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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, October 2, 1967, at 3:00 o'clock p.m. with Mayor Stan R. Brookshire presiding and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Alexander.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting on Monday, September 25, were approved as submitted.

DISCUSSION OF CONSTRUCTION OF DUPLEX OVER NATURAL DRAIN AT CORNER OF DOGWOOD AVENUE AND CATALINA AVENUE.

Mrs. R. A. Carpenter, Dogwood Avenue, stated a duplex is being constructed at the corner of Dogwood Avenue and Catalina Avenue; that they checked with the Inspection Department and no permit has been issued, but it has been ditched out and staked out. She stated it is located in a natural drain. There is a 28-foot pipe which goes under the road to carry off the water now, but the water still runs across the road. She presented several pictures of the location.

Councilman Alexander asked if she is saying that the construction of the duplex will obstruct the natural drainage? Mrs. Carpenter replied that is right; she stated the property has been condemned; and the people out there were told nothing would be built on the corner because of the drain.

The City Manager stated judging by the pictures the bulldozers have been in there and there are some survey stakes.

Councilman Alexander stated if the situation is as Mrs. Carpenter states and if the construction of this building will block up the drain and impede the flow of water, he asked if there is anyway this could be stopped legally? Mr. Kiser replied the only requirement is that the person over whose property the natural flow goes is prohibited from damming it up to cause damage to people back up the water course area. If he does this, he is subject to damages in a civil suit between the people who are injured by his actions and himself. Councilman Alexander stated what he is concerned with is not the water backing up but the construction of the building causing a flood of water around the building being constructed. Councilman Whittington stated Mrs. Carpenter and the people who live in this neighborhood are hardworking people and have worked very hard to preserve this neighborhood, and to his knowledge there is no duplex in the area at all and this should be checked out with Mr. Fred Bryant. This particular place has been a problem from surface water flooding other areas across the street and down the street as long as he has been on the Council. These people want to get this information and get it straight so they will know where they stand from their own property and as far as the entire neighborhood is concerned, and he would hope Mr. Veeder would try to get some information back today for Council before it adjourns; let someone go with Mrs. Carpenter now and find out for her what she wants to know.

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Mr. Veeder stated the zoning law permits a duplex on any corner lot where you have residential zoning. Councilman Whittington stated their deed restriction say this cannot be done, and all of this should be cleared up for these people. Mr. Kiser stated deed restrictions are restrictions between private property owners and the City has no interest in the enforcement of deed restrictions.

Mr. Veeder stated that Mr. Carstarphen, Administrative Assistant, will go with Mrs. Carpenter and talk with the Building Inspection Department and also the Engineering Department.

Councilman Alexander stated he wants to know whether or not this situation will cause a flood at the existing building if a building is constructed on this property. Councilman Tuttle asked if they can do this to themselves, build a duplex and cause water to stand around their own building? Councilman Whittington stated he does not see how the City can allow a man to build anything over a natural drain. Mr. Veeder replied as long as they provide for the water to be handled adequately, they can build.

Mayor Brookshire asked Mrs. Carpenter to go with Mr. Carstarphen to the different departments and he would help her get the answers to her questions.

REQUEST FOR CONTINUING HEARING ON ZONING PETITION NO. 67-55 DENIED.

Mr. Henry Harkey, Attorney, requested Council to defer action on Petition No. 67-55 to change zoning on property on both sides of new I-85 extending from Mallard Creek Road on the west to Highway 29 on the east, and from Mallard Creek on the north to Mineral Springs Road on the south until further parties are given the opportunity to be heard at some convenient time in the next several weeks.

Mayor Brookshire advised the public hearing has been held on this matter. Mr. Harkey stated Mr. Stewart, Mr. Barnett and Mr. Becker are each represented by Counsel today as they were not heard after the adoption of the Research District on last Monday. Last Monday Council adopted an ordinance stating what Research zoning is, and at the same meeting put their properties in that area. That he submits they should be given an opportunity to be heard. Mr. Kiser, City Attorney, advised there has already been a public hearing on the question of both the adoption of the ordinance amending the text of the zoning ordinance and there has been action by Council adopting the amendment to the text. In the advertisement for notice of the public hearing with respect to that, adequate notice of the text amendment was given. So far as Council is concerned it has complied with the statutory requirements for giving a notice both with respect to the text amendment and with respect to the individual petition for the rezoning of the land. Mr. Kiser stated Council cannot subsequently reopen a public hearing that has been closed without giving notice of public hearing and again holding it within normal compliance with the law.

Councilman Smith stated sometime ago Council did reopen it for new information for Council; not necessarily a hearing, but information that would help Council to arrive at a decision; that this was more or less common practice several years ago. This would not be a hearing but information that Council requests. Mr. Kiser replied from the standpoint of opening up Council Meeting for public hearing on the question of these zoning amendments this can only be done after both sides have been given fair and adequate notice in compliance with the statutory requirements for notice. Councilman Smith asked suppose Council requests Mr. Harkey to present information it would like to hear? Mr. Kiser replied Council members can ask

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him questions and he can answer those questions; the further away you get from that point, the nearer you get to the question of reopening of a public hearing, and the more danger you have of violating the requirements of the statute.

Councilman Whittington asked Mr. Harkey if the person he represents was not present at the hearing on last Monday? Mr. Harkey replied he understands Mr. Stewart was present, but present to hear the adoption of the Research Area and did not know whether it would be approved in that form or not approved; he did not realize the consequence of the double hearing; he was under the impression that the zoning board would hear it last Monday, and Council would hear it at a subsequent date. He stated it is not public knowledge that the joint meeting is held. That Mr. Kiser has given Council the factual picture with which he cannot differ, but that statute has not been tested in the courts. That he threatens no test, but Council held a hearing last Monday and passed a new law, and then said his client is included within that law and their status has changed.

Mr. Harkey was advised that the rezoning of the property has not been passed. Councilman Whittington asked if Mr. Stewart knew last Monday that his 23 acres was included in this Research area; was that brought out at the meeting? Mr. Harkey replied he did not think so. Mayor Brookshire asked if Mr. Stewart spoke against the petition, and Mr. Stewart replied he did not.

Mr. Harkey stated Mr. Barnett is represented today by Mr. Sam Williams and Mr. Ray Rankin represents Mr. Becker; that the three of them are located on the southeast corner of this 1460 acres; and the three of them own some 50 or 60 acres; that they are next door to and just north of Spangler's Industrial Park; that Spangler's Industrial Park was owned by the Uncle of Mr. Stewart and they were all zoned I-2; yet the proposal of the Planning Board is to zone Spangler, who is just below them, from I-2 to I-1, and change them to the Research Area; that it is all the same area. That this was cut into lots three years ago, and it is already developed industrially.

Councilman Short asked Mr. Fred Bryant if it is true that property owners on both sides of Mr. Stewart did appear and did comment at the hearing on last Monday? Mr. Bryant replied that Mr. Becker on the south side appeared and there were people north of him - Mr. Rimmer and several others - who did speak.

Councilman Tuttle asked if it would be in order for Council to proceed with this item and then give Mr. Harkey an opportunity to speak if and when Council has a motion and a second on the subject; that it is entirely possible what action is taken here today might satisfy him? Councilman Smith stated what Council would do today would be to indicate what it is thinking about and postpone this decision until next week. Mr. Kiser stated to answer Mr. Tuttle's question just as long as he does not reopen the public hearing.

Mr. Sam Williams, Attorney, stated as Mr. Kiser knows the zoning ordinance is invalid if in its application to a particular lot it is impossible to use the lot for the purpose permitted by the ordinance. That in the area owned by Mr. Becker there is not a four acre tract so to begin with the ordinance is invalid to his property. Mr. Williams stated his clients were here for the hearing but they did not speak. That in addition to the advertisement in the newspaper, the Planning Commission is kind enough to give to the property owner a letter. The letter states "It is proposed that property owned by you according to the records of the Tax Office be rezoned. A public hearing will be held to consider the proposed changes. If you desire, you can appear." That it does not say in the letter that the thing is going

to be acted upon. Mr. Williams stated when there is an amendment made, you have to go back to the original ordinance as proposed and adopted initially. You consider the original Council that adopted the ordinance thought it wise and beneficial, so any change implies there was a drastic mistake at the time it was adopted or a change in conditions. That his client has owned this property for over 50 years; and if you take this property and Mr. Stewart's property and Mr. Becker's property - an area of a little over 60 acres - there has been no change in conditions; so the only alternative is there was a mistake initially. All they ask is an opportunity to set before Council the logic of drawing a straight line.

Mr. Ray Rankins, Attorney representing Mr. and Mrs. George Becker, stated the ordinance itself may be questionable as to the property of the Becker's. It would so reduce the material value of the property that it would make it practically worthless; and he thinks there is a real legal question on that property due to its size and location, and a large Duke Power easement across the property, and for those reasons the Beckers ask that their property not be included in the area to be zoned into the Research area.

Councilman Short asked Mr. Rankin to give Council a legal thought concerning that part of the ordinance which physically exempts for any usage whatsoever those lots which are not now four acres in size? Mr. Rankin replied he has not had an opportunity to read this ordinance; but based on the Helms case which went up from Mecklenburg, they got into the question of the effect of zoning on property itself. The facts in that case are parallel in that the usage to which the property can be put in the requirement of the proposed zoning will for all practical purposes cut this down as to be of practically inconsequential value. The burden of zoning should be borne equally by property owners, and it was never the contemplation that "a" property be taken and confiscated in itself for the benefit of others. Councilman Short stated then his comment about the validity is not referring to Mr. Williams' comment about the four acre provision? Mr. Rankin replied not necessarily; only as part of the whole picture.

DECISION ON PETITION NO. 67-55 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING FROM R-12, B-2, I-1 AND I-2 TO R-12, RE AND I-1 PROPERTY ON BOTH SIDES OF NEW I-85 EXTENDING FROM MALLARD CREEK ROAD ON THE WEST TO HIGHWAY 29 ON THE EAST, AND FROM MALLARD CREEK ON THE NORTH TO MINERAL SPRINGS ROAD ON THE SOUTH, DEFERRED.

Councilman Smith stated he hopes Council will not vote on the subject petition today as he thinks it needs more study. That he would suggest that the I-1 be extended up to the vicinity of Clark Boulevard which would square off almost a cul-de-sac with the Research Center. On the front part, beginning with the residential development going north, that the zoning be either B-1 or B-2 to a depth of 400 feet, and on the balance of the property the residential can be R-12 and the remainder of the property be zoned RE. This would alleviate a lot of problems that have been raised at the hearing and today, and it seems to him would be equity in this suggestion. He asked that Council study this and ask the Planning Commission to take another look at it, and if possible, makes suggestions on the depth or size. He moved that decision be deferred for two weeks. The motion was seconded by Councilman Tuttle.

Councilman Tuttle stated Mr. Smith mentioned leaving the residential as it is, and he thinks this is important. He asked if Clark Boulevard is to be included in the Research Area, Mr. Bryant, Assistant Planning Director, replied that is proposed for R-12.

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Councilman Smith stated where the area goes into a point on the left line, he suggests that be I-1 with the Spangler Property as it is not contiguous across with the Research Area; you would still have your frontage. Rather than penalize the people on Highway 29, he would give them B-1 or B-2 zoning for a depth of 400 feet, and the balance of the land would be RE. That he does not believe in zoning for condemnation purposes, and in effect this is what is happening.

Councilman Whittington stated he spent about two hours at this location and stood in Mr. Barnett's lawn and looked at this. What Mr. Smith has suggested makes a lot of sense; that he had drawn the same line and had discussed this with Mr. Barnette yesterday, not knowing that Mr. Smith had done the same thing today. Mr. Barnett's property, with Mr. Becker's and Mr. Stewart's, constitutes fifty acres or more and he thinks it would be a form of condemnation to change that property from industrial to Research. That it seems logical to move the line up to this area and change above Clark Boulevard to B-2, a depth of 400 feet. Then you have a uniformity up to Clark Boulevard of industrial zoning, and B-2 beyond that up to the property presently owned by the University at N. C. That he would go along with the motion to delay and set the time for two weeks.

Councilman Short stated with reference to the 400 feet of business area, this would include the land of the primary tenant who is interested in having their land zoned for the research park. The proposal would mean that Collins and Aikmen land frontage would no longer be zoned for research, and an imposing frontage to this is something to be desired. Councilman Smith replied good zoning has to be consistent, and Collins and Aikmen can still use it for the same purpose as they wanted to use it even though it is zoned B-2. Mr. Bryant stated they cannot as laboratories and research usages are not allowed in business districts; they could not use the business zoned property as a driveway access.

Councilman Short stated with reference to the business zoning, this in effect is tying together the business which is the antique shop and the printing company and fabric shop with the area up the road about 1/2 miles which has the mobile home supply company and the residence. The fabric shop and that area of business surrounding the entrance to Clark Boulevard is to be rendered non-conforming even under the suggested plan and the owners of this property themselves have agreed that this would be the case, and they are eager to have this rezoned as proposed by the Planning Commission. Therefore, there is not enough business area to be tied together. Councilman Smith stated he did not have this information that the Clark's did not want this rezoned business. Councilman Short stated this property is being rezoned R-12 and they are now in a non-conforming use as industrial.

Mr. Harold Rimmer, owner of the motor court on Highway 29 stated he came up here about three years ago and had his four lots and the other five residential lots changed from industrial to B-2; that it is already zoned as stated a few minutes ago as B-2. Last Monday at the hearing he heard about all these elaborate buildings being so high and requiring so much land and it seems it was stated that the building would have to be back 400 feet; so if you do put a little strip in front of Collins and Aikmen that is business, they would still have to go according to the resolution.

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

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

Councilman Alexander abstained from voting.

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DECISION ON PETITION NO. 67-57 BY T. T. KINZIE, FOR CHANGE IN ZONING OF PROPERTY EXTENDING FROM 1417 TO 1445 EAST SEVENTH STREET, AND FROM 415 TO 417 BEAUMONT AVENUE, DEFERRED.

Councilman Whittington suggested that Council postpone any decision on the subject petition to give the petitioner, Mr. Kinzie, more time with prospective clients to come back and give Council an over all development plan for this particular area. That the people who live here are fighting a condition because of traffic and because of the new expressway tying in with Independence Boulevard, as far as single family homes or a desirable residential neighborhood.

Councilman Whittington moved that decision be deferred and offer to Mr. Kinzie and his attorney the opportunity to come back with plans whereby this whole area could be developed. The motion was seconded by Councilman Smith.

Mayor Brookshire asked the City Attorney if this would be reopening the hearing and Mr. Kiser replied it sounds very much like it to him.

Councilman Whittington stated he looks at this as a conditional situation such as the shopping center at the Plaza and Eastway Drive; and the McClure Shopping Center on Highway 16; Council delayed action on these until the people could come in with something. Mr. Kinzie only has one tenant and this is not a guarantee, and out of fairness to him, who is trying to restore and rebuild a neighborhood, Council should not say no to him today; let it stay on the table and let him come back in 6 months or a year from now, and until then, do nothing about it.

Mayor Brookshire stated he has no objections to a postponement but he does think it should be to a definite time, providing it is not a condition that would in effect reopen the hearing. Mr. Kiser stated that both examples Mr. Whittington used were for B-1 SCD, and both required the submission of plot plans and schematic drawings of the proposed development projects; that is not the case in this proposed rezoning.

Councilman Whittington stated he does not think time is important in this case; that the important thing is to make sure it is developed right, and would be something the property owner and the City would benefit from. To tell him 30 or 60 days later, you might just as well deny him the right for a change today.

Councilman Smith stated Council is talking about protecting this area by making it office, yet on the corner of Independence Boulevard and Seventh Street is a business zoning; so you could put a service station or any other business facility on the corner which would make the subject property even less desirable for office property. That he feels Mr. Kinzie is caught and there is an element of confiscating this property. That he has been trying to sell the property for five or six years for office use and has been rebuffed on every occasion; the neighborhood is tending downward because of commercial activities; business is just half a block away on the other side with a potential service station or automobile repair or whatever on the corner; he thinks Council is straining by not giving this zoning and he is prepared to vote for it.

Councilman Short stated the suggestion of Mr. Whittington involves a plan for the whole area; he asked if that would be a larger number of parcels than included in the petition? That he does not know how Council would get around the fact that the advertised petition does not include the whole area.

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Councilman Whittington stated the petition goes down Seventh Street to Beaumont Avenue, and the people up Beaumont Avenue to Independence Boulevard do not object to this petition so we are talking about a block of property. It may be that the Planning Commission should refer to the whole area all the way to Hawthorne Lane for a study and come back with recommendations. That he cannot vote for Mr. Kinzie's request as it is written. He stated he is just asking Council to delay this and see if Mr. Kinzie can come up with something.

Councilman Jordan stated he thinks Mr. Whittington has a point when he said the rest of the neighbors were interested in having it rezoned; that he would go along with the idea of postponing it until they decide to change theirs and have it all at one time. That he also saw the plans that Mr. Kinzie had and he is not definite. If anything is done at the present time, it would be more or less remodel the place for a music house, and he would go along with the motion to postpone this until something definite is planned.

Councilman Tuttle asked if Mr. Bryant did not say in his presentation the whole area up to Hawthorne was desirable for office purposes in view of the Boy Scout Building and the Church; did he not have the whole area in mind in his presentation? Mr. Bryant replied that was essential to the argument by the Planning Commission. Councilman Tuttle stated with that thought, would it be possible for Mr. Bryant to go to these people and if they are in agreement, that Council hold this in abeyance until Mr. Bryant checks with them, and if they are ready, then go ahead and zone the whole area as business now.

Mr. Bryant replied there probably would be very little objection from the people in the vicinity, but as a Planner, he would question the desirability of this; that either office or high density multi-family is the ideal use for the parcel. He feels if the entire area was zoned for business today, it would be a long, long time before there was a substantial use for this in the area as a whole. In a case like that you get a scattering of more desirable sites for business use without a planned use. If business must come into this area, that it should come on a planned basis whereby you can be sure that what is coming in will not work too much of a hardship on those who cannot dispose of their property for business purposes. The Planning Commission feels very strongly that, with the uses that are already there and with the fact that some portions of Seventh Street are included in the First Ward Renewal Project and will be cleared out as far as present uses are concerned; the office direction is the proper direction to encourage development in this area.

Councilman Tuttle asked if the whole area is zoned office would Mr. Kinzie's property be more attractive? Mr. Bryant replied only to the extent that it would enable a large office concern to come in and put more properties together and make a more suitable site out of it.

Mr. Bryant stated the Planning Commission feels this is a proper location for office development. Councilman Smith stated there is a good bit of office zoning all over town and about everywhere you look it is O-6, and this sometimes works a hardship on the owner trying to develop it for its highest and best use. That he thinks Mr. Kinzie has evidenced his efforts to develop an office on the location over a period of years, and he wants to move away because of deterioration, and if Council tells him he has to stay office, in effect this tells him he has to stick around another five or ten more years. This is a case that he thinks could be business as business is right next to him at Independence Boulevard, with a buffer at Beaumont Avenue. Mr. Bryant stated the Planning Commission does not feel that zoning is particularly appropriate.

Councilman Stegall stated last week he asked for the one week deferment. That Mr. Kinzie does have a proposed plan of extending this building he now lives in into some sort of music company. As far as the business is concerned, the Boy Scout office is directly across from business zoning at this moment. He stated he is prepared to vote today to rezone this as business; this man is caught and is in a bind and he knows he has had it for sale for four or five years. Looking from the front of his house one block it is zoned business, with beauty shops, laundries and dry cleaners and Spoon's Ice Cream Parlor. The Church has not filed a protest; directly behind his property was a business which has been moved out to take care of the Expressway, and to the right behind him on the corner of Louise was a service station which has been closed to take care of the new Expressway; at the other corner of Independence Boulevard is Jordan's Motel, and an insurance business. He feels when Council denies this petitioner the right to go in there and put a legitimate business in there, we are not thinking right.

Councilman Tuttle stated he cannot vote for this petition because the Planning Commission seems to be too knowledgeable in their desire and information with regards to better use. That he can go along with the delay to give Mr. Kinzie a chance to come up with an acceptable business; but to convert an old dwelling into a place of business there now, he cannot accept.

Councilman Alexander stated the idea of this being an office district is not in the real estate thinking. He asked if his plans call for the remodeling of the building to a point that it would be an acceptable structure other than a continuation of a situation that may eventually be termed "blighted"? From the way ^{the} plans looked, he thought what Mr. Kinzie wanted was time to get a decision from whoever he is dealing with so he would know to what extent he would be in a position to remodel his present building.

Mr. Charles Henderson, Attorney for the petitioner, stated they do have an excellent and reputable prospective tenant whose plans are developing into something that would be attractive. There are contingencies. One of the partners involved is presently serving his country and does not know how much money he can put into the business. They are working under extremely difficult situations. You cannot make a contract to do with the property; therefore, you cannot plan the property, and they need something like a conditional type of situation. If it is not on the books, then it needs to be created informally whereby a property owner can develop property for its best use.

Councilman Short stated he wants more reacting time on the petition, and he is inclined to go along with the motion. The essential issue is "Elizabeth" going to go? That seems to be what we are getting into. You could probably make the same comments for this particular block for almost any block in the Elizabeth section which is one of the older residential areas.

The vote was taken on the motion and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO THE E. C. GRIFFITH COMPANY IN REDEVELOPMENT PROJECT NO. N. C. R-37.

Councilman Tuttle moved adoption of the subject resolution approving the sale of 101,600 square feet of land in Disposition Parcel 5, Redevelopment Section 3, as recommended by the Redevelopment Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 5.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO THE CHARLOTTE BOARD OF REALTORS IN REDEVELOPMENT PROJECT NO. N. C. R -37.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, to adopt the subject resolution approving the sale of 20,400 square feet of land in Disposition Parcel 5, Redevelopment Section 3, as recommended by the Planning Commission.

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

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

Councilman Smith abstained from voting.

The resolution is recorded in full in Resolutions Book 6, at Page 4.

SANITARY SEWER MAINS AUTHORIZED.

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

- (a) Construction of 1,115 feet of 8-inch main to serve a portion of Lake Plaza Subdivision, inside the city, at the request of C. D. Spangler Construction Company, at an estimated cost of \$7,365.00. All cost will be borne by the applicant whose deposit in the entire amount has been received and will be refunded as per terms of the agreement;
- (b) Construction of 188 feet of 8-inch main to serve 2600 Beatties Ford Road, inside the city, at the request of Biddleville Emanuel Presbyterian Church, at an estimated cost of \$1,100.00. All cost 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;
- (c) Construction of 487 feet of 8-inch trunk with the main to be relocated with the trunk, in East 5th Street, between Independence Boulevard and Kings Drive, at the request of Central Piedmont Community College, at an estimated cost of \$3,585.00. All cost will be borne by the applicant whose deposit in the full amount has been received and as the line is being relocated to accommodate Central Piedmont College there will be no refund made;
- (d) Construction of 1,400 feet of 8-inch trunk and 1,865 feet of 8-inch main to serve Coventry Woods, inside the city, at the request of Howard Nance Development Company, at an estimated cost of \$32,740.00. All cost 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.

CONTRACTS FOR WATER MAIN INSTALLATION AUTHORIZED.

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

- (a) Contract with Howard Nance Development Company for the installation of 2,715 feet of main and two fire hydrants to serve Coventry Woods Subdivision, Section I, inside the city, at an estimated cost of \$12,300.00. 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;
- (b) Contract with John E. Chapman, Jr. for the installation of 400 feet of water main to serve property abutting on Chastain Avenue, inside the city, at an estimated cost of \$1,500.00. 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.

CONTRACT WITH JOHN TALBERT & ASSOCIATES, INC. AUTHORIZED.

Councilman Whittington moved approval of an engineering contract with John Talbert & Associates, Inc. for fiscal year 1968 on Federal Aid Airport Program Projects at a fee of 6% of the construction costs. The motion was seconded by Councilman Stegall, and carried unanimously.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, OCTOBER 30 ON PETITION TO CLOSE A PORTION OF EAST 27TH STREET.

Motion was made by Councilman Whittington adopting the subject resolution setting a date of public hearing on Monday, October 30, on Petition of North Davidson Corporation and General Latex and Chemical Corporation for the closing and abandonment of a portion of East 27th Street. The motion was seconded by Councilman Short.

The City Manager advised the Engineering Department has no objections to the petition if an adequate easement for an existing sewer is provided and he gathers this will not pose an unusual problem. Councilman Tuttle stated he hopes that one like this is well thought through; there was a situation off North Tryon recently where if the City had not given away in a similar situation, we would not have gotten into trouble.

The vote was taken on the motion and carried unanimously.

Councilman Short requested that the City Attorney or City Manager specifically advise the people out there of this hearing.

CLAIM OF ERNEST B. TIPTON DENIED.

Councilman Whittington moved that claim of Mr. Ernest B. Tipton in the amount of \$438.00 for personal injuries received when he fell over a piece of asphalt and broke his shoulder be denied as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and carried unanimously.

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RENEWAL OF SPECIAL OFFICER PERMIT.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the Special Officer Permit of Mr. Lester Phifer for use on the premises of Kings Business College, 322 Lamar Avenue, was renewed for a period of one year.

ORDINANCE NO. 710-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Smith adopting the subject ordinance transferring \$7,241.00 to the General Fund - Motor Transport Department - Central Shops in connection with the re-roofing of the City Garage Building. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 121.

RESOLUTION APPROVING MUNICIPAL AGREEMENT WITH STATE HIGHWAY COMMISSION FOR EAST 30TH STREET IMPROVEMENTS - PROJECT NO. W.O. 9.7100310.

Motion was made by Councilman Jordan and seconded by Councilman Tuttle to adopt the subject resolution providing that the City will purchase the right-of-way necessary for the street, bear all construction cost or other costs in excess of one million dollars (\$1,000,000) and that the Commission will establish traffic control operations regulating the movement of traffic on the project.

The City Manager stated Council should be aware that although we do not have complete cost estimates and will not have from the State's Engineer on this for perhaps another thirty days, there is some concern at this point by our own engineers and the state's engineers about the total cost of the project. The State has committed one million dollars on this, not half of the project cost.

Councilman Whittington asked if the right-of-way department will begin work now, and Mr. Veeder replied they start as of this date.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 7.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Elizabeth F. Henry and Thomas R. and Elizabeth H. Gregory, for Lot No. 39, Section 4-A, Evergreen Cemetery, at \$283.50;
- (b) Deed with Mrs. Marie O. McMillan for Lot No. 31, Section 4-A, Evergreen Cemetery, at \$378.00;
- (c) Deed with Mrs. Julia S. Stokes for Lot No. 426, Section 6, Evergreen Cemetery, at \$240.00.

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CONTRACT AWARDED HAJOCA CORPORATION FOR WROUGHT IRON PIPE.

Councilman Jordan moved award of contract to the low bidder, Hajoca Corporation, in the amount of \$42,801.73 on a unit price basis for 92,500 linear feet of galvanized wrought iron pipe as specified. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Hajoca Corporation	\$ 42,801.73
Atlas Supply Company	42,962.28
Horne Wilson, Inc.	43,242.64
Crane Supply Company	43,253.45
L. B. Foster Company	43,906.62
McJunkin Corporation	44,335.27

CONTRACT AWARDED THE TAULMAN COMPANY FOR THRUST BEARING ASSEMBLY.

Motion was made by Councilman Smith awarding contract to the only bidder, The Taulman Company, in the amount of \$1,524.40 for one thrust bearing assembly for EIM Company Rotary Distributor. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR STREET MARKER HARDWARE.

Upon motion of Councilman Alexander, seconded by Councilman Smith, and unanimously carried, contract was awarded the low bidder meeting specifications, Southeastern Safety Supplies, in the amount of \$3,923.06 on a unit price basis for 600 sign blades of various sizes and 300 post caps, 300 90-degree separators and 350 aluminum posts.

The following bids were received:

Southeastern Safety Supplies	\$ 3,923.06
Lyle Signs, Inc.	4,019.73
Vulcan Signs & Stampings, Inc. (did not meet specifications)	3,636.72

CONTRACT AWARDED LOWE'S OF CHARLOTTE, INC. FOR PORTLAND CEMENT.

Councilman Tuttle moved award of contract to the low bidder, Lowe's of Charlotte, Inc., in the amount of \$6,437.50 on a unit price basis for 5,000 bags of Portland Cement. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Lowe's of Charlotte, Inc.	\$ 6,437.50
McGee Lumber Company	6,754.38
Tucker-Kirby Company	6,817.50

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CONTRACT AWARDED MARBELITE COMPANY, INC. FOR TRAFFIC SIGNAL HEADS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Marbelite Company, Inc., in the amount of \$3,149.33 on a unit price basis for 75 traffic signal heads.

The following bids were received:

Marbelite Company, Inc.	\$ 3,149.33
Traffic Engineers Supply Corp.	3,326.38
Eagle Signal Division	
E. W. Bliss Company	3,626.89
Southeastern Safety Supplies	4,171.50

The bid of Camasco in the amount of \$3,467.75 did not meet specifications.

CONTRACT AWARDED SARASOTA ENGINEERING COMPANY FOR LOOP DETECTORS.

Councilman Smith moved award of contract to the only bidder meeting specifications, Sarasota Engineering Company, in the amount of \$4,496.98 on a unit price basis for 37 loop detectors. The motion was seconded by Councilman Whittington, and carried unanimously.

Bids received not meeting specifications:

Carolina Time Equipment Co., Inc.	\$ 4,192.10
Traffic Engineering Supply Corp.	4,496.98
Fisher & Porter Company	5,221.07

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR GROUND MOUNTED CABINET AND THREE MINOR MOVEMENT CONTROLLERS.

Motion was made by Councilman Smith to award contract to the only bidder, Southeastern Safety Supplies, in the amount of \$3,063.17 for one ground mounted cabinet and four 3-minor movement controllers. The motion was seconded by Councilman Jordan.

Councilman Tuttle stated he believes some move is being made on bids for this type of equipment where there is only one supplier. The City Manager replied this is of continuing concern. This particular item is needed to tie in with the existing equipment and in order to tie it in it must be compatible. Councilman Tuttle stated the next bid is on Solid State Controllers and asked if this is the only supplier? Mr. Veeder replied it is not the only manufacturer but it is the manufacturer that has built equipment that has proven satisfactory; we are most anxious that others would manufacture things that would fill these needs, but as far as these items are concerned they have not. The last cabinet and controller the City bought was \$24,059 and the cost this year is \$23,376; the three minor movement controllers are the same price as last year, and we do not have a 1966 price to compare the other ground mounted cabinets and controllers with; the loop detectors are about \$14.00 cheaper this year than last year. Our price comparison is satisfactory.

Councilman Tuttle stated the only reason he continues to bring this up is that we are constantly faced with these single bids and are at the mercy

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of one supplier. Mr. Veeder stated he is ^{concerned} also, and there is nothing he would like better than to get more suppliers to bid on these items. Competition proves its point.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR PR-402 SOLID STATE CONTROLLE

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded the only bidder, Southeastern Safety Supplies in the amount of \$12,238.46 for five PR-403 Solid State Controllers.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR GROUND MOUNTED CABINETS WITH CONTROLLERS.

Councilman Tuttle moved award of contract to the low bidder meeting specifications, Southeastern Safety Supplies in the amount of \$12,603.85 for five ground mounted cabinets with controllers. The motion was seconded by Councilman Whittington, and carried unanimously.

Bid received not meeting specifications:

Eagle Signal Division of W. E. Bliss Co.	\$ 9,283.91
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CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR PORTABLE AIR COMPRESSOR.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Spartan Equipment Company in the amount of \$4,274.50 for one portable air compressor 150 CFM.

The following bids were received:

Spartan Equipment Co.	\$ 4,274.50
Southland Equipment Co.	5,419.86

CONTRACT AWARDED BELK BROTHERS COMPANY FOR WORK CLOTHING.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder meeting specifications Belk Brothers Company in the amount of \$36,841.49 on a unit price basis for work clothing.

The following bids were received:

Belk Brothers Co. # 1 (Oshkosh)	\$ 36,841.49
Belk Brothers Co. #2 (H. D. Lee)	38,150.93

Bid received not meeting specifications:

Hub Uniform Company	\$ 31,837.51
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BIDS REJECTED ON CORDUROY TROUSERS.

Motion was made by Councilman Alexander to reject all bids received for 286 pairs of Tan Corduroy Trousers. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

The Hub Uniform Company	\$ 1,399.26
Belk Brothers Company	1,670.28

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR WATER MAINS TO SERVE CHEMWAY INDUSTRIAL DISTRICT.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Blythe Brothers Company in the amount of \$46,484.00 on a unit price basis for construction of water mains to serve the Chemway Industrial District at Charlotte.

The following bids were received:

Blythe Brothers Co.	\$ 46,484.00
A. P. White & Associates	47,916.00
Thomas Structure Co.	49,565.00
Sanders Bros. Company	49,748.00
Boyd & Goforth, Inc.	52,915.00

CONTRACT AWARDED ASSOCIATED ROOFING & SHEET METAL CO., INC. FOR RE-ROOFING CITY GARAGE BUILDING.

Councilman Tuttle moved award of contract to the low bidder, Associated Roofing and Sheet Metal Company, Inc., in the amount of \$16,241.00 and 12 cents per-square foot for insulation material not to exceed \$1,000 for re-roofing city garage building. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Associated Roofing & Sheet Metal Co., Inc.	\$ 16,241.00
Stewart & Ramseur, Inc.	16,340.00
Interstate Roofing Company	17,210.00

CONTRACT AWARDED INTERSTATE ELECTRIC COMPANY FOR ELECTRICAL WIRING OF THIRD FLOOR OF ANNEX BUILDING.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Interstate Electric Company in the amount of \$1,752.80 for electrical wiring for the Third Floor of Annex Building.

The following bids were received:

Interstate Electric Co.	\$ 1,752.80
Reid Electric Company	2,313.00
Fudge & Greene Electric Co.	2,585.00

PROVIDENCE ROAD TRAFFIC SAFETY SURVEY REPORT AND RECOMMENDATIONS APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the Providence Road traffic safety survey report was approved.

Improvements recommended by the Traffic Engineer are:

1. Relocate existing median opening and construct turning lane near Sharon Amity Road to serve church parking lot;
2. Construct median opening and left turn lane at the intersection of Brookridge Lane;
3. Construct left turn lane at Cavendish Court intersection;
4. Construct turning lane at existing mid-block median openings to serve major traffic generators in 4100 block;
5. Provide additional median opening with left turn lane at entrance to apartments in 4100 block.

ORDINANCE NO. 711-X TO AMEND ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Alexander moved adoption of the subject ordinance transferring \$6,000 to traffic signal and control devices account to be used for the installation of traffic signals at the intersection of Ninth and Davidson Streets and at the intersection of Seventh and Davidson Streets. The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 122.

RESOLUTION AUTHORIZING CITY MANAGER TO HANDLE CLAIMS IN THE AMOUNT OF \$100.00 OR LESS, ADOPTED.

Councilman Tuttle stated revision of small claims procedures has been discussed previously by Council, and he thinks denying payment to any taxpayer is an obligation of this Council, but he can appreciate the fact we are faced with a number of small ones where the work of the legal department can be facilitated to a large extent by eliminating them; but he believes that \$100 would serve the purpose.

Councilman Tuttle moved the adoption of a Resolution authorizing the City Manager to handle claims in the amount of \$100.00 or less. The motion was seconded by Councilman Whittington.

Councilman Smith stated this was his original suggestion that Council do away with some of this paper work that costs so much money to put into the agenda and we do have a competent staff that can take care of most of these. He asked the City Manager if the \$100 limit would serve? Mr. Veeder replied that part of this is to be able to give the public some answers quicker. Anything that points in this direction is an improvement; \$100 would facilitate things over and above the way they are now.

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Mr. Kiser, City Attorney, stated the reason for the \$200 figure was to try to arrive at a figure which would allow the City Manager to handle as large a percentage as he possibly could. When figures were first compiled, they were for some period of time shorter than given Council today; and at that point 75% of the claims would have fallen under the \$200 limit. There is no particular magic in the \$200 figure, it was simply to allow more of the claims that had been coming in to be handled in a faster manner.

Councilman Alexander made a substitute motion to adopt the resolution with the \$200 limit. The motion was seconded by Councilman Short.

Councilman Short stated the law itself as set up in the courts sets \$200 at which a claim is handled by a justice of the peace. Councilman Tuttle stated it is not the amount of money; it is a matter of obligation. When you get into real money, it is the obligation of the Council to say no.

Councilman Stegall stated the people involved would still have the right to appeal to Council. If the City Manager's staff advises the claim will not be paid, they can still come to Council. Councilman Tuttle stated there is not one man in ten who has the nerve to walk up in front of the rostrum and talk to this Council, and he cannot afford to hire a lawyer.

Councilman Whittington stated it is better for the Council to deny these claims, than it would be the City Manager. Councilman Tuttle stated this is part of his point; this puts the City Manager on the spot that should be the Council's.

The vote was taken on the substitute motion and lost by the following vote:

YEAS: Councilmen Alexander, Short and Smith.

NAYS: Councilmen Jordan, Stegall, Tuttle and Whittington.

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

The resolution is recorded in full in Resolutions Book 6, at Page 8.

PROPERTY TRANSACTIONS AUTHORIZED:

Motion was made by Councilman Jordan and seconded by Councilman Stegall to approve the following property transactions:

- (a) Acquisition of 71.14 sq. ft. at 3229 South Boulevard and a construction easement area approximately 200 sq. ft., from Radio Center, Inc., at \$500.00 for the South Boulevard Intersections;
- (b) Resolution authorizing condemnation proceedings for acquisition of property of Russell Johnson, Jr. and wife, Elizabeth B., located at 1024 Westbrook Drive for the West Fourth Street Extension Project, at \$3,500.00;
- (c) Resolution authorizing condemnation proceedings for acquisition of property of Dr. Grady L. Ross and wife, Robbie Lee Gillis Ross, located at 423 East Sixth Street, for the Sixth Street Widening Project, at \$3,825.00.

Councilman Tuttle asked what the condemnation will do to the Johnson property at 1024 Westbrook Drive? The City Manager replied there is some 23 feet

from the house to the curb; there is a small stream across the rear of the property which already reduces the rear yard, and this is the figure the appraisers came up with \$3500.00, and the owner contends the entire property is disturbed. Councilman Tuttle stated all he is looking at is a lot 121' x 75.78 - that is going to be reduced to a pie-shaped lot 69' x 112'. If the lot is worth \$10,000, is it worth the difference between \$10,000 and what the City is about to pay? Councilman Smith replied in his opinion it is detrimental and would affect the value but it is an arbitrary thing - how much it affects the value. The appraisers think \$3500, and Council is saying let the courts decide.

Councilman Short asked how far the actual travelled portion of the road is from the Johnsons? Mr. Veeder replied about 35 to 40 feet.

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

The resolutions are recorded in full in Resolutions Book 6, beginning at Page 9.

CITY ENGINEER AND TRAFFIC ENGINEER REQUESTED TO LOOK AT SUMMIT AVENUE RAILROAD CROSSING WITH RESPECT TO OPENING UP ANOTHER STREET TO TAKE TRAFFIC DOWN TO ACCESS ROAD TO NORTH-SOUTH EXPRESSWAY TO INDEPENDENCE BOULEVARD.

Councilman Whittington stated the Highway Department is purchasing the right-of-way for the second phase of the North-South Expressway between Woodlawn Road and Independence Boulevard. For many years we have had problems with the railroad crossing at Summit Avenue and he suggested that Council ask the City Engineer, Mr. Cheek, and the Traffic Engineer, Mr. Hoose, to look at this crossing in respect to opening up another street such as Spruce Street or Park Avenue that would take us down to the access road of the new North-South Expressway and get us under the railroad back out to Independence Boulevard. He stated he is not saying to close the crossing at this time, but it is feasible that the City look at it now with the Bureau of Roads and the State Highway Department to see if there is some possibility of getting another street which would eliminate a very hazardous crossing.

DISCUSSION OF ONE CENT SALES TAX REFERENDUM AND COUNCIL MEMBERS REQUESTED TO GET BEHIND THE VOTE TO SEE THAT IT PASSES.

Councilman Whittington stated the one cent sales tax referendum will be the 13th of November and Council really has not taken any position on this except to agree in Council session what it would do if it passed. That Council wants to do all it can to get behind this vote and make sure it does pass. He suggested that the Mayor contact Dr. Martin, Chairman of the County Board of Commissions, to get a committee of county commissioners and council together, then appoint a campaign chairman and invite the Chairman of the Democratic Party, the Republican Party and the Chairman of the Women's group from both parties, as well as the President of the Chamber of Commerce and other civic clubs, merchants and others to really develop a campaign very quickly such as was put together with the bond issue last December. That all of us want this to pass, and are pledged to do all we can to support it, and this would be a direction in which we could get it off the ground.

Mayor Brookshire stated he is under the impression that Council has expressed its approval one hundred percent. Councilman Whittington stated he did not mean to imply that Council is not behind it 100%, but he thinks the public

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is expecting Council to promote it and present it. Mayor Brookshire stated it is a county-wide election and he has been talking with Dr. Martin for some weeks and expressed to him the feeling that since it is a county-wide election he should name a similar committee to that which promoted the bond issue last Fall. That he will talk to him again tonight.

Councilman Smith stated he would like, personally, to do everything he can, and work with the different organizations connected with this; that he thinks some directions are needed and he is sure the Mayor is working on this; that we are all waiting at the line to get going if the Mayor will just blow the whistle and tell them where to go. Mayor Brookshire stated he would urge the members of Council to accept civic clubs invitations to speak on this subject.

Councilman Tuttle asked if the County is going to take the same action as Council and roll back the tax rate? Mayor Brookshire replied he believes they have agreed to roll back the county tax rate. Councilman Tuttle stated he does not think they have said anything, and he asked the Mayor to talk with Dr. Martin concerning this.

Councilman Stegall stated he is in total support of what has been said about the tax. We are all aware of the situation and must have this, and he would like to add his support in any way he can.

CLERK OF COURT, JUDGES AND SOLICITORS OF RECORDER'S COURT TO BE REQUESTED TO ATTEND CONFERENCE SESSION TO BE ARRANGED TO DISCUSS AGGRAVIATED ASSAULTS, TRAFFIC IN INEXPENSIVE FOREIGN PISTOLS, ETC.

Councilman Short stated in conference session Council discussed getting the Clerk of Court, Mr. Ed Stukes, Judge Beachum, Judge Grist, our Solicitors, Marshall Haywood and Steve Blackwell, to come to one of the conference sessions at a time to be arranged by Mr. Veeder, City Manager, and give Council their comments about what can be done to minimize the aggravated assaults in Charlotte, the traffic in inexpensive foreign pistols; what can be done about tightening up our permit procedure and about a possible stop and frisk ordinance, with the hope they could give Council some ideas that might be included in our next legislative package.

CITY ATTORNEY REQUESTED TO PREPARE TYPE OF ACTION FOR COUNCIL TO CALL TO UTILITIES COMMISSION ATTENTION THE MATTER OF OVER-CROWDING OF BUSES IN CHARLOTTE.

Councilman Alexander stated some several weeks ago he raised the question of the crowded conditions on our city buses and as it involves the crowded conditions of the buses carrying our school children. He stated the City Coach Company has respected this request and has put on additional buses going out Beatties Ford Road and Rozzells Ferry Road Sections.

He stated the matter of regulating the number of patrons in a bus is left wholly to the Utilities Commission and if that is so, he asked the City Attorney to prepare a type of action for Council to take to call this to the attention of the Utilities Commission in hopes of getting some action. The City Attorney replied he would be glad to come prepared to answer this next Monday.

DISCUSSION OF BRINGING PRIVILEGE TAX ORDINANCE UP TO DATE.

Councilman Smith stated about every budget time, Council approves a privilege tax list that we say we are going to study next year; we are now about a year away from the budget, and he suggests that some of the taxes are antiquated, some are not equitable, some are less than they should be and some more than they should be. He stated he does not think this has been brought up to date since he has been on the Council. The City Manager replied in each session of the General Assembly, there is a discussion about the need to make a comprehensive overall study of everything related to privilege taxes and this conversation does not result in any substantial change or any change. So much of the provisions on privilege taxes are specified for us that it puts us in a difficult position. The League of Municipalities has tried to express its interest in the complete rewriting of this section of the statutes, but this has not come to pass yet.

CHIEF OF POLICE COMMENDED FOR PROGRESS BEING MADE BY DEPARTMENT.

Councilman Stegall commended Chief Ingersoll, Police Department, for the excellent report he gave to Council today on the crime situation, and the progress that he and the Police Department have been making. That this enlightened Council and he is sure the news media will give this favorable comment in the paper. He is doing an excellent job and the support Council has shown him and continues to show him will give him the attitude that Council is 100% behind him.

CLERK OF CITY RECORDER'S COURT REQUESTED TO COME TO CONFERENCE SESSION AND REPORT ON OPERATIONS OF ISSUING WARRANTS.

Councilman Stegall stated now that the Clerk of Recorder's Court has taken over the total operations of issuing warrants, etc., he requested that Mr. York come to the next conference session and give Council a report on the operation and how it is progressing, and if they are running into any problems.

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

Councilman Whittington moved approval of an amendment to the contract with Lee Construction Company for the Hoskins Filter Plant Additions, reducing the amount of retainage that is required to be kept until final completion of the Contract. The motion was seconded by Councilman Tuttle.

The City Attorney advised the situation arises because out of the \$2,600,000 contract, there remains to be done about \$10,000 worth of work; the city is retaining approximately \$138,000 and it is recommended by J. N. Pease and Associates and the Water Department that the retainage be reduced to approximately \$40,000.00.

The vote was taken on the motion and carried unanimously.

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CITY MANAGER REQUESTED TO PURSUE FURTHER WITH MR. HAAR, ASSISTANT SECRETARY OF HUD, THE QUESTION OF MAKING AN ANALYSIS OF TRANSIT SITUATION IN OUR AREA.

Mr. Veeder, City Manager, advised he has received a letter from Mr. Charles Haar, Assistant Secretary of Department of Housing and Urban Development. The gist of the letter is to ask if the City of Charlotte has any interest in making analysis of the transit situation in our area - specifically as it relates to jobs and getting people to jobs.

He stated the following is two paragraphs from the letter:

"The problem is to make an analysis of the market, the possible route changes, capital investments, operating results, and various users and community benefits and costs, in order to evaluate public policy alternatives. HUD administers in its Urban Transportation Administration, a program of assistance for technical studies, finances on a two-third federal - one-third local matching basis, which is a relevant resource for communities desiring to study this problem.

If you are interested in conducting such an analysis, please let me know as soon as possible and I will have our staff work directly with yours in the development of an application for financial assistance. We are specifically reserving Urban Transportation Administration funds for the purpose of assisting this type of special purpose study."

Mr. Veeder stated after reviewing this suggestion from Mr. Haar and discussing it over the phone with the President of City Coach Company who had no objections to getting into this, it occurred to him that it would be desirable to go the next step and see what they have in mind.

Councilman Alexander stated some few years ago, he raised the question of the possibility of the City looking into the feasibility of such a study on our transit program in light of federal assistance. The he still feels this is necessary and a thing the City should take advantage of.

Councilman Alexander moved that the City Manager be authorized to take the necessary steps to find out what the City should do to get a program such as this moving, so Council could consider it. The motion was seconded by Councilman Tuttle.

Councilman Smith asked if Mr. Veeder has any idea of the cost? Mr. Veeder replied he has no idea; there are other places where such has been done as Los Angeles and Long Island. Councilman Smith stated a very big factor in his mind would be how much it will cost to do it. Mr. Veeder replied this is one thing the City will have to try to find out - what is involved.

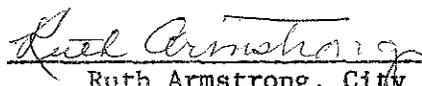
The vote was taken on the motion and carried unanimously.

CITY MANAGER TO ATTEND CITY MANAGER'S MEETING.

The City Manager advised that next week is the City Manager's Meeting and he plans to be out of the City Monday afternoon through Thursday attending the Meeting.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk