

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, November 27, 1967, at 2:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding at the beginning of the session, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire attended the meeting later in the session.

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, Commissioners Albea, Stone, Tate and Turner.

ABSENT: Commissioners Ashcraft, Gamble, Godley, Sibley and Wilmer.

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INVOCATION.

The invocation was given by Councilman Milton Short.

HEARING ON PETITION NO. 67-80 BY M. A. LYONS, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF A TRACT OF LAND ON THE SOUTH SIDE OF SUNSET ROAD BEGINNING AT MILHAVEN LANE AND EXTENDING WESTWARD ABOUT 1,150 FEET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this area consists of a considerable acreage located on the south side of Sunset Road; it is at the intersection of Sunset Road and Milhaven; Milhaven is a street that runs from Sunset Road southward down past the Statesville Road Elementary School.

He stated the property is vacant with the exception of one house; the predominant land use in the area is single family with vacant property scattered throughout with the exception that on Sunset Road, near Statesville Road, is the site of the new Roadway Express Truck Terminal Facility. There is scattered residential uses throughout the area and residential around the circular street pattern of Dellwood Circle and Suburban Drive with another subdivision on Hamilton Circle.

The zoning in the area is predominately R-9; to the north is I-2 with B-2 zoning along Statesville Road. He stated this is near the new I-77 with an interchange to be constructed at Sunset Road so that a considerable portion of this property will be necessary for the interchange itself and will be secured by the Highway Commission for right-of-way purposes.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 67-81 BY M. A. LYONS, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO I-2 OF A STRIP OF LAND 300' X 1200' ON THE NORTH SIDE OF SUNSET ROAD BEGINNING AT REAMES ROAD AND EXTENDING EASTWARD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this petition is just across Sunset Road from the previous petition and the locational factors and land uses are the same as outlined under Petition No. 67-80. The subject petition is a strip of land 300 feet wide extending back to the perimeter boundary on the north side of Sunset Road beginning at Reames Road and extends eastward to the existing I-2.

He stated that even more of this property will be subject to right-of-way acquisition for the interchange of I-77. That the petitioner and his company also own the adjoining tract of land which is already zoned for I-2 purposes. They sold the tract for the Roadway Expressway Terminal and have sold one additional site adjacent to that which will be utilized for truck terminal purposes as well; they also own the remainder of the property out to Reames Road.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

REPORT ON STUDY OF ORGANIZATIONAL NEEDS OF PUBLIC WORKS' FUNCTIONS.

Mr. Thomas R. Jacobi, Senior Public Works Staff Member of the Public Administration Service, stated the report relates to public works administration in the City of Charlotte and is a reconnaissance-type report which had as its purpose an analysis of the organization and operations of the public works in the City, with a view of determining problems that exist and making recommendations for changes in the organization and any suggestions that came about as a result of the analysis of the overall operation.

That Charlotte with its present population of 260,000 in an area of 71 square miles is going to grow. With Mecklenburg County having a population now of 330,000, by 1984 the metropolitan area may be in the neighborhood of almost a half million. A review of the public works requires that it be looked at from that standpoint and to take into account what future possibilities may be, not only in terms of growth but in terms of governmental structure as there is a very close relationship between the City and County, and ten or twenty years hence there may be a consolidation of the two governments.

He stated under the present organization the Motor Transport Department has 558 employees and expends about three million dollars a year; Engineering Department has 349 employees and expends three and half million dollars; Water Department has 291 employees and expends three point three million dollars; Traffic Engineering Department with 61 employees expends something under six hundred thousand dollars; Central Services with 23 employees is a service agency; Cemetery Department with 40 employees expends about two hundred thousand a year, and the Building Inspection Department has 48 employees and its expenditures are not shown.

Mr. Jacobi stated in the review it was felt that, by and large, the City has good public works operations just as there is good government in Charlotte, however, there are always opportunities for some improvements. Some of the things that should be given attention are mentioned on Page 31 of the Report. The planning and engineering, as it relates to public works, is somewhat

dispersed between the engineering and water departments. The utilities are fairly well condensed in the water department except that the sewer maintenance operation is under the engineering department and not the water department and that seems like a logical thing to consolidate.

He stated there are opportunities for better consolidation of public works functions in an enlarged public works department which would have as its nucleus the engineering department. These would include the buildings and grounds, cemeteries and equipment management. The sanitation operation of refuse collections, disposal and street cleaning includes a large routine operation which does not require particularly any engineering application so it is a natural thing to set up as a separate unit. There is need for improvement in the equipment management which is now part of the motor transportation department, and it would be desirable to put it under the suggested public works department which would be essentially the engineering department.

The radio installation, repair and maintenance which is now under traffic engineering is very well done; in the long range future it might be worth considering putting it in a garage operation because it is related to equipment.

He stated there are certain things that could go to the finance department such as utility billing and collection - that this he understands is under consideration already. Certain central services are not public work by nature such as mail, messengers, switchboard and janitorial services so that they could be segregated in a central service unit whereas building maintenance is a public works function and could be put in the public works department.

That in Chapter II of the report they have suggested a proposed organization of the public works administration. Under Chart V, the finance department and central services are shown, not as a public works function, but to tie them in because there are some shifts and inter-relationships. Basically, the public works function would be Building Inspection, Sanitation and Public Works, Utilities and Traffic Engineering.

Councilman Whittington asked if these would be under the public works Department and Mr. Jacobi replied, no, they would be under the City Manager.

Mr. Jacobi stated the Engineering Department would be retitled the Public Works Department and would include Planning and Engineering, Cemeteries operation and Public Building Maintenance and the equipment operation. Sanitation would no longer be a part of the equipment operation - the idea being that refuse collection, disposal, street cleaning is fairly routine and can be separated. It is a big personnel unit in terms of people so it should be a separate unit and the equipment management put under the Public Works Department so that it can be given special attention and improvements made in it.

The Water Department would be retitled the Utilities Department and all water and sewage works would be under the responsibility of that department including the sewer construction and maintenance which is now under the Engineering Department. All engineering would be in the Public Works Department; that all types of engineering and planning (engineering part of planning, not the separate Planning unit) for these functions would be a part of that department.

The Sanitation Department - which would be refuse collection, disposal and street cleaning - Traffic Engineering and Building Inspection Departments would

remain as they are without any change.

The Purchasing Department would be expanded to be a Central Services Department to include not only purchasing but mail and messengers, switchboard and janitorial services. All water billing and collection and any other fiscal function would be transferred to the Finance Department.

He stated the proposed staffing of the Public Works Department with the present allocations of position and shifting of positions would be 349; Utilities Department would have 360 employees; Sanitation Department 523; Traffic Engineering and Building Inspection would remain the same as 71 and 48 with Central Service having 24. The total adds up to the same as it is now with the transfer of 14 people to finance that are now in water utilities and billing and collections.

Mr. Jacobi stated as to operational problems the City is planning on new construction for the central offices and city hall complex and they recommend that, and suggest that City make haste with care. In other words, plan carefully the new facilities.

Regarding the field facilities for public works operations there is a desirability for satellite yards with one in the north, one in the southwest and one in the southeast and should be well out towards the fringe area now so that future growth can be anticipated and the possibility of a closer relationship with the county. The satellite facilities and central facility would serve as basis for refuse collection, street cleaning and street maintenance and water and sewer operations.

That the City could provide a rather high level of service in refuse collection and disposal by tightening up the regulations in terms of the requirements of the individual for preparing refuse particularly for pick-up. The operations can be improved and made much more efficient if additional regulations are passed and developed and insisted upon.

There is a need for improving the equipment management which would call for special attention and a properly qualified person to head the operation. One of the best arrangements for this is a revolving fund which makes charges for equipment use to the various using agencies and the equipment division owns all the equipment and the charges include not only operating cost but also depreciation. A reserve can be developed and replace the equipment out of the reserve. He stated the fleet cannot be expanded out of this fund but it can be replaced. For additional equipment you must have additional appropriations.

Some suggestions on building permits and inspection practices are that in the new facilities, arrangements are made to physically concentrate, as nearly as possible, the people concerned with the issuing of permits, and where you cannot, to make use of closed circuit television. If a person has a permit and the proper agency is elsewhere, you could show from one point the nature of the permit, and from the other point, show back the situation as it is on the record and make the permit issuance more efficient. Also, that inspectors be developed who can cover various facets of the inspection operations and not have separate building, plumbing and electric inspectors. That this would not be feasible in large constructions but it is feasible in simple residential units.

It is suggested that another look be taken at the communications in City Hall by the telephone people and see if the communications system can be improved.

He stated you must have qualified people in charge of certain of these operations if the City should reorganize as has been suggested. Mr. Jacobi stated they were greatly impressed by the quality of people in the public works operations now and commended Council and the Manager for having been able to select such people. There are some needs that need to be filled in implementing the suggestions of this report.

Councilman Jordan stated the report is very good and is complete and a lot of suggestions have been made which will be helpful in consolidating some of the departments. Councilman Tuttle asked if any attempt has been made to put a dollar tag on the report? Mr. Jacobi replied there is not a dollar tag; in terms of reorganization, it is simply a shifting of presently allocated positions from one organization to another so that would not entail significant difference dollar-wise. Councilman Tuttle asked if it would cause any radical upset to make the basic changes as suggested? Mr. Jacobi replied there are a few positions that need to be filled such as the equipment management but otherwise there would be no great disruption. There were alternatives and this is not the only way to do it, but as they see it within the present framework and personnel presently employed, this would be feasible and could be done without any great disruption.

Councilman Tuttle stated he was surprised to read the recommendation of not picking up trash on a regular pick-up. Mr. Veeder replied there is a time of year when this is not really practical or feasible; this time of the year being a good example when the trucks are tied up picking up leaves and we are not offering the regular every week-in and week-out Wednesday trash service.

Councilman Short stated this report is an improvement although he would agree we have a good situation now. That he is particularly impressed with the suggestion that would offer a greater opportunity and a more focused responsibility for water and sewer planning and engineering. That he would suggest that Mr. Veeder arrange for Council to hear the reaction of the various department heads of the departments that are affected by this as soon as possible.

Councilman Smith stated the City is now using the jeep trains to pick up garbage to prevent the men from having to go to the landfill each time to unload a truck, and the report does not mention this. Mr. Jacobi stated he is aware of this and it is not a cure-all but it has its advantages. You now have a driver and four loaders on a normal packing truck; when they load the truck then they all ride to the dump together and back again and this is not good so the train has some merit in that respect. He stated that composting has not taken whole here and it is done more in Europe; that you can use incineration and that reduces the volume of material to be disposed of but you still have to dispose of the ashes; composting has certain merits but you have to have good separation. This is a complex problem and one that many, many special studies have been made concerning it.

Councilman Smith stated he recommended taking the engineering functions and putting the sewer and water together; he asked if this saves anything? Mr. Jacobi replied it does not save anything but it gives you a more versatile engineering and planning group and in this way you can make best use of the engineers and develop more versatile engineers and keep young engineers better if they are in an engineering organization that does all kinds of engineering rather than one type. That it would not be a savings that you could put your finger on but you would get more effective engineering and planning. Councilman Smith stated he agrees this is a good report and a step in the right direction.

(MAYOR BROOKSHIRE CAME INTO THE MEETING AT THIS TIME AND PRESIDED FOR THE REMAINDER OF THE SESSION.)

Councilman Alexander asked if he says the City is not saving money but costing itself in keeping all this equipment, some as long as fifteen years? Mr. Jacobi replied that is really false economy; there are certain items that you use so seldom that may go that long, but equipment that is used to any extent is not much that would be economically useful for that long.

Mayor Brookshire asked if there is any merit in using scales to weigh the refuse before it is dumped? Mr. Veeder replied weight is the most important factor in evaluating performance and need. This has been discussed off and on for a period of some time; that Mr. Davis has given cost estimates on occasion and even made some budget requests for facilities that would permit weighing everything into the landfill. That it has been a dollar situation and to date we have not seen daylight on the money necessary to do this. There is some distinct advantages to weighing every truck that goes to the landfill; you can develop some data that you can do some meaningful things with. This is done in a great number of places and it gives you a type of data and control you can find very helpful in planning and programming.

REPORT ON PRELIMINARY COST ESTIMATES FOR BARCLAY DOWNS DRIVE IMPROVEMENTS.

Mr. Cheek, City Engineer, stated they were requested to make cost estimates on improvements to Barclay Downs Drive, between Fairview Road down to the junction with Selwyn Avenue. That they broke it down into three sections. The first section runs from Fairview Road down to the present entrance at Celanese and the estimated cost is \$225,000; predicated on the right-of-way being made available for the basic four lanes section with turn slots they suggest possible staging to utilize the existing roadway wherever possible and leaving out some of the curbing and gutter, adding these at a later date.

Section two which would be a continuation of Barclay Downs from the entrance to Celanese down to Runnymede where there will be a junction with the belt road and is being designed at this time by the State Highway Commission. That they propose to utilize the existing right-of-way which is 60 feet, and propose four lanes and sidewalks when it can be obtained without additional right-of-way.

The remaining portion from Runnymede over to Selwyn Avenue is actually on the State maintenance and it is possible with the route alignment of the circumferential route that the state finally comes up with it may make any improvement of this section unnecessary. In any event they estimated that it would not exceed the requirements for approximately 34 foot width and they could get by with about 50 foot of right-of-way; it is entirely possible that this might not even be required.

He stated the estimated cost are - Section 1, \$225,000 with approximate staging of \$175,000 to begin with and adding the rest later; Section 2 estimated at \$233,000 and if Section 3 should need to be improved it is estimated at about \$188,000.

Councilman Smith stated in the written report it states - "In recognition of recent action taken by Charlotte City Council in re-classifying Barclay Downs as a collector street to a major arterial street from Fairview Road to Runnymede Lane." That he thought all Council wanted was some estimates on the cost that he did not think it re-classified it. Council wanted the cost but he did not think they were classifying it until they found out the cost. Mr. Veeder, City Manager replied it is Council's option to do whatever it wishes. Councilman Smith stated he questioned the wording of the report very thoroughly at the time, and it was reported to do nothing other than to study the matter and bring it back to Council; that it was not his impression that they would say this is an arterial street; that Council was to find out if it would make it an arterial. Mr. Veeder replied this is completely Council's option.

Councilman Smith asked if this would need a public hearing, and Mr. Veeder replied that would be up to Council; normally with street improvements the City has done, it has not used the public hearing. Councilman Jordan asked if Council would consider all three sections at one time? Mr. Cheek replied he would not think so as the City should wait and see what the State is going to do on the circumferential route; keeping in mind that the third section is part of the state system.

Councilman Tuttle asked what would happen traffic-wise if it became necessary to widen only section one which goes to the Celanese property? Mr. Herman Hoose, Traffic Engineer, replied it would not affect anything as far as the present property; there is some feeling about Celanese setting up a driveway intersecting Barclay which would help Scofield. Councilman Tuttle stated he is wondering if by widening one section it would dump too much traffic in there. Mr. Hoose stated there would be two lanes into four lanes and if they revamp their entrance it would help the situation down where the signal is; the drive comes out now and conflicts with Blythe Brothers and Eastern Airlines as they are opposite each other.

Councilman Short asked if the abutting owners would be the primary people to benefit out of the widening proposal of Section two? Mr. Hoose replied that he thinks Section two would be imperative after the belt road is completed to tie into Runnymede as you would probably get better service in the complete area. Mr. Cheek stated in Section 2 there is a 60 foot right-of-way existing through this area; improvements anticipated in the area would require nothing more than perhaps some construction easements. Councilman Short asked if they would wind up with storm drains, curb and gutter etc. at no charge to themselves, this being a thing that on many streets people petition for and pay to have put in? Mr. Cheek replied in that context it is true.

Councilman Smith stated the so-called belt road is suppose to be an urban street to get from one end of town to another. If you go through your better residential section with four lanes running into it it will create a real depreciating factor in the residential area; Park Road is now four lanes all the way around the belt road; this would be a short cut. Those people built down there with the idea of building on a residential street. If the City continues to run four lane highways into the belt road, it will not be a urban street, it will be a super expressway.

Mr. Cocke stated he is one of the affected residents. That he has talked to a majority of the residents on Barclay Downs Drive and without exception they feel that the value of their property will be seriously impaired. That he does not have any evidence that this is an absolute must. That he has been told there is no certainty when the shopping center will be built and there is no certainty as to when the belt road will be completed or where, in fact, it will be. That he was aware of the belt road when he bought his property but was not aware of anything contemplated for Barclay Downs Drive. The people along there have small children and traffic is considerably above 35 MPH now because it is down hill. By the time it reaches his house at the corner of Barclay Downs and Ferncliff Drive it reaches 55 and 60. He stated while the 60 foot right-of-way is there and maybe the city will not take any of his property, from his personal standpoint it will be very destructive and he would like to feel there is some very urgent requirements for this. That he would like to know what justifies this expenditure in light of the uncertainty of the shopping center and the belt road.

Mr. L. A. Hudson stated at the time they purchased in the Barclay Downs area it was with the specific intent of moving into a residential area. That now it seems they are to serve a commercial purpose in the proposed shopping center that is going up there because of the flow of traffic and also the volume of traffic coming out of Celanese at the end of Barclay Downs. That they can see little purpose and little result to be gained by making one phase of it four lanes and channeling these four lanes into two lanes. There is a belt road just behind that coming down Runnymede and he wonders if serious consideration has been given to what is taken place. With the complex of schools located there this is one of the busiest intersections for school children anywhere in the city. That the residents cannot see any benefit to be derived for the area to be served by the four lane highway.

Mr. Bruce Wright, a resident of the area, stated it would appear that the traffic growth does not demand the widening at this time, and he asked if it would be wise to use the taxpayers money for a street when they do not know where the belt road will be located and how it might join up with this traffic artery on Barclay Downs Drive.

RESIDENT OF CHARLOTTE PRESENTS STATISTICS AND REQUEST THAT STREETS IN DOWNTOWN AREA AND RESIDENTIAL AREAS BE POSTED OTHER THAN THE MAXIMUM OF 35 MPH.

Mr. Robert Smith stated he is a five year resident of Charlotte and his topic is safety. He stated in discussing the situation with the Traffic Engineering Department they feel that Charlotte is engineered much better than Chicago and safety there and here are two different matters.

That he has some statistics and the latest figures he could get were for 1965. In Chicago there were a total of 468 accidental auto deaths with a population of 3,520,000; this made a ratio of deaths per population of 775 to one. Charlotte had a total death rate of 43 with a population of 230,000, the ratio was 5,348.

In the State of Illinois in 1964 there were 37 deaths per 100 thousand; with a total deaths for the year of 1,486 at a population of over ten and one half million. North Carolina in 1964 had 64.1 per 100 thousand; with 1,649 deaths and a population of less than half a million. With less than half the population there was more than 160 more deaths in the State of North Carolina.

He stated the National Safety Council rates cities in safety. That Houston is the safest with a 2.2% registered vehicle death rate per 10,000 registered vehicles; Chicago is second with 2.7 death per 10,000 registered vehicles; Charlotte has 2.4 per 10,000 rating and is 13th in safety out of the states of it size.

That Chicago decreased 17% in 1967 over 1966; Charlotte increased 29% in 1967 over 1966. This means that things are not getting better.

Mr. Smith stated he would like to see Charlotte safer, but there is a major handicap in what he feels is the first step that should be made. That is the change of the maximum limit on residential streets to 25 MPH rather than as indicated by the signs posted as you enter the city which are 35 MPH other than posted otherwise. That the City Traffic Division will not arrest a person going through Trade and Tryon at 35 MPH; there are no signs posted in the downtown area.

Councilman Whittington stated he has talked with Mr. Smith and told him at the time that Council has instructed the Traffic Engineering Department to make a study and give Council a report so that it could take some action on the different speed limits on various streets. Mr. Smith replied that trying to post all the residential streets is much more complex than changing the entering speed as the maximum speed limit. The major arteries are posted 35 MPH, 40 or 45 MPH; the only place posting lacks now is the downtown area which should have 20 MPH. That he feels when you post the maximum speed of 35, people try to approximate that wherever possible.

Mr. Smith stated in talking to the Police Department they told him they have an average of ten men in action enforcing traffic laws - five men are involved in accident investigations, one man on radar and one man assigned to hit and run and three men on motorcycles. That he was told the cruising cars are able to assist if they are not doing something else.

Mayor Brookshire stated Council appreciates Mr. Smith's presentation and is sympathetic to the problem and that we are all concerned with safety and doing what we can to improve it.

ORDINANCE NO. 728-2 AMENDING CHAPTER 23, SECTION 23-8 CHANGING THE ZONING MAP BY CHANGING PROPERTY ALONG HIGHWAY 29, NEW I-85 AND MALLARD CREEK ROAD FROM R-12, B-2 AND I-2 TO R-12, RE AND I-1.

Councilman Smith moved that the proposal of the Planning Commission to change property along Highway 29, New I-85 and Mallard Creek Road to RE, Industrial-1 and R-12 be approved as submitted except that: (1) the area bounded on the south by Brookside Land and Brookside Land Extended, on the east by Highway 29, on the north by the rear lots fronting on the south side of Clark Boulevard and Clark Drive South and a straight line extended to I-85, and on the west by I-85 be scheduled for public hearing and considered for I-1 zoning; (2) the lots fronting on the west side of Highway 29 having a depth of about 400 feet and beginning with the southerly property line at the Aucrest Motel and extending north to the University property be scheduled for public hearing and considered for O-6 zoning. The motion was seconded by Councilman Short.

Mr. Elbert Foster, Attorney for one of the residents, stated he would like to be heard and ask the Council not to pass this motion. Mayor Brookshire stated that would be a continuation of the public hearing. When the hearings are advertised, parties both for and against the petitions are given every opportunity to express themselves and when the matter comes before Council later for its discussion and decision the public hearing cannot be continued.

Councilman Smith stated at the hearing Council will set up today, that Mr. Foster can be heard at that time and Council could at that time zone it either B-1 or B-2 because it is now B-2. Mr. Foster will have a chance to be heard at the hearing. This does not set in motion an O-6 zoning, it is just a hearing. Mr. Kiser, City Attorney, stated if the subject motion is adopted today, they are not rezoning but simply excluding the properties which are listed in No. 1 and No. 2, one of which includes Mr. Foster's client's property from rezoning of any kind, and will establish a date for a public hearing on the question of whether to rezone that property to O-6 or to I-1 whichever category his client's property falls into. Councilman Smith stated if Council fails to rezone it O-6, it can be left as B-2 or B-1.

Mr. Kiser stated that property which would be scheduled for a hearing on the question of whether to rezone it I-1 could be rezoned to any classification having a higher classification than I-1 which would be B-3, B-2, B-1SCD and up the line to R-15. That property which is to be advertised for rezoning to O-6 could be rezoned to O-6 or any higher classification but not to a lower classification.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 140.

Mr. Foster stated in considering the law he would like for Council to have an interpretation from the city attorney as to what Section 23-32.02 (b) (c) and (1) means.

HEARING SET FOR MONDAY, JANUARY 8, 1968 ON AMENDMENTS TO ZONING MAP BY CHANGING ZONING ON: (1) AREA BOUNDED ON THE SOUTH BY BROOKSIDE LANE AND BROOKSIDE LANE EXTENDED, ON THE EAST BY HIGHWAY 29, ON THE NORTH BY THE REAR LOTS FRONTING ON THE SOUTH SIDE OF CLARK BOULEVARD AND CLARK DRIVE SOUTH AND A STRAIGHT LINE EXTENDED TO I-85, AND ON THE WEST BY I-85 TO BE CONSIDERED FOR I-1 ZONING; (2) THE LOTS FRONTING ON THE WEST SIDE OF HIGHWAY 29 HAVING A DEPTH OF ABOUT 400 FEET AND BEGINNING WITH THE SOUTHERLY PROPERTY LINE OF ANCREST MOTEL AND EXTENDING NORTH TO THE UNIVERSITY PROPERTY CONSIDERED FOR O-6 ZONING.

Councilman Jordan moved that hearing be set for January 8, 1968 on the subject property, which was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 729-Z AMENDING CHAPTER 23, SECTION 23-8 CHANGING THE ZONING MAP BY CHANGING ZONING FROM R-9MF TO O-6 OF A LOT ON THE WEST SIDE OF MULBERRY CHURCH ROAD BEGINNING APPROXIMATELY 150 FEET NORTH OF SLOAN DRIVE.

Councilman Whittington moved adoption of the subject ordinance changing

the zoning from R-9MF to O-6 as recommended by the Planning Commission rather than B-2 as requested by the petitioner. The motion was seconded by Councilman Short and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 141.

ORDINANCE NO. 730-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON THE NORTH SIDE OF ASHWORTH ROAD FROM MCALWAY ROAD TO CROSLAND AVENUE EXTENDING ALONG MCALWAY ROAD TO NEAR BEAL STREET.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 142.

DECISION ON PETITION NO. 67-70 BY W. E. BROWNING FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT ON THE WEST SIDE OF SHARON AMITY ROAD BEGINNING NORTH OF MONROE ROAD, DEFERRED.

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

DECISION ON PETITION NO. 67-71 BY W. I. BOSTIC, ET AL FOR A CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF LANTANA AVENUE, FROM SHARON AMITY ROAD TO MANDARIN BOULEVARD DEFERRED FOR ONE WEEK.

Councilman Whittington moved that decision on the subject petition be deferred for one week. The motion was seconded by Councilman Stegall, and carried unanimously.

ORDINANCE NO. 731-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON SOUTH SIDE OF MONROE ROAD, FROM ROSS MOORE AVENUE TO SUMMEY AVENUE.

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

The ordinance is recorded in full in Ordinance Book 15, Page 143.

ORDINANCE NO. 732-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON BOTH SIDES OF BARRINGTON DRIVE, EXTENDING SOUTHEASTWARD FROM THE PLAZA, APPROXIMATELY 930 FEET.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 144.

ORDINANCE NO. 733-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING MAP BY CHANGING ZONING OF PROPERTY AT 216 WEST TENTH STREET.

Councilman Alexander moved adoption of the subject ordinance changing the zoning from R-1.OMF to O-6 as recommended by the Planning Commission rather than the requested B-2. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 145.

PETITION NO. 67-55 BY DOROTHY PARKER ALLEN FOR A CHANGE IN ZONING FROM R-15 TO O-15 OF A THREE ACRE LOT AT 5814 PARK ROAD AT THE INTERSECTION OF PARK ROAD AND FAIRVIEW ROAD DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

ORDINANCE NO. 734-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING MAP BY CHANGING ZONING OF TRACT OF LAND AT THE SOUTHEASTERLY CORNER OF MORNINGSIDE DRIVE AND COMMONWEALTH AVENUE.

Councilman Jordan moved that decision on the subject petition be deferred pending further study by the Planning Commission. The motion was seconded by Councilman Stegall.

Mr. Fred Bryant, Assistant Planning Director, stated the deferral was in order to give the staff an opportunity to discuss with the petitioner the possibility of leaving an area along Commonwealth Avenue in its present zone. This has been done, and the Planning Commission today recommended that the request as submitted be approved with the exception that a 25 foot strip be maintained office along Commonwealth Avenue. That this has been discussed with the petitioner and is agreeable with him.

Mr. Bryant stated the Planning Commission has for a number of years now maintained the attitude that Commonwealth Avenue should not be encouraged to develop for business purposes in as much as Independence Boulevard, The Plaza and other streets around have concentrations of business zoning and potential business development on them. In the past this has been followed in a number of instances, not only in this particular location but with other locations up near The Plaza and some farther out in the other directions. In this case the Planning Commission felt that the reasons the petitioner had for wanting business zoning in this area - to provide some needed business services to the fast developing apartment areas - was a legitimate one but at the same time they were concerned about what would happen to Commonwealth Avenue and the potential this had for creating sizeable business district around the Commonwealth - Morningside intersection. As a result, this was discussed with the petitioner, and he agreed to develop the property with his entrances to be on Morningside Drive without any entrance coming on to Commonwealth and he has agreed verably that he will landscape the 25-foot strip on Commonwealth.

Councilman Tuttle made a substitute motion to approve the petition as submitted with the exception that the 25-foot strip paralleling Commonwealth Avenue be denied and remain O-6. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 146.

Councilman Whittington stated this is the second time this corner has been up, and the property across the street from this same petition has been up before and denied. That he would suggest to Council - this is a flood plain and anything that is done there would be an improvement - to ask the Planning Commission to give a recommendation on the property across the street as soon as they can.

Councilman Short asked if this would not tend to neutralize the reason for having the beautification in the 25-foot unoccupied strip. Councilman Whittington stated he would think they could work out the same thing; but anything that is done there would be an improvement over what is there now.

PETITION NO. 67-77 BY TRUSTEES FOR CAMP GREENE CHURCH OF GOD FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO B-1 OF PROPERTY AT THE NORTHEAST CORNER OF CAMP GREENE STREET AND AMBER DRIVE, DENIED.

Councilman Whittington moved that decision on the subject petition be deferred and that the Planning Commission bring back to Council another hearing for this whole area from Amber Drive up to Elon Street. The motion was seconded by Councilman Stegall.

Councilman Whittington stated he did not want to deny this petition as it stands, because it is one lot - a church - in the middle of this block. That Council tried to advise the petitioner last week that he should get everybody on Amber and fronting on Camp Greene Street to join them in this petition so that the Council could look at it objectively as it concerns the whole neighborhood. Councilman Smith stated the Minister was told at the hearing that this was going towards spot zoning and he said he understood; that he does not think this will get a very good reception from the Planning Commission.

Councilman Short stated naturally anyone in his heart wants to help the church situation; he asked if this is not a situation where any advantage and any additional money to this church just comes out of the homes of the parishioners and the reduced value to the homes of those who live by. He stated he wonders if Council would not do them all a favor to rescue them from something that might have been an out of order effort to acquire some money for the church, and simply deny this.

Mr. Fred Bryant, Assistant Planning Director, stated the Planning Commission was very strong in their recommendation on this petition; they felt at present there was a satisfactory zoning pattern in the neighborhood with the business zoning across Camp Greene, the front part of this property and other property as well being zoned for office purposes and behind that the residential zoning. This is the normal pattern that the Planning Commission would try to achieve in a neighborhood such as this.

Mr. Bryant replied the only reason for additional business zoning in this area would be provided someone could really justify it from the standpoint of a relationship to the existing houses and from the standpoint of there being a need for additional business in this area to supply needed services to the neighborhood. That he seriously questions that this is present as there is a tremendous amount of property, particularly along Freedom Drive that is zoned for business and industrial purposes that has not been utilized. That there would be a grave injustice done to the houses across the street by zoning this property. That up to this point there has been no indication that they desire business zoning for their own property, and he would question the logic in zoning that property for business purposes.

That as far as procedure is concerned on how to go about achieving this he would not be able at this point to say that the Planning Commission would want to come back to Council with a petition sponsored by them to consider the remaining portion of this. That their recommendation was strong enough in this matter so that he does not believe they would be inclined to come back to Council with a petition bearing their name. That if it were to be done, it would need to be done by Council or the property owners.

Councilman Tuttle made a substitute motion that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

DECISION ON PETITION NO. 67-78 BY WILLIAM A. MCGARITY FOR A CHANGE IN ZONING FROM R-12 TO R-9MF OF AN ACRE TRACT OF LAND ON THE NORTHWEST SIDE OF SHARON ROAD SOUTH OF SHERBROOK DRIVE, DEFERRED FOR ONE WEEK.

Councilman Alexander stated this property is not surrounded by any present development other than on the back end; at the back end there is enough wooded area for a buffer to be left there where the people in the back would not even know that any development was up on Sharon Road. He asked what would be wrong with letting the petitioner put his development there when there is nothing around it now and very little residential single family development would be done at all. This piece of land would just have to lay there; where if the request is granted it would produce some revenue.

Councilman Whittington stated he has not seen the property and he has talked to the petitioner, and before he votes on it he would like to see it as Mr. Alexander has and he moved that decision be postponed for one week. The motion was seconded by Councilman Alexander.

Councilman Smith stated he has leaned towards Mr. McGarity on this zoning. This is a piece of property what would be very difficult to develop for single family use. All over town you have apartments intermingled with residential property. That these apartments will rent from \$135 to \$165 a unit and this is the type of apartment that Crosland built next to his development at Fairview Road and the same type of plan. That it is the best utility value of this land to put apartments on it; it is best for the community.

Councilman Stegall stated he knows a number of people who live in this area and would be affected by this and he has not had a single call of protest from any of them.

The vote was taken on the motion and carried unanimously.

PETITION NO. 67-58 BY ROY J. ARCHER FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A TRACT OF LAND APPROXIMATELY TWO ACRES IN SIZE BOUNDED ON THE EAST BY BRIAR CREEK AND 700 FEET NORTH OF COMMONWEALTH AVENUE EXTENDING IN A NORTHERLY DIRECTION ALONG BRIAR CREEK, DENIED.

Councilman Smith stated the main objections to the subject petition is for flood control as a fill will affect the other people on the creek. He asked how the creek will ever be developed if it is not filled. Mr. Fred Bryant, Assistant Planning Director, stated the studies and recommendations the Corp of Engineers have come up with may relieve to some extent the flooding of this property and at that time this may be removed from the flood consideration. That they had the Engineering Department take Mr. Archer's plans for a fill and study them and they said he had proposed to fill up to a level of 650 and the Engineering recommends 655. The flood plain boundary is actually 653.

Councilman Stegall asked if he has been told what the recommendations are and that he has said he would not do that? Mr. Bryant replied he has been told and he has said these are the plans he proposes. Councilman Short stated this fill in a sense is a dam and the more you fill it the better you fill it and revert water around and make the flood plain wider on the other side of the creek and penalize other people who are not exactly in a flood situation now.

Councilman Stegall stated directly across the creek from this property is a new apartment project and it adjoins Green Oaks Apartment; he asked if the rear of the subject property is the same elevation as the property across? Mr. Bryant replied it is approximately the same; nearer Central Avenue there is an apartment that has been built on the same street that comes all the way through. As you drive back to the rear of those apartments you will see that the apartments have been constructed up to within about 100 to 125 feet of the creek itself and they have filled in at least five to eight feet. There is no doubt but what his man could fill his property to bring it above the level of the flood; his engineer estimates that it will take in excess of 40,000 cubic yards of dirt to fill even up to the point where they propose to fill; by filling in 40,000 cubic yards of dirt you replace 40,000 cubic yards of flood capacity; when flood does come along this water is going to have to go somewhere and it will be pushed out somewhere else.

Councilman Whittington asked if it would not be wise for Council to instruct the City Manager to have the city engineer consult Mr. Archer and ask him if he is agreeable to do what the engineer thinks should be done? Councilman Smith stated he believes the main point is that even if it is filled the water will have to go on the other man. Councilman Stegall stated Purser Oil Company and several other companies have built on the edge of the creek on Central Avenue and have not filled the land in and they are north of this property. To his knowledge there has been no flooding for the last couple of years; in the 1900 block of Arnold Drive a tremendous area is being filled in now. It seems this problem has been pretty well licked and he does not like to see this man denied the right to build in there.

Mr. Bryant stated based on the 20 year flood studies if he built in there they would be flooded; the engineering department has classified all this property as falling within the flood plain area basin on expectations of a 20 year flood level. Councilman Whittington stated this man has been told what he has to do and he has not said he would not do it, nor that he would do it. Under the flood plains in the subdivision ordinance, would it not be wise, before Council said a flat no to this man, to have our Engineer tell him what he must do and then if he does it, Council would have a better basis from which to make a decision.

Mayor Brookshire stated he thinks the Planning Commission should be apprised of any agreement with the property owner before Council taken any action.

Councilman Whittington stated in the flood plains along Sugar Creek off Willow Oak Road, Council did this same thing and told them the same thing off Barclay Downs Drive in that flood plain; if a man wanted to build a house or a developer wanted to set up a subdivision he was told how much he had to bring up the elevation to this land before it could be approved. Is this not the same here? Mr. Bryant replied there is one key exception, this man is not subdivided; he will be able to build the project without getting involved with the subdivision ordinance; the apartment projects now being built are oriented towards private drives. That the subdivision ordinance was not intended to encourage a person to fill; it merely states you cannot build in an area that is subject to flooding; the end result has been that they are filling in order to raise it above the flood plain level. That he thinks a question can be raised as to whether or not the basic purpose of the ordinance is being met in doing this.

Councilman Short asked if there is a legal means of enforcing an arrangement analogous to the subdivision ordinance in a situation where the subdivision ordinance does not apply? Mr. Kiser, City Attorney, stated conditional zoning is unenforceable; you either zone the property based upon the consideration required for the zoning classification without regard to any private agreement between the Council and other parties with respect to what they might or might not do with the property involved.

Councilman Stegall moved that decision be deferred until the Planning Commission or Engineering Department has a chance to talk with Mr. Archer, the petitioner, and explain to him what he needs to do and if he says then he will do this, then come back to Council. The motion was seconded by Councilman Whittington.

Councilman Tuttle stated the motion says "and if he says he will do this", he asked the City Attorney if there is a way to enforce this? Mr. Kiser replied no.

Councilman Tuttle made a substitute motion that the petition be denied. The motion was seconded by Councilman Short, and carried by the following vote:

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

Councilman Smith stated he was hoping this point could be pursued and something worked out where these people would have the same rights as subdividers. Councilman Stegall stated he thinks this is doing this man an injustice because Council has just zoned one where a man was permitted to fill a hole, and then turn around and say another man cannot do this; that he does not see the thinking in this situation. Councilman Whittington stated his position was to require this man to do what a subdivision developer would do and if he did that then it would be rezoned, and then he would get his building permit; this has been done all the time as far as flood plains are concerned; that this is orderly development in flood plains provided the man developed his property so the buildings would not be flooded in the periodical floods.

Councilman Short stated he does not believe that there is anyway to require this man to do what a subdivision developer would do; that he wishes there were and this matter should be pursued; but in the present status of the law Council has done the right thing.

STATE HIGHWAY COMMISSION SPEED ZONE ORDINANCES APPROVED CHANGING THE DESCRIPTION FROM SR 1181 TO N. C. 160.

Councilman Smith moved approval of the request of the State Highway Commission to change two speed zone ordinances for NC 160 in Charlotte redesigning the zone to change it from SR 1181 to NC 160. The motion was seconded by Councilman Tuttle.

The City Manager stated this goes back to when NC 160 was cut off at the airport by the extension of the north-south runway; the State is now in the process of relabeling some of its routes; this is actually a section of West Boulevard that now becomes a leg of NC 160. This has nothing to do with speed limits.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 735-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 114 WEST 31ST STREET 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 Smith, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 15, at Page 147.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR THE INSTALLATION OF A 12-INCH WATER MAIN IN AIRPORT ACCESS ROAD, BETWEEN NEW DIXIE ROAD AND TERMINAL BUILDING APPROVED.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried approving the subject right of way agreement for the installation of a 12-inch water main in Airport Access Road between New Dixie Road and Terminal Building.

CHANGE ORDER G-5 IN CONTRACT WITH BLYTHE BROTHERS COMPANY FOR GENERAL CONSTRUCTION WORK ON ADDITION TO THE CATAWBA RIVER PUMPING STATION, APPROVED.

Councilman Jordan moved approval of the subject change order in contract with Blythe Brothers Company, dated November 19, 1965, for general construction work related to the additions to the Catawba River Pumping Station increasing the contract price by \$7,875.66 for additional work required by reasons of unstable foundation conditions at the site of the Screen House. The motion was seconded by Councilman Whittington, and carried unanimously.

CLAIM OF W. EARL TARLTON FOR DAMAGES TO CAR DENIED.

Councilman Whittington moved that claim of Mr. W. Earl Tarlton in the amount of \$163.14 for damages to his automobile be denied as recommended by the City Attorney. The motion was seconded by Councilman Short.

Councilman Tuttle asked the City Attorney if he knows for a fact that the accident occurred at 7:30 a.m. and that the hole was not discovered until ten minutes later by the City; he asked how can a man run into a manhole and do \$163 worth of damage and everything cleared and the police have left the scene in ten minutes time; that he would like to know for a fact that the City crew did not see this first before the accident.

Mr. Kiser replied based upon an investigation made by the responsible parties the accident occurred at 7:30 a.m. and at 7:40 a.m. it was discovered by city forces for the first time. That Mr. Tarlton called the Engineering Department about 4:00 p.m. on the date of the accident saying that he run into this open manhole sometime during the morning at approximately 7:30; that he did not realize until he got to his place of work how severe the damage was; that it was approximately 7:30 a.m. that a sewer maintenance foreman called to say that there was a manhole cover broken on Independence Boulevard near Washburn Avenue and one of their trucks was standing by to guard the open hole until a new one could be sent out.

The vote was taken on the motion and carried unanimously.

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 Bartemus Woolard and wife, Billie K. Woolard, for the north portion of Lot No. 11, Section X, Elmwood Cemetery, transferred from Mrs. Nannie B. Woolard Garrison, at \$3.00 for transfer deed;
- (b) Deed with Mrs. Nannie B. Woolard Garrison for south portion of Lot No. 11, Section X, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED GEORGE E. KEITH COMPANY FOR UNIFORM OXFORD SHOES.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, George E. Keith Company, in the amount of \$2,996.84 on a unit price basis for 278 pairs of uniform oxford black shoes.

The following bids were received:

George E. Keith Company	\$ 2,996.84
The Hub Uniform Co., Inc.	3,708.10
Knapp Shoe Mfg. Co.	5,008.09

CONTRACT AWARDED SOUTHERN RUBBER COMPANY, INC. FOR RUBBER RAINSUITS.

Motion was made by Councilman Alexander awarding Southern Rubber Company, Inc., the low bidder meeting specifications, in the amount of \$4,019.80, for 277 pairs Rubber Trousers, 289 Jackets and 289 Hats on a unit price basis. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Southern Rubber Co., Inc.	\$ 4,019.80
Goodall Rubber Company	4,028.77
Tidewater Supply Company	4,251.28

Bid received not meeting specifications:

Allied Safety Supply Company	\$ 3,622.19
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CONTRACT AWARDED SOUTHERN RUBBER COMPANY, INC. FOR RAINCOATS AND CAP COVERS.

Councilman Jordan moved award of contract to the low bidder, Southern Rubber Company, Inc., the low bidder, in the amount of \$1,915.51, for 53 ladies and 18 men's reversible raincoats on a unit price basis. The motion was seconded by Councilman Smith, and carried unanimously.

The following bids were received:

Southern Rubber Company, Inc.	\$ 1,915.51
Tidewater Supply Company, Inc.	2,044.71

CONTRACT AWARDED SOUTHERN RUBBER COMPANY, INC. FOR RAINCOATS, BOOTS AND OVERSHOES.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Southern Rubber Company, Inc., in the amount of \$1,588.60 for 238 items on a unit price basis for raincoats, boots and overshoes.

The following bids were received:

Southern Rubber Company, Inc.	\$ 1,588.60
Allied Safety Supply Company	1,831.15
Tidewater Supply Company, Inc.	2,000.94
Goodall Rubber Company	2,171.98

CONTRACT AWARDED MOTOROLA C & E, INC. FOR RADIO EQUIPMENT.

Motion was made by Councilman Stegall awarding Motorola C & E, Inc., the low bidder meeting specifications, in the amount of \$16,246.29, for 34 Mobile Radio Units on a unit price basis. The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

Motorola C & E, Inc.	\$ 16,246.29
General Electric Company	17,683.04

Bid received not meeting specifications:

Radio Corporation of America	\$ 16,092.72
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CONTRACT AWARDED MOTOROLA C & E, INC. FOR BASE STATION EQUIPMENT.

Councilman Short moved award of contract to the low bidder, Motorola C & E, Inc., the low bidder, in the amount of \$1,518.43, for 6 pieces of Base Station Equipment on a unit price basis. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Motorola C & E, Inc.	\$ 1,518.43
General Electric Company	1,884.90

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 761 sq. ft. of property from Nathan G. Roberts, Margaret C. Roberts and Ellis Douglas, at 303 South Victoria Avenue, at \$600.00, in connection with the West Fourth Street Extension Project;
- (b) Acquisition of 1,129 sq. ft. of property from Huggins, Inc., at the northeast corner of Hartford and South Boulevard, at \$3,000.00, in connection with the South Boulevard Intersections Project;
- (c) Acquisition of 1,195 sq. ft. of property from H. L. Taylor, at 2700 South Boulevard, at \$2,500.00, in connection with South Boulevard Intersections Project.

SOCIAL PLANNING COUNCIL REQUESTED TO UNDERTAKE A STUDY OF THE POVERTY PROGRAMS IN CHARLOTTE AND MECKLENBURG COUNTY.

Mayor Brookshire stated the Board of County Commissioners has requested a study by the Social Planning Council of our welfare and poverty programs in Charlotte and Mecklenburg County. That it is a matter in which all have an interest and concern and he would hope that this Council would make a similar request of the Social Planning Council to make this study. He stated such a study should reveal any weaknesses in the programs themselves and he would hope it might suggest some improvements.

Councilman Short moved that Council endorse the idea that the Social Planning Council make a comprehensive study of poverty in Charlotte. The motion was seconded by Councilman Stegall. Councilman Short stated he is sure some may have the idea that if we delve into the poverty situation we may come up with less activity than we now have along this line; and some have the feeling that maybe we had better not delve into it because if we do we will come up with more activities than we have along this line. Councilman Stegall stated he thinks this will help resolve the questions in the minds of many people as to exactly what the situation is.

Councilman Alexander stated he is going to vote for the motion but he does it with a lot of reservations; that he thinks we all know what could be done in the poverty program if we just handled it as such. With all the money that is in the poverty program and with the wages the professionals in the poverty program get, they should be in a position to know what the

problems are and be able to put the show on the road so that it would be more effective without spending any more money for this type of survey.

Mayor Brookshire asked if he thinks there are overlapping duplicating services? Councilman Alexander replied he thinks it is very evident and he does not think there is a need to spend more money to tell what is evident; that someone should have apprised the agencies involved that they themselves should screen their own activities and try not to overlap.

Councilman Smith stated the Social Planning Council is an agency of the United Appeal; he asked if any thought was given to having an outside agency with no connection with the United Appeal make this study? Mayor Brookshire replied not that he knows of; the Social Planning Council is charged with the responsibility of making recommendations to the community in all areas of community welfare. Councilman Smith asked if the Social Planning group would be critical of the United Appeal? Mayor Brookshire replied not necessarily; but they will face the facts as they might find them in this study. Councilman Smith stated he would rather see someone that is connected with no poverty program make this study and feels it would be more objective. Mayor Brookshire asked the City Manager if the Social Planning Council is considering employing outside consultants? Mr. Veeder replied he had the impression that if the Social Planning Council sees fit to make such a study as requested, the method they would use is a complete open question.

Councilman Alexander stated many of these agencies that would be involved come under the umbrella of the United Appeal; we are dealing with the poverty program; much of the factualism that exists today is over the fact of one agency declaring the other agency is doing its work. It looks to him if these agencies come under the umbrella of United Appeal that someone could call in the heads of the agencies and talk to them about the problem and see what can be done to get something moving to solve some of this bickering of overlapping of authority. That someone could talk to the poverty programs officials and let them know if, in their investigations they find certain problems, there is nothing wrong in referring them to the various agencies in this community.

Councilman Whittington stated Council knew nothing about a program of poverty study until just now. The newspapers called him over the weekend and asked if it was on the docket or if Council was going to bring it up and he told them it was not on the docket and he did not know of any such request to be brought to Council today. That he does not want to vote on this motion in any form today for that reason. All of us can talk about poverty and how wide it is but he is afraid we are talking about one group of people and Council should be concerned with all the people - the Negro, the white person, the poor, the middle class and the higher income group. If we are going to make a study of needs, he does not want the Social Planning Council to make it, he does not want the welfare program to make it, he wants this Council to make it and bring in the people that run these programs and let them tell Council what is needed. That he is not going to vote for any kind of motion today that anybody else do what Council is responsible to do.

Mayor Brookshire stated the County Commissioners have asked for a county-wide study and that goes beyond the authority and responsibility of City Council. This proposed study would encompass all the agencies - governmental and non-governmental - in the community that have to do with welfare and poverty, including the county welfare department itself, the various

agencies of the United Services and the various facets or sections or parts of the Charlotte Area Fund. That it does seem there could be closer correlation programs to the extent of eliminating any that are duplicating or overlapping. That he thinks the study probably could be made in two or three months.

Councilman Smith stated it seemed that the County Commissioners were against the poverty program when money was supposed to be appropriated, and now they are concerned with it but they want United Appeal to investigate it. Mayor Brookshire stated their concern is with the money they are appropriating plus the money that comes from the community from other sources and that it be used as wisely as possible.

Mr. Veeder stated Mr. Don Bryant is Chairman of the Social Planning Council this year, and this is something they are considering based on request made to them by the Board of County Commissioners, plus the Charlotte Area Fund apparently has made such a request to them. That if the study is going to be made and a similar request came from all different parties, it would add something to the study. That he has reservations about City Council having the time to involve itself directly with these things; that this would be fine and he would encourage them to do so if they have the time necessary to get into these things in depth; that this would take a great deal of indepth consideration on the part of the Council if they are willing and in a position where they can. That he thinks it would be helpful if Council was represented on any steering committee, or related group, that will have something to do with the conduct of the study.

Councilman Tuttle stated this is a study that will proceed and what Council is doing today is lending its endorsement or condemnation; this was his understanding when he seconded the motion.

Councilman Short stated the Social Planning Council has made investigations of two or three subjects in a rather fearless way and in a way that was a credit to them and the results in the recreational study and other studies is enough to set them up as qualified and the proper body to do this. That these are fine local men who are qualified to do the job and he feels it would put at rest some uneasiness in the minds of a lot of people. Councilman Smith stated he agrees these are fine men.

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

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

RESIGNATION OF J. W. KISER, CITY ATTORNEY, ACCEPTED WITH REGRETS.

Mayor Brookshire stated he has a letter from Mr. Kiser, City Attorney, who has been with the City for three and half years; he has done an outstanding job in the Attorney's office. He has been City Attorney for a year and a half or two years and we are indebted to him for the fine job he has done and the dedication he has shown in the job. He is sure we will accept his resignation as of December 31, 1967 with considerable regret.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, Mr. Kiser's resignation was accepted with regret.

APPOINTMENT OF PAUL L. WHITFIELD AS ASSISTANT SOLICITOR OF CITY RECORDER'S COURT.

Councilman Jordan moved appointment of Mr. Paul L. Whitfield as Assistant Solicitor of City Recorder's Court. The motion was seconded by Councilman Tuttle.

Councilman Whittington made a substitute motion to appoint Mr. James H. Morton as Assistant Solicitor. The motion was seconded by Councilman Short, and lost by the following vote:

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

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

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

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried the appointment of Mr. Whitfield was made unanimous.

APPOINTMENT OF STEVEN BLACKWELL AS SOLICITOR OF CITY RECORDER'S COURT.

Councilman Short moved the appointment of Mr. Steven Blackwell as Solicitor of City Recorder's Court. The motion was seconded by Councilman Tuttle, and carried unanimously.

CITY MANAGER REQUESTED TO HAVE AFFECTED DEPARTMENTS TO BEGIN PLANNING AND MAKING SKETCHES FOR PEDESTRIAN TRAFFIC ACROSS HIGHWAYS, BELT ROADS AND INDEPENDENCE BOULEVARD.

Councilman Whittington stated Council needs to begin thinking about how to separate vehicular and pedestrian traffic wherever possible. This is possible in areas such as Independence Boulevard, on the Belt Road and belt roads to be built in the future and on our highways.

That he is thinking of a slower speed on these streets and highways and that the Engineering Department and Mr. Veeder bring Council some drawings or sketches of ways to get pedestrian traffic over the roads - not under them but over them. That Council constantly receives requests from people who are trying to cross - for example Eastway Drive. That he thinks Council needs to begin to think and plan on ways to get these people across the streets when they have to walk and to get them across safely. That he thinks we need to think in terms of more signals for these type roads to do nothing other than slow the traffic down where people can have a safer chance.

Councilman Whittington requested the City Manager and his department heads affected to begin moving in this direction so that Council can have something to act on.

He stated as far as the 30th Street Bridge is concerned and when it adjoins other arterial streets or if the City is planning on working

with the State Highway on another road, this should be a part of the plans to have a way to get pedestrian traffic across, particularly at schools, parks and so on.

Councilman Stegall stated he concurs in what Mr. Whittington has said about the overhead bridges for pedestrians. That the City now has some 60 school crossing guards and is having more and more problems trying to find people to cover these crossings because of the low pay. That he thinks this is the time to look at some sort of situation even in lieu of this type of bridge versus school crossing guards.

APPOINTMENT OF W. J. SMITH TO REDEVELOPMENT COMMISSION FOR A FIVE YEAR TERM.

Councilman Tuttle stated the term of Mr. Wylie Obenshain on the Redevelopment Commission expires today. That Mr. Obenshain has served well and with dignity the last five years and he is now glad to take a rest and has offered his services in the future for anything else that the City might call on him for.

Councilman Tuttle moved the appointment of Mr. W. J. Smith to the Redevelopment Commission for a five year term. The motion was seconded by Councilman Smith.

Councilman Smith stated Mr. Obenshain has been a real good servant to the city and has contributed a great deal to it; that he does not know a more outstanding citizen than Wylie Obenshain. Councilman Whittington stated he concurs in this.

The vote was taken on the motion and carried unanimously.

Councilman Tuttle moved that the entire Council extend an official word of thanks to Mr. Obenshain and that the Mayor follow it up with a letter to him conveying these thoughts. The motion was seconded by Councilman Alexander, and carried unanimously.

COUNCILMAN ALEXANDER SUGGESTS THAT NATURE MUSEUM FACILITIES BE MOVED INTO THE URBAN RENEWAL AREA.

Councilman Alexander stated before Council are many plans for the uptown development and the governmental plaza expansion and all of this will tax everyone's imagination to make these plans possible. That we will have to generate more activity and concern and interest and talk about all these plans. He stated he knows of nothing that could help get some interest in this area than to give consideration to the possibilities of moving the Nature Museum into the Urban Renewal Section. This would be one of the best things that Council could begin to look into to generate the type of activities that might be just the thing to get this section moving. The Nature Museum draws a lot of people; it would bring a lot of people into this area.

Councilman Alexander stated he offers this as a consideration to see if there is anything Council can do to contact these people who would be concerned to see if this idea has any depth to it.

Mayor Brookshire asked if he means to abandon the present facilities of the Nature Museum and move it into this area? Councilman Alexander replied not necessarily abandon it, but expand it or develop it. That he knows this is supported by private funds but this is what might make it possible where otherwise it might have to lay on the board like some other things.

**RESOLUTION OF SYMPATHY AUTHORIZED SENT TO FAMILY OF LUTHER CAUDLE,
FIREMAN WHO PASSED AWAY RECENTLY.**

Councilman Smith stated that Mr. Luther Caudle of the Charlotte Fire Department passed away recently; that he was a very outstanding man; he was very active in Little League and was Fireman of the Year in 1966.

Councilman Smith moved the adoption of a Resolution of sympathy to the family of Mr. Caudle. The motion was seconded by Councilman Tuttle and carried unanimously.

**CITY MANAGER REQUESTED TO INVESTIGATE ROBIN ROAD AND SEE WHAT NEEDS TO
BE DONE TO IMPROVE THE MAINTENANCE.**

Councilman Smith stated Robin Road is getting more and more traffic and it is rutty and the city comes in and scrapes off the top and put some more gravel down and leaves it. That he thinks it would be economically feasible to pave it rather than maintain it as it is being done now.

Councilman Tuttle stated a part of the traffic on Robin Road is due to people coming from the shopping center turning into Robin Road and going down Westbury and turning left into Providence Road because only one car can turn at the time at Providence Road. That the traffic will be reduced when the left turn light is installed at Providence Road.

Councilman Smith stated the city does have a policy of substandard or low priority grading rather than just going back and putting gravel on it.

The City Manager stated in order to bring any street up to standard there has to be a minimum right of way width which does not exist on this street; that the city has been putting rock on it periodically.

Councilman Smith requested the City Manager to investigate and see what needs to be done to the street.

NEED FOR TRAFFIC LIGHT AT ADDISON AND SHARON AMITY ROAD REQUESTED INVESTIGATED.

Councilman Stegall requested the City Manager to have Mr. Hoose look at Addison Drive and Sharon Amity Road to see if a traffic light can be installed at Addison Drive to be tied in with the traffic light at Hardwicke Avenue.

REVISIONS IN PROMOTIONAL PROCEDURES FOR FIRE DEPARTMENT EXAMINATIONS
REQUESTED STUDIED WITH VIEW OF DISCUSSION AT NEXT CONFERENCE SESSION.

Councilman Stegall stated he has asked the City Manager and Personnel Director to look at the fire department promotional policy and revise it, copies of which were given to the Council members. He stated there are several words changed where it leaves to the discretion of the Personnel Department whether they have oral interviews or do not have oral interviews. It now says they will have oral interviews and it described the method and percentages by which it will be done. Mr. Earle and Mr. Veeder say this is a feasible situation. He stated the concensus of opinion of most of the Councilmen was that oral interviews would be given on all promotional exams, and at the last examination given for fire captains and fire lieutenants, the oral examination was deleted and also the supervisory's rating was not used. It was simply the promotional test and the longevity which equals 60 points of the total.

He requested the Council members to review it with the idea of discussing it at the next conference session for possible adoption of the revisions.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY
OF PITTSBURG PLATE GLASS COMPANY, LOCATED AT 201 EAST SIXTH STREET FOR THE
SIXTH STREET WIDENING PROJECT.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted, and is recorded in full in Resolutions Book 6, at Page 26.

CONTRACT AWARDED C. D. SPANGLER CONSTRUCTION COMPANY FOR CONSTRUCTION OF
SANITARY SEWER FACILITIES IN STONEHAVEN NO. 10 SUBDIVISION.

Councilman Jordan moved award of contract to the low bidder, C. D. Spangler Construction Company, in the amount of \$21,100 for construction of sanitary sewer facilities in Stonehaven No. 10 Subdivision. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Jordan, Whittington, Short, Smith, Stegall and Tuttle.
NAYS: None.

Councilman Alexander abstained from voting.

The following bids were received:

C. D. Spangler Construction Co.	\$21,100.00
Sanders Brothers Company	24,799.50
Howie Crane Service	25,392.00
Boyd & Goforth, Inc.	25,958.50
Thomas Structure Company	28,809.50
A. P. White & Associates	30,702.00
Blythe Brothers Company	31,311.65

CITY EMPLOYEES AUTHORIZED ADDITIONAL CHRISTMAS HOLIDAY ON TUESDAY, DECEMBER
26.

Councilman Short moved that Tuesday, December 26th, be authorized as an additional Christmas Holiday for city employees. The motion was seconded by Councilman Tuttle, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk