

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, February 12, 1968, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Sandy R. Jordan.

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INVOCATION.

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

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on February 5, 1968, were approved as submitted.

PROGRESS REPORT ON DOG LEASH LAW.

Mrs. Betty Owens requested a progress report on the proposed dog leash law and asked if a date has been set for the public hearing? Mr. Veeder, City Manager, replied his staff is working just as fast as they can and will be happy to bring this to Council as quickly as they can; that this is not just going to "die an easy death" due to the public interest in this but that the Staff needs time to gather information from other cities and estimates on costs.

FINANCIAL REPORT BY DIRECTOR OF FINANCE.

Mr. J. B. Fennell, Director of Finance, stated on Page two of the financial booklet which has been given to Council, is a comparison statement of revenues for the first seven months of the fiscal year. Although the revenues have increased during this period by \$1,376,000, the rate of collection is somewhat behind the preceeding year when we had 89% collections; during the current fiscal year, the rate is 85%. The expenditures show an improvement over the preceeding year when it was 57% expended where it is now 53%.

Councilman Tuttle asked Mr. Fennell if the average from here on out will be around \$115,000 which would give \$1,972,000 for the year and if so, how much of this was anticipated in the last budget? Mr. Fennell replied during the current month of January, there is an improvement over the last month or the corresponding month of the preceeding year; that this would indicate the City will reach its budgeted figure by the end of the year. Councilman Tuttle asked if the City will spend their budgeted figure? Mr. Fennell replied there is hope for some budget savings on the expenditure side, but at this point there is a lag in collections and he hesitates to say we will reach our budget on revenues.

Mr. Fennell stated the expense in January would indicate there is some lag - this month we collected \$175,000 more than the preceeding month so it would appear this lag is being corrected during the early part of this year.

He anticipates we will collect our budget but at this time we are running behind the preceeding year.

Councilman Smith asked the difference between expected revenue and actual revenue? Mr. Fennell replied as noted in the report, the projected estimated revenue is \$17,500,000, whereas we have collected approxkmatély \$15,000,000 or \$14,998,000 which leaves an unrealized balance of approxi- mately \$2,500,000. That the rate of collection is somewhat behind the rate of last year but he feels this will be corrected within the next couple of months.

Councilman Smith asked how much increase over the estimated income is anticipated? Mr. Fennell replied not any from this point because the revenues are running somewhat behind. Councilman Smith stated if you do catch up, would you be happy to come out with the estimate? Mr. Fennell replied yes, he does not believe there would be an appreciable increase over the budget figure.

Mr. Veeder stated he would like to emphasize the 53% operating general revenues spent this year in contrast with 1957; that this ties in directly with the additional controls put on in terms of identifying expenditures; that we have been doing a better job.

Councilman Tuttle stated he was under the impression there was an increase in water consumption; he asked why the drop in revenue? Mr. Fennell replied our water usage is up around four per cent - that is the actual volume of water consumed; some of the declines are attributed to urban renewal; a lot of individual residences were lost; the residents now live in apartments and they get the benefit of a single meter. Also during the past year, the ratio of apartments to residences have increased in favor of apartments. That to some degree, without a penalty for late payment, the city is going to have to work on delinquent accounts; they are working on this, and based on the current figures, it will probably reach the projected budget estimate also for water, but he does not think it will be exceeded.

Councilman Tuttle asked why the water and sewer bill receivable less uncollected bills is a washout item as is the approved work orders less incomplete work orders; yet certain other funds are not washed out? Mr. Fennell replied this is a legal requirement; we have to fully reserve this type of accounts receivable.

Councilman Smith stated the investment is \$2,130,000 and he asked if this is in the interest bearing C.D.? Mr. Fennell replied this is either C.D's or reversed purchase agreements or in treasury bill; that it will probably make a \$1,500,000 this year.

Mr. Fennell stated the revenue collections in water and sewer are running behind; the Water Department collections are slightly ahead but the sewer collections are slightly behind the budgeted figures. That the main impact on this has already been felt and for the rest of this fiscal year, the increase will allow us to meet our budgeted figure. These are factors that will affect our water revenue. That the city has an increasing number of customers who have an adjustment on their water bill since this water does not discharge into the sewer system. He stated in the administrative area the expenditures actually have decreased. That they have been conducting systems studies in the past few months and the partial implemen- tation of these have resulted in some cost savings; that when the installation is completed, we can expect even larger cost savings in the next six or eight months.

Mr. Fennell stated that although the airport revenue is somewhat behind the previous year, with the recent re-negotiation of landing fees, we can expect a definite improvement on the revenue picture.

Councilman Smith stated the Powell Bill Fund shows an unappropriated surplus of \$43,000 and asked if this is for a seven months period? Mr. Fennell replied it is as we collected more than expected from the State.

Councilman Tuttle asked how our debt limit of 8% compares nationwide? Mr. Fennell replied most cities use 100% value as a basis for assessed valuation and if you use 100% and apply 8% to it, it makes a higher legal debt limit. That this varies considerably. In this particular area, this is probably not out of line as in some areas where they use 100% of the market value. That the national bond people would take this into consideration, and would re-compute the bill in proportion to true value.

Mayor Brookshire stated it varies considerably; some of the eastern states allow them to go up to 20% of 100% evaluation. Mr. Veeder stated there are several schools of thought; if you are going to apply 8% as the limitation, should it be applied to the assessed valuation or to the market value. If you apply it to assessed valuation where you have a constantly changing ratio, should you increase the 8% to something else. Some even argue there should not be any limitations. Mayor Brookshire advised the State sets the limitation by Statute.

Councilman Smith stated the report shows the legal debt margin at \$17,200,000 which is about 22% of the debt limit, and asked where the rating change? At present we have an AA rating. With the excess of about 22%, he asked where the AB rating would begin; that we want to keep the AA rating, and what margin does this give? Mr. Fennell replied the rating services will not commit themselves on any type of ratio such as this. That one of the things we have tried to do is to bring in other factors which are important such as our ability to pay. He stated that last year there were some indications in the financial circles that even then we were somewhat above the conventional criteria. That he believes the rating services will give more consideration to the other type presentations.

Councilman Smith stated he is not advocating a bond issue, but with a \$17 million legal debt margin, what would be a safe assumption that you can increase the bond to perhaps \$5 million, what would it do to the bond rating? Mr. Fennell replied he believes it could go to \$5 million without endangering the rating. Mr. Veeder stated he does not think you can assume that the rating services would or would not drop the city's "AA" rating based solely on what might be issued; this would only be one of the factors; the other factors could be equally, if not more, important.

Councilman Smith stated the report is excellent. That with the various projects presented to Council it has to be like a man with a bank account that checks his balances once in a while before he writes a check; that he thinks Council should be aware that it is limited in what can be done.

Mr. Fennell stated last year the city resorted to bond anticipation notes in order to avoid one year in which it sold bonds; this was done from the standpoint of improving the city's budget by being able to accelerate some of the capital projects to avoid the impact of the new debt service. To go one year without issuing bonds makes a favorable impression on the rating service.

Councilman Whittington asked based on what Mr. Fennell has presented today if Council wanted to build a project costing \$10 million it could project this type of thing? Mr. Fennell replied it could be projected with a certain degree of accuracy; we are paying off our principal indebtedness now at a rate of \$1,700,000 a year; this would mean in three years an additional debt margin in excess of \$5 million would be accumulated. He stated this should be done as the more leeway we have for advanced planning, the better job they can do in coordinating the use of bond financing.

Councilman Short asked if the City could actually increase its effective bond margin if the 60% ratio was changed? Mr. Fennell replied it would definitely increase the statutory limitation and obviously increase the legal margin. Councilman Short asked if he advocates this, and Mr. Fennell replied he would advocate it based on the relationship to need. Councilman Short stated he does not mean to increase the taxes but work out a ratio to lower the tax rate and increase the assessment? Mr. Fennell replied there would be no way to avoid additional debt service if the debt sum is increased; right now the tax levy for debt service has been held to less than one per cent above what it was in 1960. This has been done mainly through diversion of increased interest earning. In the future there is some likelihood of an increase on the tax rate if we go up on the debt.

Mayor Brookshire thanked Mr. Fennell for the very fine report. Councilman Smith stated there was some talk that this report would come every month, and he would think every quarter would be sufficient. Mr. Veeder stated with the present equipment this type of report can be set up without a great deal of work; that he would like to leave the time open. There is another aspect to this which they would like to bring to Council in two weeks and perhaps when Council sees this, the information can be pulled together quarterly or monthly.

Mr. Fennell stated the information is available monthly for their own purpose and passing it to Council would be no problem.

DECISION ON PETITION BY AMBULANCE SERVICE OF CHARLOTTE, INC. FOR CHANGES IN AMBULANCE RATES AND CHARGES FOR AMBULANCE, DEFERRED ONE WEEK.

Councilman Short stated Council is not ready to decide on the subject petition this afternoon, and he moved that the Council and administrative staff have one more week to go into this matter. The motion was seconded by Councilman Tuttle, and carried unanimously.

STATUS REPORT ON DOWNTOWN STREET IMPROVEMENTS.

Mr. L. C. Cheek, City Engineer, gave a report on the following streets:

East Third Street. Third Street down to Kings Drive from Independence is complete. That we still have the section at the orphanage to go. That he talked with the Architect recently and he hopes to be out for bids in June on their new site. This means Third Street can be completed in 1969. Approximately \$400,000 has already been spent and it is estimated it will require another \$260,000.

West Third Street. The remaining parcels of right-of-way will be secured so it can be put under contract in July. This is the connector from West Fourth Street to west Third Street near Graham Street. That only about

\$35,000 has been expended at present. The total estimate for the project is \$425,000. This was not accorded high priority in the beginning and therefore they have not pushed completion on this project as they have the others.

West Fourth Street Extension. This project is out for bids now; they will receive the bids on the 29th of February. Already invested is approximately \$485,000 and they estimate the construction will run approximately \$600,000.

East Fifth Street. The anticipated improvements have been completed with the exception of the portion between College and Tryon Streets. That a decision will have to be made shortly on whether to push forward with this or whether to reach some satisfactory arrangement with the property owner. That there may be a substantial amount of money involved in the settlement and it may require some time. Except for this one parcel, we are in good shape to go ahead with this at any time.

Sixth Street. All is under contract and will be completed except for the two block between the railroad and Caldwell Street. The restraining order on the Henderson Building at the corner of Tryon and East Sixth Street is scheduled for hearing in the new appellant court later in March. We cannot proceed with the construction until that has been heard. Only about ten parcels are involved in the remaining portion between the railroad and Caldwell Street. This could be ready for contract by the end of March.

He stated West Sixth Street is already under contract and will be completed. All of East Sixth Street is under contract except the portion from the railroad to Caldwell Street.

Mint-Pine Streets Connector. The right-of-way department has worked very hard on this and it is in good shape except for the one parcel involving Queen City Trailways. They are optimistic this can be settled shortly. They would like to get this under contract by the end of March along with the remainder of Sixth Street.

Poplar Street. They estimate this will require an additional \$660,000 to complete. No right-of-way has been acquired except for one parcel which became available because at the last count they re-estimated projects, they were some \$220,000 short of being able to complete all the initial anticipating improvements. If this additional money were made available, they could have Poplar Street under contract in September of this year.

Councilman Short asked if Mr. Cheek advocates the possibility of taking the Vogue area and transferring the money to Poplar Street? Mr. Cheek replied it is given to Council only for consideration; that the negotiations for right-of-way on Fifth Street will be very difficult; there are leases involved; there are lessees which have very substantial interest; the only suggestion they make is that Council might wish to consider this. That it is just coincidental that the amount of money involved for the completion of East Fifth Street under the best circumstances would likely enable the Council to complete Poplar Street. Mr. Cheek stated Vogue's present lease does not expire until 1972. Councilman Whittington asked when the last contact was made with Vogue or the owners, and Mr. Cheek replied the right-of-way office has been in contact with them within the last six weeks. Councilman Whittington asked if they were told the City Council would give them until after the holiday season to find a new lease? Mr. Cheek replied their position with these people has been the same that it

always has been - that it is a matter of urgency and the city wants the property cleared at the earliest possible date. That they indicated some months ago they would like to be accorded the privilege of going through the Christmas season and the sales period. Mr. Cheek stated he has not changed his position on the situation.

Councilman Whittington stated it would be a mistake to make any decision other than the one course Council has already taken on this block of East Fifth Street, realizing what it is fronted with on Sixth Street, between College and Tryon Streets. That is that the city would proceed as stated prior to the Christmas season.

The City Manager advised the last time this was discussed at some length, it was followed up with a meeting with Mr. Beverly Webb, attorney for the Vogue. At that time there was an indication that things probably could be worked out as long as they could get through the Christmas season; subsequent to that discussion, Mr. Webb came back and said their efforts had not worked to their satisfaction and they did not feel they could commit themselves to getting out of the premises. That they would continue to try to find a solution, but as of then they had not found one. He stated as of now, he understands their plans have not materialized.

Councilman Short stated he would rather the money remain where it is now placed in reference to the matter of the Vogue. Councilman Whittington stated he tried to imply that, and he does not think the City should waiver at this point.

Councilman Whittington stated in March of this year the Engineering Department will have out for contract the Mint-Pine Street Connector and the West Fourth Street Extension. Mr. Cheek stated West Fourth Street Extension is already out for bids and the bids will be received on the 29th of this month; in March they can have ready the remaining portion of Sixth Street and the Mint-Pine Connector.

Councilman Short stated the one void seems to be on Third Street, between the creek and McDowell Street, and he asked if this is waiting on the Northwest Expressway? Mr. Cheek replied this will be accomplished under the urban renewal land and street development as a part of Project 3. The City is involved to the extent of reviewing the project and the city will let the contract whenever the design is completed. Mr. Cheek stated Mr. Sawyer hopes to have his A & E Contractor with the complete design ready for bid sometime in the spring of this year - about April or May.

Councilman Whittington thanked Mr. Cheek for the good report as it is what all the Council wants; that hopefully he will stay right on the dates he has given Council as far as bids and completion dates are concerned. He requested that Mr. Cheek or Mr. Veeder get a report by next Monday from Mr. Vernon Sawyer as it regards Third Street, from the creek to McDowell Street.

DISCUSSION OF LIGHTING FOR NEW TWELFTH STREET RAMP AT CALDWELL STREET.

Councilman Stegall stated in connection with the new Twelfth Street going west as you go up on the overhead ramp at Caldwell Street there are no lights. He asked if lights are in the proposed plans. That at night it is so dark you cannot see anything. Mr. Cheek replied it is to be lighted by the State as a part of their improvement; that he will try to find out when the lights will be installed. Mr. Hoose, Traffic Engineer, stated they have already sent the State the layout as to what lighting will be required.

ORDINANCE NO. 793-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE ZONING ORDINANCE BY AMENDING THE ZONING MAP TO CHANGE ZONING OF PROPERTY ON HICKORY GROVE-NEWELL ROAD.

Councilman Whittington stated when Mr. Harvey Morris came to Council he asked that property on the east side of Hickory Grove-Newell Road, from near Norfolk-Southern Railroad to near Hickory Grove Road, be rezoned to I-1. That someone asked if he would agree to just the three lots up toward the railroad and he either did not hear or understand the question, and said he wanted it all rezoned. Councilman Whittington stated he asked for a postponement to see what the Planning Commission thought about the three lots. That the Commission has now said no to that. He asked if there are any single family homes to the rear of this property, and who owns the property? Mr. Bryant, Assistant Planning Director, replied it is all vacant and he does not know who owns the property.

Councilman Whittington asked if the Planning Commission is opposed to the B-1 being extended? Mr. Bryant replied it is opposed to it being extended at the present time in the present manner. That the Commission is in agreement that additional business zoning is going to be needed in the area as it develops, but it feels it needs to come on a planned usage basis rather than on a speculative basis of rezoning it without any use in mind at the time; they prefer to see its usage as a B-1 Shopping Center.

Councilman Smith stated these lots are shallow, and he does not see how you can do much planning. Mr. Bryant stated it is laid out in lots, but it is all under one ownership; that the property is about 300 feet deep. Councilman Smith stated it seems in developing this you are not going to plan in advance, and he does not see how the Planning Commission can sit in judgment.

Councilman Smith moved that the three lots next to I-1 zoning be rezoned for I-1. The motion was seconded by Councilman Whittington, who stated he feels very strongly that the three lots should be zoned for I-1.

Councilman Tuttle made a substitute motion that the petition be denied as recommended by the Planning Commission. The motion did not receive a second.

Council Short stated he believes it is inevitable that this area between the present business and towards the railroad is going to be business; but he believes the industrial part is being asked far down into residential areas and down into a busy intersection. That his personal preference is that the area asked to be rezoned be made business at this time.

Councilman Short made a substitute motion that the entire area which Mr. Morris has asked to be rezoned be rezoned B-1. The motion was seconded by Councilman Tuttle.

Mr. Fisher, Attorney for the petitioner, replied to a question by Councilman Smith and stated Mr. Morris tells him he has someone who wants the three lots to build a printing establishment, and Mr. Bryant says it will require an industrial zone.

After further discussion, the vote was taken on the substitute motion and failed to carry by the following vote:

YEAS: Councilmen Short and Tuttle.

NAYS: Councilmen Alexander, Smith, Stegall and Whittington.

The vote was taken on the original motion to change the zoning of the three lots to I-1 and carried by the following vote:

YEAS: Councilmen Smith, Whittington, Alexander and Stegall.

NAYS: Councilmen Tuttle and Short.

The ordinance is recorded in full in Ordinance Book 15, at Page 206.

Councilman Smith moved that the remainder of the property under Petition No. 68-4 be denied. The motion was seconded by Councilman Whittington, and carried unanimously.

DECISION ON PETITION NO. 68-9 BY FIRST UNION NATIONAL BANK, AGENT FOR LOUISE W. DUNAVANT HEIRS, FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF A TRACT OF LAND SOUTH OF SOUTHERN RAILROAD AND BEGINNING 300 FEET EAST OF DONALD ROSS ROAD, POSTPONED FOR ONE WEEK.

Mr. Charles Henderson stated the attorney for the Carolina Golf Course is present because there seems to have been a misunderstanding in the interim period. He urged Council to question Mr. Fred Bryant, Assistant Planning Director, regarding what brought about the unanimous recommendation, and that Mr. Bob Scott clarify that the Carolina Golf Course is now in support of the petition, with the buffer that has been worked out as a compromise.

Councilman Smith stated since the buffer has come out he has not had a chance to look at the property to see what effect it would have on the ground, and he moved that the decision on the subject petition be postponed for one week. The motion was seconded by Councilman Stegall.

Councilman Whittington requested Mr. Henderson and Mr. Bryant to go with members of Council to show them on the ground where the buffers are. That he could not understand the description sent to Council, and he appreciates the feeling of the Carolina Golf Course and he would like to know how this involves the other property.

Councilman Tuttle stated he is very much interested in the proposed road; that Mr. Henderson is making a point that the subject property will adjoin the proposed road and the proposed road will separate it from the apartments. This leaves him a little cold as all over the country, there is a national effort to get rid of junk yard looking operations up and down roads; that he is concerned with this and the route of this road; that he is also concerned with the 300 foot buffer knowing that in a few years there is nothing in the law that says they cannot come back and ask for the buffer room. That he would hate to see an industrial operation about that road running by the golf course.

Councilman Whittington asked Mr. Scott to state the position of the Carolina Golf Course.

Mr. Scott stated he wrote a two-paragraph letter to the Charlotte-Mecklenburg Planning Commission in which it states that without qualifications the Carolina Golf Course does not resist the petition in any way; they went into it fully and came to the conclusion it was not to their best interest to resist the petition in any way. That it was voted on by the Board of Governors.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 794-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF LOT AT 210 SOUTH CASWELL ROAD, FROM R-6 MFH TO O-6.

Councilman Tuttle moved that the subject ordinance be adopted changing the zoning from R-6MFH to O-6 on a lot located at 210 South Caswell Road and the request for rezoning on the lot at 311 Queens Road be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 207.

ORDINANCE NO. 795-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 621-23 EAST NINTH STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, adopting the subject ordinance which is recorded in full in Ordinance Book 15, at Page 208.

ORDINANCE NO. 796-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 2127 STRATFORD DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Stegall, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 15, at Page 209.

CONTRACT WITH DUKE POWER COMPANY TO REMOVE EXISTING TRANSMISSION LINE FROM THE NORTHWEST EXPRESSWAY AREA.

Councilman Alexander moved that the subject contract with Duke Power be authorized which will reimburse Duke Power Company in an estimated amount of \$49,107 which is chargeable to the Northwest Expressway Project. The motion was seconded by Councilman Whittington, and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR DOWNTOWN STREET IMPROVEMENTS ON SIXTH STREET, AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Alexander, authorizing the subject change order increasing the contract price by \$500 to cover the removal and disposal of two underground fuel storage tanks.

Mr. Josh Birmingham, Assistant City Engineer, advised these are 1500 gallon storage tanks which extended into the right of way; that they were given another price of \$800 for the removal.

The vote was taken on the motion and carried unanimously.

WATER MAIN INSTALLATIONS AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, contracts for the installation of water mains were authorized, as follows:

- (a) Contract with the Trustees of Sardis Presbyterian Church for the installation of 300 feet of water main to serve Church Property, outside the city, at an estimated cost of \$560.00. The applicant will finance the total cost under Paragraph D-2 of the Water and Sewer Extension Policy;
- (b) Contract with the Trustees of Sardis Presbyterian Church for the installation of 390 feet of water mains, to serve Church Property, inside the city, at an estimated cost of \$811.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (c) Contract with James M. Moore, Inc., for the installation of 1,380 feet of water main and one fire hydrant, to serve Northmore Development, inside the city, at an estimated cost of \$7,128.00. The total cost will be borne by the applicant and the city will furnish all material, labor and supervision necessary to install the said mains and will maintain and operate same retaining all revenues. If and when mains produce a revenue equal to 5% of the cost of the mains during any twelve months continuous period, the City will reimburse the applicant the first cost of the project, without interest, depreciation or any other amount than the actual cost;
- (d) Supplementary contract to contract dated October 2, 1967 with Howard Nance Company for the installation of 3,925 feet of mains and four hydrants, to serve Coventry Woods Subdivision, inside the city, at an estimated cost of \$15,000.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (e) Contract with University Gardens Associates for the installation of 910 feet of water mains and one fire hydrant to serve University Garden Apartments, inside the city, at an estimated cost of \$4,500.00. The city will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (f) Contract with William Trotter Development Company for the installation of 3,400 feet of water main and two fire hydrants, to serve Eastbrook Woods Subdivision, inside the city, at an estimated cost of \$15,225.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

RIGHT OF WAY AGREEMENTS WITH STATE HIGHWAY COMMISSION FOR RELOCATION OF WATER MAINS IN NORTH-SOUTH EXPRESSWAY, AUTHORIZED.

Motion was made by Councilman Stegall, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute right-of-way agreements with State Highway Commission for the relocation of water mains in connection with the construction of the North South Expressway, as follows:

- (a) Relocate approximately 300 feet of 8" main in Clanton Road, from existing location and hang on bridge structure;
- (b) Blanton Road, remove and relocate approximately 800 feet of 6" water main in proposed access road;
- (c) West Morehead Street, remove and relocate in the new grade approximately 200 feet of 16" water main.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF WATER MAIN ACROSS N. C. HIGHWAY 29 NORTH.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute a right of way agreement with the State Highway Commission for the construction of a water main across N. C. Highway No. 29 North to serve C. D. Spangler Construction Project, outside the city. The motion was seconded by Councilman Short, and carried unanimously.

RIGHT OF WAY AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR WATER MAIN TO SERVE SARDIS PRESBYTERIAN CHURCH.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the Mayor and City Clerk were authorized to execute a right of way agreement with the State Highway Commission for the installation of a 2" water main to serve Sardis Presbyterian Church.

SANITARY SEWER CONSTRUCTION AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, approving contracts for the construction of sanitary sewer mains, as follows:

- (a) Construction of 455 feet of sanitary sewer main in Southwest Boulevard, inside the city, at the request of University Gardens Associates, at an estimated cost of \$3,230.00. All cost of construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement;
- (b) Construction of 140 feet of sanitary sewer main in Audrey Street, inside the city, at the request of Trotter and Allan Construction Company, at an estimated cost of \$1,260.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

APPRAISAL CONTRACTS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the following appraisal contracts were authorized:

- (a) Contract with B. Brevard Brookshire for appraisal of one parcel of land in connection with Eastway Drive;
- (b) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land in connection with the Northwest Expressway.

SPECIAL OFFICER PERMITS AUTHORIZED.

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

- (a) Permit to Robert Willard Bowlin, for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond;
- (b) Permit to George D. Cherry, for use on the premises of Kingspark Apartments, in 2400 and 2500 blocks of Kingspark Drive and 2600 block of Dr. Carver Road.

TRANSFER OF CEMETERY DEEDS.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Earl C. Chambers for Lot No. 383, Section 6, Evergreen Cemetery, at \$240.00;
- (b) Deed with Jerry L. Mitchell and wife, Doris N. Mitchell, for Graves No. 1 and 2, in Lot No. 163, Section 2, Evergreen Cemetery, at \$120.00;
- (c) Deed with Frank Savage and wife, Nellie B. Savage, for Graves No. 3 and 4, in Lot No. 185, Section 2, Evergreen Cemetery, at \$120.00;
- (d) Deed with Mrs. Daisy Mae C. Bennett, for Grave No. 210, in Section 5, Oaklawn Cemetery, \$36.00.

CONTRACT AWARDED CRANE SUPPLY COMPANY FOR PIPE FITTINGS.

Councilman Whittington moved award of contract to the low bidder, Crane Supply Company, in the amount of \$2,460.15 on a unit price basis for 7000 pieces of galvanized wrought iron nipples in various sizes. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Crane Supply Co.	\$ 2,460.15
Grinnell Co., Inc.	3,081.62
Atlas Supply Co.	4,264.57
Horne Wilson, Inc.	4,518.58
McJunkin Corporation	4,630.85
Hajoca Corporation	5,070.16

CONTRACT AWARDED KOPPERS COMPANY, INC., EARCO PRODUCTS DEPARTMENT FOR EMULSIFIED ASPHALT.

Mr. D. C. Brown, Purchasing Agent, advised this year, as in past years, they asked all suppliers they knew of who make emulsified asphalt to bid on this requirement. That there is one local company here in Charlotte and the other sources are located either in Wilmington or Morehead City or Savannah, Georgia. Mr. Brown stated it is his opinion the non-local suppliers are penalized freight-wise. He stated the requirement is for different types of emulsified asphalt and the City has some storage facilities but not enough to carry through winter and summer. This material has to be kept heated all the time and the city is limited in that respect. Up until this point the city has received other bids, the main one being American Oil Company. When they did not bid this year he contacted them and they said they chose not to bid as they could not meet the requirements and also they had increased their price since last year. Mr. Brown stated in this instance Koppers is lower. They received a bid from Shell who make part of the city's requirement and he also said that freight-wise they were not able to compete.

Councilman Tuttle moved the award of contract to the only bidder, Koppers Company, Inc., EARCO Products Department, in the amount of \$67,614.45, on a unit price basis, for 680,000 gallons of various types of emulsified asphalt. The motion was seconded by Councilman Stegall, and carried unanimously.

CONTRACT WITH ALAN M. VOORHEES AND ASSOCIATES AUTHORIZED FOR TRAFFIC ENGINEERING SERVICES IN TOPICS PROGRAM.

Mr. Veeder, City Manager, stated several weeks ago Council approved participation in the TOPICS Program with the State Highway Department and Bureau of Public Roads which provided the funding necessary on the part of the city for its share of the work involved. Following this action, proposals have been sought for funds to do this work: three proposals were sought and after reviewing the proposals, including multiple review sessions with representatives of the firms, he recommends the firm of Alan M. Voorhees and Associates for this work.

That the city pays 40% of the total estimated cost; most of the city's cost is in staff services through the Traffic Engineering Department. The total cost is estimated at \$100,000 and cash-wise the city would have a total investment of about \$20,000; the balance being funded by the State Highway and Bureau of Public Roads.

Councilman Smith moved approval of the contract with Alan M. Voorhees and Associates as recommended. The motion was seconded by Councilman Alexander and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 7,500 sq. ft. of property at 3000 Holt Street, from Howard F. Starnes and wife, Bennie S., at \$9900.00 for the East Thirtieth Street Project;

continued

continued

- (b) Acquisition of 20,078 sq. ft. of property at 2616-2630 North Davidson Street, from Fountain Doak Herndon and wife, Mary B. Herndon, at \$49,250.00, for the East Thirtieth Street Project;
- (c) Acquisition of 1,614 sq. ft. of property at 404-06 Faison Street, from Jim Burch and wife, Bettsy S. Burch, at \$300.00, for the East Thirtieth Street Project;
- (d) Acquisition of 4,500 sq. ft. of property at 804-06 North Church Street, from Joe Chung, at \$13,700.00, for Northwest Expressway;
- (e) Acquisition of six square feet of property at 402-06 West Trade Street, from J. H. Cutter and Company, Inc., at \$100.00, for Pine Street Project;
- (f) Acquisition of 790 sq. ft. easement at 4911 Charleston Drive, from Hilda Jean L. Miller and James E. Miller, at \$89.00, for sanitary sewer at 5050 East Independence Boulevard;
- (g) Acquisition of 500 sq. ft. easement on Dixie Road at Jackson Place, from Gardner Webb College, A. T. Withrow, Trustee, at \$100.00, for water distribution system main to Douglas Airport;
- (h) Acquisition of 116.10 sq. ft. easement at Park Road between Seneca and Cortland, from Edmond L. Norris and wife, Lucille, at \$1.00 for sanitary sewer to Colonial Park Apartments.

INVESTIGATION REQUESTED ON NEED FOR WARNING OR FLASHING LIGHTS AT RAILROAD CROSSING AND TWELFTH STREET.

Councilman Stegall stated on Twelfth Street, at the railroad, there are no railroad crossing flashers. He requested the City Manager to investigate to see if anything is planned for the crossing in the way of warnings or flashing lights.

PROGRESS REPORT REQUESTED ON OVERHEAD PEDESTRIAN WALKS.

Councilman Stegall asked for a progress report on the overhead pedestrian study. Mr. Veeder, City Manager, stated he has some reports from Mr. Hoose that he would like to comment on; that he has some design work in the offering and this is also a part of the TOPICS study; that Mr. Hoose is making some preliminary estimates and it will be reflected in the budget proposals.

Councilman Stegall asked if Powell Funds can be spent for this? Mr. Bobo, Administrative Assistant, replied you cannot use the funds for sidewalks but it can be used for vehicular bridges. Mr. Veeder stated if it cannot be used for sidewalks then it would seem you cannot use it for overhead pedestrian walks; that he will check it out further.

APPOINTMENT OF MRS DAVID S. WALLAS TO CHARLOTTE MODEL NEIGHBORHOOD COMMISSION.

Councilman Alexander stated he understands Mr. Ray Killian will not be able to serve on the Model Neighborhood Commission and has asked to be replaced.

Councilman Alexander moved the appointment of Mrs David S. Wallas to replace Mr. Ray Killian. The motion was seconded by Councilman Short, and carried unanimously.

CITY MANAGER REQUESTED TO INVESTIGATE CREEK RUNNING PARALLEL WITH KINGSTON AVENUE OVER TO WEST BOULEVARD WHERE RAW GARBAGE IS THROWN IN AND STAGNANT WATER IS STANDING.

Councilman Stegall stated several members of the Calvary Methodist Church on West Boulevard have approached him about a problem that involves the church and the neighborhood surrounding the church. That he went down there the other afternoon and there are a good number of apartments and a lot of dwellings that face a creek which runs parallel with Kingston Avenue and cuts across and comes into West Boulevard.

Councilman Stegall stated they have two problems out there. One, the State is going to take off the front of the church property up to the walk and this will prohibit their parking. The next thing is the creek which runs through the property and is partly owned by Calvary Church and partly by the City.

He passed around pictures of the creek showing raw garbage which has been thrown in the creek; he stated there is stagnant water standing in the creek at several different places.

Councilman Stegall stated the people of the Church would like to know if there is anyway the city can pipe the creek over and permit them to use it for parking area; or clean the creek out and the banks off so that the water can move and make it more sanitary. He stated Mr. Josh Birmingham, of the Engineering Department, went out with him to look at the property and he asked that it be surveyed to see if the city owns any part of it and report back to him.

Councilman Stegall requested the City Manager to investigate the situation to see about either piping the creek or if the banks can be cleaned off and have the creek dredged to allow the water to run free.

CITY MANAGER TO INVESTIGATE JUNK CARS PARKED ON CLUB ROAD.

Councilman Tuttle requested the City Manager to have someone investigate the junk cars on Club Road, a picture of which appeared in the morning's paper.

PROGRESS REPORT ON COUNCIL MEETINGS IN FOUR QUADRANTS OF THE CITY.

Councilman Tuttle stated sometime ago Council approved and Mr. Carstarphen has been working on the possibility of the Council taking meetings to the neighborhoods; at the time the indications were probably for January, April, July and October. He asked what progress is being made.

Mr. Veeder, City Manager, advised Mr. Carstarphen has had sessions with the school board television station and they have expressed interest in kicking off this program by telecasting a council meeting; preferably live from their studio. This has been discussed with them and he plans to come to Council with something further. He stated they have had discussions staffwise in the context of appropriate locations. At the time this was brought up it was suggested that shopping centers might be good locations. As an alternative, he would suggest the use of schools for such meetings as schools would have seating facilities and better facilities to actually permit a meeting than perhaps a shopping center. That he would like to explore this with the school board for the use of some of their facilities.

Mayor Brookshire stated Mrs. Donna Davenport, Manager of the Educational Station, has invited Council to hold one or more Council sessions in their studio. Mr. Veeder stated television studios are a rather sterile sitting for a meeting and perhaps it would be more fitting to telecast from the Council Chambers, if not live, perhaps on a delayed basis.

RESIGNATION OF JUDGE WILLIAM T. GRIST ACCEPTED BY COUNCIL EFFECTIVE FEBRUARY 16.

Councilman Whittington stated Council has received a letter from Judge William T. Grist, Associate Recorder of City Recorder's Court, that he has been appointed to the Superior Court Bench by Governor Moore and asked for his resignation to be effective February 16th.

Councilman Whittington moved the resignation be accepted as of February 16th, and a letter of thanks be written for the very fine job he has done in the community as a representative of the city and the court system. The motion was seconded by Councilman Short, and carried unanimously.

APPOINTMENT OF HAROLD M. EDWARDS AS ASSOCIATE RECORDER OF CITY RECORDER'S COURT.

Councilman Whittington placed in nomination the name of Mr. Harold M. Edwards, who has been judge pro tem in the city court since 1965, and prior to that was judge pro tem of the County Recorder's Court.

There being no other nominations, Councilman Whittington moved the appointment of Mr. Edwards, effective February 16th. The motion was seconded by Councilman Short, and carried unanimously.

APPOINTMENT OF MR. ROBERT BURROUGHS AS VICE RECORDER OF CITY RECORDER'S COURT.

Councilman Short placed in nomination the name of Mr. Robert Burroughs to succeed Mr. Harold Edwards as Vice Recorder of City Recorder's Court. There being no other nominations, Councilman Short moved Mr. Burroughs' appointment effective February 16th. The motion was seconded by Councilman Stegall, and carried unanimously.

A RESOLUTION PROVIDING FOR A PUBLIC HEARING ON MARCH 4 ON PETITION NO. 68-20 FOR ZONING CHANGE.

Councilman Whittington moved the adoption of the subject resolution setting hearing on Monday, March 4th at 3:00 o'clock p.m. on proposed change in zoning ordinance to permit fences and fence material and the sale of boats retail inside buildings in B-1 zones. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 66.

HEARING SET FOR FEBRUARY 19 ON REQUEST FOR VARIANCE TO SUBDIVISION ORDINANCE.

Councilman Whittington asked Mr. Fred Bryant, Assistant Planning Director, to discuss the status of the extension of Usher Lane into the subdivision to be developed by Cisne Corporation.

Mr. Bryant stated the subdivision ordinance requires that any existing dedicated street that comes up to the boundaries of a tract of land in the process of being subdivided must be continued at proper projection. When the Cisne property was being discussed for subdivision purposes they were made aware of this provision and in the course of subsequent discussion with some of the neighbors who would be adjacent to the extension of Usher Lane in the Foxcroft area indicated their concern about the extension of the street. As a result the developer in submitting his plan, after discussing it with the people in the neighborhood, submitted his plans without extending the street, and requested from the Planning Commission that a variance be granted to permit the approval of the subdivision without the extension of the street. Last Monday, the Planning Commission considered this request for a variance and voted to deny the variance. As a result the developer was informed of this. Mr. Bryant stated he understands proceedings are underway now to request from City Council that a variance be granted. Mr. Bryant stated the subdivision ordinance provides that variances as outlined in the ordinance can be granted by either the Planning Commission or City Council.

He stated the plans have been submitted for subdivision approval with the proper connection being made and the plans are in process as they must get approval from the Engineering Department, Health Department and some other agencies. To this point no approval actually has been granted.

Councilman Whittington requested the Planning Commission not to approve the plans until it has been brought to Council. Mr. Bryant stated he understands a request has been made to have this matter before Council and the Planning Commission will not approve the plans until it has had proper consideration. He stated the ordinance reads that a variance must be predicated upon a hardship that would fall upon the developer.

Councilman Tuttle stated Council has a legal and specific request in hand in the form of a letter to the City Council; the subject is a request for a variance to the City's Subdivision Ordinance regarding the proposed. That the Petitioners, through their attorneys, request that the City Council exercise its authority under Section 18-27 of the Charlotte City Code.

Councilman Whittington moved that the request for a variance be heard by the City Council on February 19th. The motion was seconded by Councilman Tuttle. The vote was taken on the motion, and carried unanimously.

Mr. Bryant stated the people who signed the petition presented to the Planning Commission came primarily from Redfox Trail and Abingdon, and several others.

ORDINANCE NO. 797-X TO AMEND ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Mr. Veeder, City Manager, stated in checking with HUD, it appears that the City can expect to get some money to help fund the Model Cities efforts around March 15th. That it will be necessary for the City to fund the operations between now and March 15th and to fund the City's 20% of the cost for the balance of the fiscal year.

Councilman Smith moved the adoption of the subject ordinance transferring \$8,400 of the General Fund Contingency Appropriation to the Model Neighborhood Commission for purpose of funding Model Neighborhood Program operations for the remainder of the fiscal year. The motion was seconded by Councilman Alexander, and carried unanimously.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk