell has been finished for some six to eight months; this is an effort to cut clean our relationship with the general contractor, arriving at what he feels is a fair settlement to the city and an attempt to use a new material which has been tested and found to be sufficient and which Western Waterproofing will provide.

The vote was taken on the motion and carried unanimously.

CHANGE ORDER NO. G-8 IN CONTRACT WITH LEE CONSTRUCTION COMPANY, AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, approving the subject change order increasing the contract price by \$2,615.00, for the Hoskins Filter Plant general contract.

ENGINEERING AGREEMENT WITH RALPH WHITEHEAD AND ASSOCIATES FOR STAGE I OF A TWO-STAGE AGREEMENT FOR BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, the subject agreement was authorized for the design of street improvements in Section 1 of the project, with the agreement to include all surveys, preliminary designs and completed right-of-way plans at a lump sum fee of \$29,660.00.

SPECIAL OFFICER PERMIT AUTHORIZED TO WILLIAM I. WELLS FOR TERM OF ONE YEAR.

Councilman Tuttle moved approval of the issuance of the subject special officer permit for a period of one year to be used on the premises of Eastbrook Woods Subdivision. The motion was seconded by Councilman Stegall, and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the following streets were taken over for continuous maintenance by the city:

- (a) Haddington Drive, from Somerworth Drive to Hartsell Cove.
- (b) Somerworth Drive, from 215 feet east of Haddington Drive to 195 feet east of McBride Street.
- (c) Hartsell Cove, from 220 feet east of Haddington Drive, to 175 feet east of McBride Street.
- (d) Tamerlane from Auborndale Road to 260 feet south of Coral Way.
- (e) Coral Way from Tamerlane to 165 feet west of Tamerlane.

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- (f) Cheval Place, from Tamerlane to 180 feet east of Tamerlane.
- (g) Auburndale Road, from 200 feet east of Tamerlane to Larkspur Lane.
- (h) Larkspur Lane, from Auburndale Road to 250 feet west of Auburndale Road.
- (i) Coronado Drive, from 300 feet north of Glenbrier Drive to 145 feet south of Glenbrier Drive.
- (j) Glenbrier Drive, from Coronado Drive to 310 feet west of Calico Court.
- (k) Beechknoll Court, from Glenbrier Drive to 500 feet north of Glenbrier Drive.
- (l) Scelina Drive, from Glenbrier Drive to 160 feet south of Glenbrier Drive.
- (m) Pandora Court, from Glenbrier Drive to 210 feet north of Glenbrier Drive.
- (n) Alrose Drive, from Glenbrier Drive to 160 feet north of Glenbrier Drive.
- (o) Calico Court, from Glenbrier Drive to 310 feet north of Glenbrier Drive.

#### PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of right of way of 8,719 square feet in the new subdivision development beginning with the 6500 block of Covecreek Drive, from William Trotter Development Company, at \$1.00 for sanitary sewer easement to serve Hampshire Hills.
- (b) Acquisition of right-of-way of approximately 1,275 square feet at 1421 Bluff Street, from James G. Bolton, Jr. and wife, at \$85.00 for easement for sanitary sewer relocation on I-77.
- (c) Acquisition of right-of-way of 21.4 square feet at 1038 East Seventh Street, from F. W. Grotophorst and wife, at \$25.00 for easement for sanitary sewer relocation for Northwest Freeway.
- (d) Acquisition of 494.6 square feet at 1048 East Seventh Street, from Juanita Alexander Shoup and husband, W. F., at \$200.00, for easement for sanitary sewer relocation for Northwest Freeway.
- (e) Acquisition of easement at 2000 Spring Street, from John Gray and wife, and Luther L. Caldwell and wife, at \$1.00 for sanitary sewer to serve Spring Street.
- (f) Acquisition of easement at 1934 Trentwood from L. C. Blassingame and wife, at \$1.00 for sanitary sewer to serve Spring Street.
- (g) Acquisition of easement at 2543 Dalebrook Drive, from Roy Calvin McIlwain and wife, at \$1.00, for sanitary sewer to serve Spring Street.
- (h) Acquisition of easement at 2600 Newland Road, from James W. Teamer and wife, at \$1.00, for sanitary sewer to serve Spring Street.

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- (i) Acquisition of easement at 2524 Newland Road, from James W. Teamer and wife, at \$1.00, for sanitary sewer to serve Spring Street.
- (j) Acquisition of right-of-way of 1,086 square feet at 6574 Covecreek Drive, from William Trotter Company, at \$1.00, for sanitary sewer easement to serve Eastbrook Woods.
- (k) Acquisition of right of way of 1,375 square feet at 3831 Barclay Downs Drive, from Tryon Processing Company, Constructors Investment Corporation, Barclay Downs Swim and Racquet Club (lessee), at \$250.00, for easement for Barclay Downs Drive.
- (l) Acquisition of 3,449 square feet of property at the northeast corner of West Third Street and Graham Street, from George L. Bradley and wife, at \$15,000 for the West Third Street and Fourth Street Connector.
- (m) Acquisition of 10,235 square feet of property at 424 West Third Street, from T. B. Upchurch, Inc., at \$47,500.00 for the West Third Street and Fourth Street Connector.
- (n) Acquisition of 1,880 square feet of property at the southeast corner of Eastway Drive and Shamrock Drive, from Humble Oil and Refining Company, at \$22,500.00 for the Eastway Drive Project.
- (o) Acquisition of 94,900 square feet on Berryhill Lane, RFD 4, Box 560, from Morris V. Butler and wife, at \$13,500.00 for the Airport Expansion.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF GARY H. WATTS AND WIFE, TROY ANN WATTS, LOCATED AT 1050 EAST SEVENTH STREET, FOR SANITARY SEWER EASEMENT FOR THE NORTHWEST FREEWAY.

Motion was made by Councilman Whittington, seconded by Councilman Smith, and unanimously carried, adopting the subject resolution which is recorded in full in Resolutions Book 6, at Page 237.

#### TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Susie M. Little for Lot 392, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mrs Wilma D. Eury for Graves No. 9 and 10, in Lot 13, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs Jean Tirmenstein Shaw, for Graves No. 5 and 6, in Lot No. 18, Section 2, Evergreen Cemetery, at \$160.00.
- (d) Deed with Mrs Edmund F. Davis and Mrs Claudia M. Davis for Graves No. 1, 2, and 3, in Lot No. 18, Section 2, Evergreen Cemetery, at \$240.00.

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CONTRACT AWARDED GULF OIL CORPORATION FOR GASOLINE.

Councilman Smith moved award of contract to the low bidder, Gulf Oil Corporation, in the amount of \$228,622.00, on a unit price basis, for 1,200,500 gallons gasoline. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Gulf Oil Corporation	\$228,622.00
The American Oil Company	233,854.87
Texaco, Inc.	248,671.75
Pure Oil Div. Union Oil Co.	249,096.92

CONTRACT AWARDED PURE OIL DIVISION, UNION OIL COMPANY OF CALIFORNIA, FOR MOTOR OILS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Pure Oil Division, Union Oil Company of California, in the amount of \$7,989.29, on a unit price basis, for 15,935 gallons of motor oil.

The following bids were received:

Pure Oil Division, Union Oil Co. of California	\$ 7,989.29
Cities Service Oil Company	8,432.25
Sun Oil Company	8,687.73
American Oil Company	9,241.35
Texaco, Inc.	10,677.66

CONTRACT AWARDED CITIES SERVICE OIL COMPANY FOR GEAR LUBRICANT.

Motion was made by Councilman Alexander, seconded by Councilman Smith, and unanimously carried, awarding contract to Cities Service Oil Company, the low bidder, in the amount of \$1,092.71, on a unit price basis, for 9,980 lbs. gear lubricant.

The following bids were received:

Cities Service Oil Company	\$ 1,092.71
Sun Oil Company	1,170.65
Pure Oil Div. Union Oil Co.	1,184.63
American Oil Company	1,185.62
Texaco, Inc.	1,343.71

CONTRACT AWARDED PURE OIL DIVISION, UNION OIL COMPANY OF CALIFORNIA, FOR CHASSIS LUBRICANTS.

Councilman Jordan moved award of contract to the low bidder, Pure Oil Division, in the amount of \$792.23, on a unit price basis, for 5,720 lbs. chassis lubricants. The motion was seconded by Councilman Smith, and carried unanimously.

The following bids were received:

Pure Oil Division, Union Oil Co. of California	792.23
Cities Service Oil Company	809.77
Sun Oil Company	872.30
Texaco, Inc.	1,036.29
American Oil Company	1,189.19

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CONTRACT AWARDED TO PURE OIL DIVISION, UNION OIL COMPANY OF CALIFORNIA FOR KEROSENE.

Councilman Whittington moved award of contract to the low bidder, Pure Oil Division, Union Oil Company of California, in the amount of \$3,568.32, on a unit price basis, for 26,550 gallons kerosene. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Pure Oil Division	
Union Oil Co. of California	\$ 3,568.32
American Oil Company	3,690.45

CONTRACT AWARDED PURE OIL DIVISION, UNION OIL COMPANY OF CALIFORNIA, FOR FUEL OIL #2.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Pure Oil Division, Union Oil Company of California, in the amount of \$14,638.69, on a unit price basis, for 121,600 gallons Fuel Oil #2.

The following bids were received:

Pure Oil Division	
Union Oil Co. of California	\$ 14,638.69
American Oil Company	15,686.40
Gulf Oil Corporation	15,808.00

CONTRACT AWARDED GULF OIL CORPORATION FOR FUEL OIL #5 AND #6.

Councilman Jordan moved award of contract to the low bidder, Gulf Oil Corporation, in the amount of \$11,496.80, on a unit price basis, for 156,000 gallons Fuel Oil #5 and #6. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Gulf Oil Corporation	\$ 11,496.80
American Oil Company	12,183.00
Asphalt & Petroleum Co.	12,374.00

CONTRACT AWARDED PURE OIL DIVISION, UNION OIL CO. OF CALIFORNIA, FOR DIESEL FUEL.

Motion was made by Councilman Tuttle, seconded by Councilman Smith, and unanimously carried, awarding contract to Pure Oil Division, Union Oil Co. of California, in the amount of \$13,477.63, on a unit price basis, for 109,700 gallons Diesel Fuel.

The following bids were received:

Pure Oil Division	
Union Oil Co. of California	\$ 13,477.63
American Oil Company	14,151.30

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CONTRACT AWARDED PURE OIL DIVISION, UNION OIL COMPANY OF CALIFORNIA, FOR HYDRAULIC LIFT OIL.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Pure Oil Division, Union Oil Co. of California, in the amount of \$3,278.88, on a unit price basis for 8,000 gallons hydraulic lift oil.

The following bids were received:

Pure Oil Division,	
Union Oil Co. of California	\$ 3,278.88
Cities Service Oil Company	3,326.40
Sun Oil Company	3,516.00
Texaco, Inc.	3,841.20
American Oil Company	3,920.40

CONTRACT AWARDED MORRIS FARM EQUIPMENT COMPANY FOR ONE GASOLINE POWERED TRACTOR WITH LOADER.

Councilman Whittington moved award of contract to the only bidder meeting specifications, Morris Farm Equip. Company, in the amount of \$4,900.00. for one gasoline powered tractor with loader. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids did not meet specifications:

Charlotte Tractor Sales	\$ 4,271.99
Queen City Equip. Corp.	4,479.07
International Harvester Sales&Serv.	4,624.54

CONTRACT AWARDED HARTSELL BROS. FENCE COMPANY FOR CHAIN LINK FENCE.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, awarding contract to Hartsell Bros. Fence Company, the low bidder, in the amount of \$2,950.00, for approximately 1,800 feet of chain link fence to enclose Oaklawn Cemetery.

The following bids were received:

Hartsell Bros. Fence Co.	\$ 2,950.00
Allison Fence Company	3,150.00
Cyclone Fence Sales	3,333.00
Wilson Fence Company	3,678.00
Anchor Fence Division,	
Anchor Post Products	4,119.80

CONTRACT AWARDED THE TAULMAN COMPANY FOR BEARING AND SEALS FOR EIMCO PROCESS ROTARY DISTRIBUTOR.

Councilman Smith moved award of contract to the only bidder, The Taulman Company, in the amount of \$2,220.90, for one bearing and three leather seals for Eimco Process Rotary Distributor which will be used to replace worn out bearing at Irwin Creek Plant. The motion was seconded by Councilman Whittington, and carried unanimously.

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CONTRACT AWARDED BECKMAN INSTRUMENTS, INC. FOR ULTRA VIOLET RATIO RECORDING SPECTROPHOTOMETER.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, contract was awarded Beckman Instruments, Inc., the only bidder meeting specifications, in the amount of \$10,115.50, for one ultra violet ratio recording spectrophotometer.

The following bids did not meet specifications:

Will Scientific, Inc.	\$ 10,212.50
Scientific Products	10,750.00
American Instruments Co., Inc.	13,725.00

CONTRACT AWARDED PHILLIPS ELECTRONICS INSTRUMENTS FOR ONE X-RAY DIFFRACTION APPARATUS & ACCESSORIES.

Councilman Alexander moved award of contract to the only bidder meeting specifications, Phillips Electronics Instruments, in the amount of \$9,571.62, for one x-ray diffraction apparatus and accessories. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids did not meet specifications:

Beckman Instruments, Inc.	\$ 5,920.00
Jarrell-Ash Company	12,065.00

CONTRACT AWARDED JARRELL-ASH DIVISION, FISHER SCIENTIFIC COMPANY FOR ONE EMISSION SPECTROGRAPH.

Motion was made by Councilman Short, seconded by Councilman Smith, and unanimously carried, awarding contract to the only bidder meeting specifications, Jarrell-Ash Division, Fisher Scientific Company, in the amount of \$15,805.00, for one emission spectrograph.

The following bid did not meet specifications:

Applied Research Laboratories	\$ 7,200.00
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CONTRACT AWARDED PERKIN-ELMER CORPORATION FOR ONE INFRA-RED SPECTROPHOTOMETER.

Councilman Jordan moved award of contract on the low alternate bid of Perkin-Elmer Corporation, in the amount of \$9,159.00, for one infra-red spectrophotometer. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Base Bid - New Instrument

Perkin-Elmer Corporation	\$ 10,039.00
Beckman Instruments, Inc.	10,580.00

Alternate Bid - Demonstrator

Perkin-Elmer Corporation	\$ 9,159.00
Beckman Instruments, Inc.	9,730.00

The following bid did not meet specifications:

Bausch & Lomb	\$ 9,043.00
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**CONTRACT AWARDED PERKIN-ELMER CORPORATION FOR ONE GAS LIQUID CHROMATOGRAPH.**

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, contract was awarded on the alternate bid of Perkin-Elmer Corporation, in the amount of \$10,907.50, for one gas liquid chromatograph.

The following bids were received:

Base Bid

Perkin-Elmer Corporation                   \$ 11,837.50

Alternate Bid

Perkin-Elmer Corporation                   \$ 10,907.50

**REDEVELOPMENT COMMISSION AUTHORIZED TO PROCEED WITH AN APPLICATION FOR A NEIGHBORHOOD DEVELOPMENT PROGRAM.**

Councilman Short moved that the Redevelopment Commission be authorized to proceed with an application for a neighborhood development program. The motion was seconded by Councilman Tuttle, and carried unanimously.

Mayor Brookshire stated this was recommended to Council by the Redevelopment Commission and it seems not only feasible but the only way to get started on the downtown - 12 block - urban renewal project.

**RESOLUTION TO HOLD PUBLIC HEARING REGARDING NAMING OF NEW STREET LOCATED BETWEEN THE PLAZA AND NORTH TRYON STREET.**

Councilman Smith moved adoption of the subject resolution setting date of public hearing on Monday, January 20. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 238.

**APPOINTMENT OF HENRY W. UNDERHILL, JR. AS CITY ATTORNEY.**

Councilman Whittington stated Mr. Underhill has been acting City Attorney for some time, and he has won his spurs, and he moved the appointment of Henry W. Underhill, Jr. as City Attorney. The motion was seconded by Councilman Smith, and carried unanimously.

**CITY ATTORNEY REQUESTED TO MEET WITH CHAIRMAN OF CHAMBER OF COMMERCE FIRE PREVENTION COMMITTEE AND BRING RECOMMENDATIONS ON ORDINANCE FOR COUNCIL'S CONSIDERATION.**

Councilman Tuttle stated the Fire Department, Chamber of Commerce, Fire Prevention Committee and many merchants have been concerned about smoking in large stores where 200 or more people gather or where 25 people are employed. He requested Mr. Underhill to meet with Mr. Allen, Chairman of the Chamber's Fire Prevention Committee, and come back with recommendations on an ordinance for Council to consider.

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Councilman Short stated in a letter from Mr. Latimer, President of the Chamber of Commerce, he mentioned that ordinances we now have are not being enforced; that he particularly singled out smoking on busses. That this is dangerous on crowded busses and an imposition on some people to have a lot of smoke. Councilman Short suggested that the Fire Prevention Bureau be requested to examine the city busses to see that the signs are visible and in order; also that Chief Goodman be asked to think of possibilities of enforcing this ordinance.

INVESTIGATION REQUESTED ON NEED FOR ADDITIONAL FIRE HYDRANTS IN AREA OFF BEATTIES FORD ROAD.

Councilman Alexander stated some eighteen months ago he raised the question of fire hydrants off Beatties Ford Road; that he got an answer which was very unsatisfactory as he was told there were sufficient fire hydrants in the area. He presented a map of the area and pointed out the location of the three hydrants which serve the dead-end streets. He stated you have to connect to the hydrants on Beatties Ford Road and run them down the dead-end streets to the fire.

Councilman Alexander requested the City Manager to have an investigation made with a report to Council on placing of fire hydrants in the area.

PROGRESS REPORT REQUESTED ON IMPLEMENTATION OF MCCANN REPORT.

Councilman Alexander requested the City Manager to have a progress report on how much of the McCann Report has been implemented at the first meeting in January.

PUBLICITY REQUESTED ON PROBLEMS INVOLVED IN PICKING UP LEAVES.

Councilman Stegall stated he hopes the news reporters will give some publicity on the work the sanitation department is doing towards picking up leaves. That the city has some problems and he thinks the people should understand what the problem is.

SURVEY REQUESTED ON NEED FOR TRAFFIC SIGNAL AT CORNER OF SELWYN AVENUE AND PARK ROAD.

Councilman Stegall requested that a survey be made at the corner of Selwyn Avenue and Park Road regarding a traffic signal. That this is a very bad intersection; and everyone runs 35 to 45 MPH on Park Road in the mornings, and then you come down around a curve and it is a blind intersection.

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NOTICE OF INTENT TO RENEW CONTRACT WITH AMBULANCE SERVICE  
AFTER FIFTH YEAR, APPROVED.

Mr. Veeder, City Manager, stated the City has a five year contract with Ambulance Service of Charlotte; we are just completing the fourth year of the current five year contract; the contract calls for notification at the end of the fifth year of the city's intent to renew at the end of the fifth year. He stated he has discussed this with Mr. Brandes of Ambulance Service in the context that if the city wishes to substitute the county for the city at the end of the fifth year this will be alright.

Motion was made by Councilman Smith, and seconded by Councilman Jordan approving the notice of intent.

Councilman Alexander stated before the renewal takes place, he would like to discuss the attitudes of the employees; that he can supply witnesses on this. Mr. Veeder replied he would be glad to set up a meeting with Mr. Brandes on this subject.

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

COUNCIL NOTIFIED OF THE RESIGNATION OF L.C. CHEEK, JR.,  
CITY ENGINEER.

Mr. Veeder, City Manager, advised Council that Mr. L. C. Cheek, Jr., City Engineer, had notified him that he intends to resign to be effective the middle of next month; that Mr. Cheek plans to join a consulting firm in Raleigh, North Carolina. He stated he has been doing an excellent job as city engineer and we will be hard pressed to find someone to carry on in the organization.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk