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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, October 21, 1968, at 2:00 o'clock p.m., with Mayor pro tem Whittington presiding, and Councilmen Fred D. Alexander, Milton Short, Gibson L. Smith and James B. Stegall present.

ABSENT: Mayor Stan R. Brookshire, Councilmen Sandy R. Jordan and Jerry Tuttle.

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: Commissioners Albea, Ashcraft, Gamble, Sibley and Stone.

ABSENT: Chairman Toy, Commissioners Godley, Tate, Turner and Wilmer.

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INVOCATION.

The invocation was given by Reverend Frank R. Koger, Minister of Enderly Park Baptist Church.

MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, approving the minutes of the last meeting on October 14, 1968, as submitted.

HEARING ON PETITION NO. 68-72 BY MRS. L. H. PAINTER AND RAYMOND E. BUMGARDNER FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF PROPERTY AT 1555, 1557 AND 1617 CLIFFWOOD PLACE AND 420 AND 429 WEST PARK AVENUE.

The public hearing was held on the subject petition.

Mr. W. E. McIntyre, Planning Director, stated the property lies on both sides of West Park Avenue at its intersection with Cliffwood Place. On the intown side it covers one lot at the corner and on the out of town side of West Park it covers three lots at that intersection. The property is used for single family and duplex structures; immediately behind the subject property a residential use is established for several blocks; on the opposite side of Cliffwood Place are business establishments. Directly across the street from the subject property is Wilmore Presbyterian Church and there are some residential uses across Cliffwood Place from the property. He stated on the intown side there are a variety of business establishments extending along Cliffwood Place up to Summit Avenue and beyond. Some of the uses at Summit Avenue are industrial uses; the nearest use is a food service establishment; diagonally across the street is a lounge-restaurant type of establishment. About 1/2 block on the out of town side is Wilmore School on Cliffwood between Kingston Avenue and West Boulevard.

The subject property is zoned R-6MF; it is surrounded on three sides by R-6MF; the property immediately adjoining towards town is B-2 on both sides of the street; at Westwood coming into Mint Street the property is zoned Industrial.

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Mr. Raymond E. Bumgardner, one of the petitioners, stated the house on the corner of Cliffwood and West Park Avenue is about 50 years old and he cannot sell it as it is in bad shape; that he cannot rent it and no one wants to buy it for residential use; that he has no plans but had a number of offers several years ago but when they found it was zoned for residential use it killed the sale. Mr. Bumgardner stated the church gave him a letter approving the request for a change in zoning and stated they would prefer something other than the old house now located on the lot. He stated he lives on his property, and Mrs. Painter, the other petitioner, lives on her property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-73 BY JOEL B. LAYTON FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A LOT AT 4114 ATMORE STREET.

The scheduled hearing was held on the subject petition.

The Planning Director stated the property lies in the middle of the block of Atmore Street, that extends from Sugar Creek Road to Plaza Road. The property is an illegal non-conforming use and is occupied by a floor covering contractor. The property on both sides of the subject property is developed for residential except for three lots directly across Atmore Street which are vacant. At the end of Atmore on both connecting streets, there are a variety of small business establishments. The property immediately behind the subject property is partially vacant and partially developed with single family residential use.

Mr. McIntyre stated the property is zoned for R-6MF; the adjoining property on both sides is zoned R-6MF as is the middle of the block across the street; business zoning has been established at the intersections of Sugar Creek and Atmore, and Plaza and Atmore. The zoning of the property immediately behind the land in question is zoned light industrial.

Mr. Joel B. Layton, the petitioner, stated he bought the property with the understanding the property was zoned for business. That the city told the real estate company and the owner the property was zoned for business; that the house on the right is vacant and the people who live on the other side are never at home.

Councilman Smith stated this is an area that the Planning Commission should look at; that it is business on both ends with business to the rear of it; that the entire block could possibly be made B-1 or some other zoning than what it is, rather than piecemealing it. That this is spot zoning but there is something in his favor in the triangle that there is in between the Plaza and Sugar Creek Road.

Councilman Smith requested that the Planning Commission bring back a report to Council on rezoning the entire block.

Councilman Smith suggested that if Mr. Layton would circulate a petition through the neighborhood to get the neighbors to go along with the zoning it might be helpful.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred.

HEARING ON PETITION NO. 68-74 BY WHITTIER W. ROGERS FOR A CHANGE IN ZONING FROM R-12MF TO B-1 OF 7.66 ACRES OF LAND ON THE SOUTH SIDE OF ALBEMARLE ROAD, BEGINNING ABOUT 1,000 FEET EAST OF LAWYERS ROAD.

The public hearing was held on the subject petition.

Mr. William McIntyre, Planning Director, stated the subject lots extend 800 or 900 feet back off Albemarle Road; one lot is occupied by a residential use and the other property is vacant. The general development along this section of Albemarle Road is a mixture of residential and commercial establishments; diagonally across the street on the out-of-town side is an upholstery establishment, mobile home and a house; directly across the street is a house and a garden shop; diagonally across the street on Albemarle Road towards town are residential uses; at the intersection of Albemarle Road and Lawyers Road some distance from the property are a variety of business uses established. That the property is partially bounded towards the rear by large deep lots some of which have residential uses on the front and one has a green house in connection with a residence.

The property is zoned R-12MF; it is surrounded on two sides by R-12MF and on the other two sides it is surrounded by business zoning; directly across Albemarle Road there is also business zoning.

Mr. Ned Dorton, speaking for the petitioner, stated he owns the property adjoining which has the greenhouse located on it. That they think the addition of this 7.66 acres to the property already zoned would give a place for further shopping developments in an orderly fashion. This added to what is already there would give them approximately 25 acres for business.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-75 BY HUGH A. CALDWELL AND PARKS E. MALCOLM FOR A CHANGE IN ZONING FROM R-6 AND O-6 TO O-6 AND B-1 OF A TRACT OF LAND FRONTING 300 FEET ON THE SOUTH SIDE OF GLENWOOD DRIVE, BEGINNING ABOUT 195 FEET EAST OF INTERSTATE HIGHWAY 85.

The scheduled hearing was held on the subject petition.

The Planning Director stated the subject property has two types of developments on it; one lot is vacant and the other lot is residentially developed; it lies on the westerly side of Glenwood Avenue, a short distance from I-85; immediately south, towards town, the property is developed residentially for several lots down to Plainview Road, and then industrial development from Plainview on down Glenwood. On the opposite side of the street there is a site for a new office building for Sinclair Refining Company; along Glenwood Drive on that side of the street there are a few residential lots and then industrial development. Immediately behind the property are residential uses that have been established on Tennyson Drive and adjoins these properties at the rear. Towards I-85 the property between I-85 and the subject property is developed commercially with service stations located on each of the two corners. On the I-85 side the zoning is B-1; across from that site the property is B-1; directly across Glenwood Avenue, the zoning is O-6 which provides the site for the office building; the property extending from boundaries of the subject property for several lots down along Glenwood Drive is zoned single family residential, and then industrial zoning takes over which provides for the industrial use.

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Mr. Bob Sink, Attorney representing the petitioner, stated the property is contiguous to a service station and the more natural break would be for business purpose; the property is visible from I-85 and the highest and best use for this particular property is for business; this would not disrupt the general plan; and the character of the neighborhood suggests it can be used for business.

Councilman Smith stated often a service station is buffered with office zoning, which is not good as no office wants to be built next to a service station; that we should think more about putting business next to a service station to be a buffer to office - something less undesirable than a service station with all its traffic and noises.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-76 BY DR. W. E. SELBY, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF ALL PROPERTY ON THE NORTHWEST SIDE OF THE 1600 BLOCK OF SCOTT AVENUE.

The public hearing was held on the subject petition.

Mr. William E. McIntyre, Planning Director, stated the subject property is developed with residential uses - essentially single family with several duplexes in the area. The property is surrounded by single family uses to the rear, side and front. One exception is a doctor's office located on the opposite side of Scott Avenue. The property is not too far removed from East Boulevard where there are a variety of business and office establishments. In the near vicinity is Memorial Hospital, and in particular, its parking lot extends up to Scott Avenue, within a few hundred feet of the property in question.

Mr. McIntyre stated the property is zoned R-6MF; it is adjoined on the front and rear by R-6MF zoning; on both sides the block is adjoined by office zoning which extends from Fillmore Street out several lots in the direction of East Boulevard from the block in question; office zoning also extends along Scott Avenue down to its intersection with Kenilworth and Romany Road.

Dr. Selby, one of the petitioners, stated he owns the property at 1604 Scott Avenue and would like to put an office in the building because it is near Memorial Hospital and there are offices on each side and two blocks away is a large business area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-77 BY ADMIRAL REALTY COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 28.583 ACRE TRACT OF LAND ON THE NORTH SIDE OF ALBEMARLE ROAD, NORTHWEST OF THE SHARON AMITY ROAD INTERSECTION.

The public hearing was held on the subject petition.

The Planning Director advised this property lies more or less in the middle of a triangle formed by Central Avenue, Albemarle Road and Sharon Amity Road and is an acreage tract. It is bounded on the east by vacant land adjacent to the intersection of Central Avenue and

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Albemarle Road; it is bounded on the Central Avenue side by some single family residential property and some vacant land. Towards Sharon Amity Road, it is bounded by vacant land and some apartment development that has been built along Clearmont Avenue and Gerrard Court; one additional piece of property is occupied by a single family home. He stated the property has a minor amount of frontage on Sharon Amity Road a few hundred feet from the intersection of Albemarle Road. Along the westerly side of the property it is adjoined by a church and along Albemarle Road it is adjoined by the rear line of property fronting on Albemarle Road which is vacant.

Mr. McIntyre stated the property is zoned for single family development; it is adjoined by two kinds of zoning - on the easterly side the zoning is R-9MF and on the northerly side it is zoned R-9MF; on the side closest to the intersection of Sharon Amity and Central Avenue there is a business zone; multi-family zoning adjoins the property in the area where the apartments have been developed. Across Sharon Amity Road from the property in question the zoning is single family and there is some single family zoning adjoining the property along Albemarle Road and towards the intersection of Albemarle Road and Sharon Amity Road. That multi-family zoning has been established on the opposite side of Albemarle Road from the property.

Mr. A. V. Blankenship, owner of the property, stated there are several different types of zoning - B-1, R-9 and R-9MF with apartments on one side, vacant land on other side and a number of old residences on each side of the property on Sharon Amity Road. There is a Lutheran Church, five or six years old, which is a part of this property on Albemarle Road; there are two new houses, six or eight years old, one on each corner; there is vacant land and the owner said he would not oppose the request for rezoning.

Mr. Blankenship stated the plans are to put the property to use almost immediately if the change in zoning is allowed. That a subdivision plan was furnished the Planning Board before the property was zoned but no development took place. That he plans two-story brick veneer, inside stairway apartment construction.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-78 BY MARY B. ALEXANDER FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF A 5.8 ACRE TRACT OF LAND BEGINNING ABOUT 350 FEET SOUTHWEST OF FREEDOM DRIVE ADJOINING THE NORTHWEST SIDE OF FREEDOM VILLAGE SHOPPING CENTER.

The scheduled hearing was held on the subject petition.

Mr. William E. McIntyre, Planning Director, stated the subject property is a triangular-shaped piece of property located off Freedom Drive; it is surrounded on two sides by other vacant land; on the third side it adjoins the Freedom Village Shopping Center along a rear service drive at the rear of the stores that form the shopping center; it is a short distance from additional business development that has been established along Freedom Drive going west from the Shopping Center itself - a theatre, auto parts, Pic-n-Pay, and Shoney's. To the north and west the nearest use is a semi-industrial use of buildings that were originally a part of Cannon Airport.

Mr. McIntyre stated the property is zoned Light Industrial; it is adjoined on the south and the east by light industrial zoning; on the north it is adjoined by I-2 zoning.

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Mr. Ben Horack, Attorney for the Petitioner and Westside Theatre Corporation to whom 17 acres will be leased, stated this is a part of about a 100 or 200 acre tract that is known as the Old Cannon Airport and has been owned by the Alexanders for years. That the petition for rezoning is just the triangle which comprises about five or six acres of the total 17 proposed to be used by the Theatre operation, which will be a Drive-In. He stated the major portion of the tract is already zoned I-2 which does permit Drive-In theatres. That they are asking to square up the property by the addition of the triangle making it I-2.

Mr. Horack stated they have contacted Mr. Dwight Phillips, owner of the Freedom Village Shopping Center property, and he has no objections to the proposal. That no formal protest has been filed to this petition, but he understands the operators of the Village Theatre have some concern regarding the proposed Drive-In. They feel the Drive-In Theatre will cater to a different type of clientele - they cater to a family type. He stated the principals in the business corporation are Mr. Tom Little, Mr. Frank Beddingfield, Mr. Francis White and Mr. Herman Stone; they have real experience and know how in the business; they have a chain of 26 of their own theatres - 16 are Drive-Ins. This one will involve an estimated investment of about \$300,000; it will accommodate about 700 cars with playgrounds for the children; the performances will be top quality. That a part of the agreement between Westside Theatre and Mrs. Alexander is a commitment in the lease that fences and buffer screens will be constructed. Mr. Horack stated the edge of the property is from 900 to 1,000 feet away from the closest house and this area is covered with heavy dense woods and is owned by the petitioner, Mary B. Alexander.

Mayor pro tem Whittington asked what the zoning is between the subject area and the Royston Road area? Mr. McIntyre replied there is about a 200 foot buffer between the properties on Royston Road and the light industrial district, of R-9MF; and then there is about 500 feet of I-1 between the buffer behind the Royston Road area and the location of the theatre.

Mr. Charles Trexler, speaking in opposition, stated they, as owners of the Village Theatre, were precluded from filing any formal petition because they are not, in fact, land owners in the area. They feel they have a vested interest which is almost equivalent to ownership of land. He stated he talked to Mr. Phillips, and asked him if he would oppose since he was the landlord and Stewart and Everett Theatres are his tenant and he gave reasons which he did not want to repeat at this meeting as to why he would not oppose.

Mr. Trexler stated the Village Theatre was built on Freedom Drive immediately adjacent to the Freedom Village Shopping Center; they leased the property and entered into a contract and built the theatre themselves on the basis that Mr. Phillips would reimburse them \$130,000, which he did; he stated they have invested approximately \$200,000 over and above that which Mr. Phillips spent; that they have a long term lease with Mr. Phillips and Mr. Phillips' interest is protected by virtue of their lease on the property.

He stated the proposed theatre will have its marquee, its entrance 150 feet on Freedom Drive, only 800 feet from the Village Theatre. That they built two years ago knowing the zoning of the property and knowing that without rezoning no petitioner would try to put a theatre on that portion which was zoned and which could have a drive-in theatre.

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If this proposed theatre is built, then the Village Theatre will suffer greatly, He stated in spite of the fact that they cannot invoke the 3/4 rule because they are not property owners, that this Council should consider invoking the 3/4 majority rule in deciding on whether or not this petition will be granted.

Also speaking in opposition to the proposed rezoning was Mr. E. M. Marks, Advertising Manager for Stewart-Everett Theatres.

Mr. Horack stated the plan is for a 151-foot wide ingress-egress in which there will be two incoming lanes and two outgoing lanes.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-79 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON BOTH SIDES OF RANDOLPH ROAD, FROM DURHAM DRIVE TO LAUREL AVENUE.

The scheduled hearing was held on the subject petition.

The Planning Director stated this petition was activated by the City Council, and extends office zoning out Randolph Road, which is a continuation of an extension of the office zoning district which was established along the road in a recent meeting of Council. The petition covers two blocks along Randolph Road, from Durham out to Laurel Avenue. Within the two blocks the development is essentially residential with one doctor's office at the intersection of Randolph Road and Durham Drive. The adjoining property on all sides is residential - single family, duplex or multi-family, with the exception of the church at Colville Road and Randolph Road.

The zoning of the property is R-6MF and is adjoined by R-6MF on all sides except that segment of Randolph Road coming in towards town where the zoning is office.

Speaking in opposition to the petition was Mr. Erwin Jones, President of the Eastover Residents Association. He stated they have a membership of 296 families consisting of over 600 adults. That the Board consists of Charles Miller, Elizabeth Spoon, H. Y. Dunway, Jr., Easley Anderson, Francis Fairley, Edward Glover, Mrs. Jean Cole Hatcher, Alex Josephs, H. F. Kinsey, Clarence Kuester, David Rankin, Carson Rose, Louise L. Rose, Sr. and Beaumert Whitton. He stated they are residents of the general area involved and feel that this change would have a bad effect on their area and they ask that the request be denied. That an area such as Eastover is an asset to any city; and we will not see the creation of another Eastover or Myers Park in our time. One reason for preserving Eastover as a residential area is to provide a convenient residential area for medical people to live in as the area is close to all three of the existing hospitals. That the present zoning gives Eastover adequate protection. That Mr. Louis Rose, Sr. says that proper zoning should provide to single family, first, a multi-family buffer zone, then office then business and on down. That Mr. Rose says one small apartment house is not adequate buffer against office. If this change goes through then their buffer will disappear, and Mr. Rose is of the opinion that the buffer should extend further up Randolph Road towards town, than the proposed change would have it.

Mr. Jones stated they feel that the proposed zoning change would lead to spot zoning and would not provide an adequate multi-family buffer zone; that a natural stopping point has been reached at the corner of Crescent Avenue and Randolph Road.

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Also speaking in opposition to the proposed change in zoning were Mr. Francis Fairley, Mr. Charles Miller, Mr. Easley Anderson and Mr. Beaumert Whitton.

Speaking for the change in zoning was Mr. Grady Cole, 2315 Randolph Road, who stated there are five houses that have not been zoned. That he will help in any way he can to preserve Eastover, but he does not want the President of Mexico coming over telling us how to run our country. That Eastover is way over; that from Randolph Road down Laurel Avenue, the first block of Eastover is an apartment-duplex development of one solid block away and at least a half block depth. That if it is a buffer they want, they have it. That with Cotswald Shopping Center, the trucks start rolling at 4:00 o'clock in the morning; and it is not a fit place to live. Mr. Cole filed a petition containing the names of those in favor of the rezoning.

Also speaking for the change in zoning were Mr. E. A. Palmgren, 2312 Randolph Road and Mrs. Patricia Stikeleather, 2330 Randolph Road.

Mayor pro tem Whittington stated this petition was requested by City Council to extend this zoning to Laurel Avenue because when the new zoning ordinance went into effect in 1960 the first two block of Randolph Road was zoned O-6; since that time this has been a piece meal zoning procedure on Randolph Road, and on his request and his motion, he asked for this to be considered by the Planning Commission, and the hearing to be held today.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 54 AMENDING CHAPTER 23, ZONING ORDINANCE, BY ADDING A NEW SECTION 23 -13.01 ENTITLED "DRIVEWAYS".

The public hearing was held on Petition No. 68-80 by Charlotte Mecklenburg Planning Commission to amend the text of the zoning ordinance by adding a new section as follows:

"Section 23-13.01. Driveways: Driveways in either Research, Office, Business or Industrial districts may be used to provide access to uses located in any of these districts".

Mr. William E. McIntyre, Planning Director, stated at the present time if you have a driveway in a business zone, that driveway takes the category of the business zone and cannot be used to provide access into an adjoining industrial district. That our experience with this has not been good, and the Planning Commission feels that driveways to various kinds of areas whether they are zoned business or industrial should be used interchangeably between these districts. That occasionally in planning the use of an industrial piece of property someone is confronted with the fact that their industrial property does not front on a road but adjoins a business district and it is difficult for them to get access to the industrial property as they would have to go across a business district coming from the road.

Mr. McIntyre advised that the Planning Commission does recommend this amendment to the Zoning Ordinance.

No opposition was expressed to the proposed amendment.

Councilman Short moved the adoption of the subject ordinance which was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 1.

MEETING RECESSED AND RECONVENED.

Mayor pro tem Whittington called a recess at 4:05 o'clock p.m., and reconvened the meeting at 4:15 o'clock p.m.

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FUNDS APPROPRIATED FROM GENERAL FUND CONTINGENCY APPROPRIATION TO BE ADDED TO BUDGETED FUNDS FOR USE OF THE MECKLENBURG COUNTY AGRICULTURAL EXTENSION SERVICE.

Dr. James Martin, Chairman Mecklenburg Board of County Commissioners, stated this morning their Board approved the transfer of \$25,500.00 of Contingency Funds to the Home Economics Project. Also they amended the budget of that project to cut out the requested expansion in the number of advisors and this reduced the entire budget by about \$32,000 but that will come out of the federal share rather than out of the local share. Also, they made the provisions if after negotiations between Mr. Hobson, Farm Extension Agent, and the new director of the Area Fund, Mr. Pearson, if they bring persuasive reasons to reinstate the nine positions, then they will be agreeable to reconsidering the recommendation.

He stated the County Commissioners transferred the money and adopted the budget contingent on the change he has just described and also depending upon the City of Charlotte transferring a like amount.

Councilman Short moved the adoption of Ordinance No. 55-X amending Ordinance No. 939-X, the 1968-69 budget ordinance, authorizing the transfer of \$14,683 from the General Fund Contingency Appropriation to be added to the already budgeted \$10,817 for use of the Mecklenburg County Agricultural Extension Service. The motion was seconded by Councilman Stegall.

Councilman Short stated this money will be used for the Charlotte Area Fund and will make possible for them to obtain the federal money that has been discussed.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 2.

DISCUSSION OF FENCES ON CITY RIGHT-OF-WAY.

Mrs. Paul Willis, resident of Hidden Valley, stated they are in the midst of a struggle with the Traffic Engineering Department relating to the fence ordinance that is supposed to be throughout the City of Charlotte. The Traffic Engineering Department has made a survey of their community and mailed letters to them telling them to move their fences back a certain number of feet - in most areas it is 12 feet from the curb.

Mrs. Willis stated the majority of the people are aware that they are on the right-of-way and they are willing to accept the fact they are in the wrong, and will do something about it if Mr. Hoose and the Traffic Engineering Department sees that the rest of the residents in the City of Charlotte comply with this ordinance.

Mayor pro tem Whittington stated these fences in Hidden Valley are fences that are on the city's right-of-way and most of them were put there by the people at their own expense as decorative improvements to their particular property, and it seems to him - not only in Hidden Valley, but anywhere else where you have this sort of improvement - as long as the city does not need the property for the widening of the street or for a permanent or temporary sidewalk or for a site easement that the city should let these things alone.

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Councilman Alexander asked if the City will run into any legal problems if it permits citizens, year after year, to let these fences exist? Mr. Underhill, Acting City Attorney, replied you would not be estopped from taking action in the future; if in the future the city desired to put in a sidewalk and a fence or shrubbery were in the right of way, the City is entitled to have the right of way cleared and is not estopped from enforcing provisions of this ordinance requiring that the right-of-way be cleared and free from all structures. Mr. Underhill stated generally the property owner is given time to move the tree, fence or shrub or whatever might be in the right-of-way, and if he does not remove the objects by the time the necessary right-of-way is needed then the contractor or the city itself would remove the obstruction.

Councilman Alexander stated if Council should desire to let these fences stay until such time as the City would need the right-of-way, would that not cover anyone else in the City who has a fence in a like circumstance? That in giving the people permission, Council gives anybody in the City the same permission? Mr. Underhill replied if Council so desires to do this it can be all inclusive.

Mr. Bobo, Administrative Assistant, stated there are other encroachments in the City but this would be a bad policy to sanction; it could be expensive for the property owners to have to remove their fences in a future year; the fences would deprive their neighbors or anyone else from using this area which they have a right to use. That the City needs to stand firm in this in that it does not encourage any future encroachments.

Councilman Short asked if Council would be able, and on a firm legal basis, to give persons with existing fences as of October 21, 1968 permission to allow the fences to remain in violation of the law but not make this apply to those put up later? Can Council selectively enforce the law? Mr. Underhill replied the answer to that is no - not without an amendment to the ordinance.

Mr. Underhill stated the ordinances applying are Section 17-21: "No person shall erect or maintain, or cause to be erected or strung, any barbed, wire fence, or plain wire, stakes or other obstructions, on the line or border of any sidewalk or street, or so close thereto as to be likely to injure any person, within the limits of the city," and Section 17-25: "It shall be unlawful for any person to place, suffer or permit any sign, garbage can, or any obstruction of any nature upon any sidewalk in the city". He stated that "sidewalk" is defined as that portion or strip of land lying or being between the property or building line and the curb, whether paved or unpaved.

Mayor pro tem Whittington stated you can take almost any street anywhere in the City of Charlotte and the people who live on that particular piece of property on the street have planting of some kind all the way to the street right-of-way if there is no sidewalk there; many have fences. That we talk about a beautification program and where residents are doing this at their own expense, he says leave it alone until such time as we have to widen the street or it becomes a site problem or it is needed for sidewalk; then you notify the property owners that they have to move the fence, trees or shrubbery as the city needs the property.

Councilman Stegall asked what brought all this about; what was the original complaint? Mr. Underhill replied the first complaint originated from a fence that was so close to the right-of-way that a school bus which picked up passengers and left off passengers at the particular place could not drop the passengers as the children did not have room between the fence and the school bus for them to get on and off the bus. After this complaint was looked into, the Traffic Engineering Department received other complaints in this area and they did a survey on it, and this was the results.

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Councilman Stegall stated he feels as Mr. Whittington, that if these people have enough pride in ownership of their property to beautify it, that it seems it would be a minor detail to move the bus down the street to solve this type of problem rather than getting everyone upset. That he agrees we should leave it alone and do something, even if it is an administrative policy, not to bother with these fences unless it comes down to where it is detrimental and if so then make that person move his fence.

Mr. Bobo stated the administration understands the wishes of Council and will be so advised.

Councilman Smith asked if the ordinance cannot be rewritten to make some permissive parts in the ordinance.

Councilman Smith stated the ordinance should be rewritten so that it will not be ambiguous or subject to misinterpretation.

Mayor pro tem Whittington suggested that the City Attorney be instructed to attempt to draw an ordinance incorporating from the minutes what had been said as it relates to letting the fences alone and then if it comes up in the future there will be an ordinance to deal with it when the City needs the right-of-way for sidewalks, sites or widening of the streets.

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

Councilman Stegall stated there has been some conversation by the petitioners with the Planning Commission on the subject property, and he moved that the petition be referred back to the Planning Commission. The motion was seconded by Councilman Smith, and carried unanimously.

DECISION ON PETITION NO. 68-65 BY WILLIE B. EDWARDS, ET AL, FOR A CHANGE IN ZONING OF THE ENTIRE BLOCK ON THE SOUTHEAST SIDE OF THE PLAZA, BETWEEN SUGAR CREEK AND SWEETBRIAR STREET, DEFERRED FOR ONE WEEK.

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

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON NOVEMBER 18 ON PETITIONS NO. 68-81 THROUGH 68-89 FOR ZONING CHANGES.

Motion was made by Councilman Smith, seconded by Councilman Short, and unanimously carried, adopting the subject resolution which is recorded in full in Resolutions Book 6, at Page 207.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN ALONG SARDIS ROAD, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the Mayor and City Clerk were authorized to execute a right-of-way agreement between the City and the State Highway Commission for the installation of an 8-inch water main along Sardis Road, for a distance of approximately 7,500 feet, outside the city limits.

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SUPPLEMENTARY CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR INSTALLATION OF WATER MAINS IN SARDIS ROAD.

Councilman Short moved approval of a supplementary contract to a contract dated August 31, 1959, with American Investment Company, for the installation of 7,550 feet of water main in Sardis Road, outside the city limits, at an estimated cost of \$36,000, with the applicant to pay the entire cost of the mains and own same until such time as the area is incorporated into the city limits at which time the mains will become the property of the city without further agreement. The motion was seconded by Councilman Stegall, and carried unanimously.

CONTRACTS FOR CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

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

- (a) Contract with Southern Car Wash, Inc. for the construction of 405 feet of trunk to serve Southern Car Wash, Inc. property, inside the city, at an estimated cost of \$3,210.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Contract with Joe D. Withrow for the construction of 75 feet of main in Pruitt Street, inside the city, at an estimated cost of \$715.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Contract with William Trotter Development Company, for the construction of 3,145 feet of main and 320 feet of trunk to serve Eastbrook Woods, Section III, inside the city, at an estimated cost of \$25,375.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

ORDINANCE NO. 56-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CONTINGENCY APPROPRIATION FOR CONSTRUCTION OF GRAVEL SIDEWALKS TO SERVE BRUNS AVENUE ELEMENTARY SCHOOL.

Councilman Alexander asked what takes place after the children get down to West Trade Street and have to cross, is there a guard there? These children come down West Trade Street in front of the church beside the ice house and cross West Trade Street, and he asked if any consideration has been given to that problem? That there is nothing wrong in approving what is recommended today, but he would like to know if any consideration has been given to the West Trade Street crossing.

Mayor pro tem Whittington stated he questions the need for sidewalk on Mahopac Street as it relates to the school; that he would hope Council would postpone this until it can be discussed with Mr. Hoose. Councilman Stegall stated Mahopac Street is only about 18 or 20 feet wide and when two cars meet and pass, it is impossible for anyone to walk in the street. That this is a new school on Bruns Avenue that the sidewalks serve, it is not Seversville School.

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Councilman Stegall moved the adoption of the subject ordinance authorizing the transfer of \$2,200.00 of the General Fund Contingency Appropriation for the construction of gravel sidewalks to serve Bruns Avenue Elementary School, as follows:

- (1) Along Bruns Avenue, between the school and Sumter Street, a distance of approximately 720 feet.
- (2) Along Mahopac Street, between Bruns Avenue and State Street, a distance of approximately 380 feet.
- (3) Along Walnut Avenue, between Auten Street and the end of the existing concrete sidewalk, a distance of approximately 130 feet.

The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 3.

QUITCLAIM DEED CONVEYING PROPERTY ON SOUTH MYERS STREET, BETWEEN FOURTH AND THIRD STREETS TO THE COUNTY.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, approving the execution of the quitclaim deed conveying property on South Myers Street, between Fourth and Third Streets to the County in exchange for which the County has agreed to deed to the City two strips of land along the frontage of Fourth Street, McDowell Street and Third Street in order to accommodate improvements on the streets as well as provide access to the new Law Enforcement Building.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO THE CITY CODE.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, the subject ordinances were adopted, as follows:

- (a) Ordinance No. 57-X ordering the removal of weeds and grass on property adjacent to 1117 North Allen Street.
- (b) Ordinance No. 58-X ordering the removal of weeds and grass on property adjacent to 3035-37 Central Avenue.
- (c) Ordinance No. 59-X ordering the removal of weeds and grass on property adjacent to 618 Mayview Drive.
- (d) Ordinance No. 60-X ordering the removal of weeds and grass on property at rear of 1916 Winthrop Avenue.
- (e) Ordinance No. 61-X ordering the removal of weeds and grass on property adjacent to 1558 Lakedell Street.
- (f) Ordinance No. 62-X ordering the removal of weeds and grass on property at 4332 Dinglewood Avenue.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 4.

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ORDINANCE NO. 63-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 3233 SUNNYBROOK DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CITY CODE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 16, at Page 10.

ORDINANCE NO. 64-X AMENDING THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE AIRPORT RESERVE FUND TO CAPITAL IMPROVEMENTS ACCOUNTS.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$5,900.00 to be used for landscaping the airport terminal road median.

The ordinance is recorded in full in Ordinance Book 16, at Page 11.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Smith, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 1,752 square feet of property, at 2812-2818 Eastway Drive, from Ada House Newton (widow), at \$7,000.00, for the Eastway Drive Project.
- (b) Sale of 7,537.25 square feet of property at the corner of Burton Street and White Street - Parcel 274 - to the State Highway Commission at \$5,700.00 for the Interstate 77 right-of-way.
- (c) Sale of 36,551.94 square feet of property - parcels 81 and 82 - to the State Highway Commission at \$5,750.00 for the Interstate 77 right-of-way.

DISCUSSION OF REPLACEMENT OF ROOFING MATERIAL AT SPECTATOR DECK AT TERMINAL BUILDING.

Council was advised the Airport Manager is requesting approval to replace the present material of the spectator deck at the terminal building; that the deck was closed four years ago because the roofing material was not of sufficient strength when walked upon by narrow heels and the consulting engineers have now found a firm confident of its ability to replace the existing deck surface with material suitable for heavy spectator usage at an estimated cost of \$16,600.

Mr. Bobo, Administrative Assistant, stated the plans are to use deck-o-teck and according to the information received this will do the job and there will be a guarantee on the material; that the engineers have seen this material and are satisfied it will work.

Councilman Alexander moved approval of the Airport Manager's request to go to bids to replace the roofing material on the Spectator Deck. The motion was seconded by Councilman Smith.

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Councilman Short stated he would like to think about this a little further; that he would like to know more about the research made into this, and he made a substitute motion to defer action on this for one week and ask the administration to give some review of what the research was. The motion was seconded by Councilman Stegall, and lost for lack of the affirmative four votes, as follows:

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

CONSIDERATION OF ORDINANCES RELATING TO ABANDONED MOTOR VEHICLE PROGRAM DEFERRED FOR ONE WEEK.

The following ordinances were presented for Council's consideration:

- (a) Ordinance amending Chapter 20, Article 1, Section 21 of the Code of the City with respect to rates charged for wrecker service, raising peak hour tow-in charges from \$5.00 to \$7.00 and the regular tow-in charge from \$10.00 to \$15.00.
- (b) Ordinance amending Chapter 20, Section 20 of the Code of the City which permits the police department the option of having the abandoned vehicle towed to the municipal storage lot or a zoned wrecker lot.
- (c) Ordinance amending Chapter 13, Section 13-1.2 of the Code of the City by deleting the present Section 13-1.2 and substituting in lieu thereof a new Section 13-1.2 entitled: "Abandoned motor vehicles".

Mr. Bobo, Administrative Assistant, advised the peak hours referred to are those in violation of the peak hour zones; that these rates are for those tow-ins. The regular charges are for accidents and tow-ins for other than zone hours.

Councilman Smith asked how many cars are being towed in from the meters every day? That that should be a big consideration when you think about raising the rates.

Mayor pro tem Whittington stated this is something the wrecker companies have been requesting for the past four years. Councilman Smith stated when someone has their car towed off when they overstay a meter they have to pay \$5.00 to get their cars, plus \$3.00 fine, plus finding where their car is located and then raise the eight to \$10.00; that the volume should come into consideration to make a valid decision.

Councilman Short stated he has some reservations about an ordinance which makes the owner or controller of the land liable; this gets away from the City and the courts dealing with the owner; it gets into a situation where the courts are not dealing with the owner of the automobile but the owner of the land and to him this is a little afield in trying to regulate this difficulty.

Councilman Stegall stated something has to be done about taking parking off the streets downtown. That it is most distasteful for someone to come back and find their car gone and then have to come down and pay \$8.00 to \$10.00. He suggests that the Traffic Engineering Department should take another look at some of the areas where we have the tow-in zones. Councilman Stegall stated he would be in favor of removing the parking at 4:00 P.M. and not tow-in until 4:30; that at present there is only a five minute tolerance in some of the areas. He stated he knows how the merchants feel, but more parking areas have been granted downtown than we had three or four years ago.

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Councilman Stegall stated if Council had some figures of what is actually towed-in, we might be better prepared to make a decision on this increase. That he knows from past experience the wrecker companies did not want to tow these cars. That it was something they have done to accommodate the city.

Mayor pro tem Whittington stated it is the wishes of Council to postpone decision on the ordinances relating to the abandoned car program for one week.

Councilman Smith moved that the ordinance under (a) above be delayed for one week for additional information. The motion was seconded by Councilman Alexander and carried unanimously.

Motion was made by Councilman Stegall to continue the ordinance under (b) above for one week. The motion was seconded by Councilman Smith and carried unanimously.

Mayor pro tem Whittington stated two weeks ago in one neighborhood he gave the Building Inspection Department the addresses of 22 automobiles that had been abandoned and the city had no place to take them; and this is one of the reasons this ordinance is so important; that we need to get a means to get the cars towed in and dispose of them.

Councilman Stegall stated he only questions the fact of how many cars are towed-in in the 5:00 to 6:00 o'clock PM and 7:30 to 9:30 AM and 4:30 to 6:30 deal; that this is the thing that worries him.

Councilman Alexander stated one of the things the ordinance will correct is the inability to get rid of a car that someone leaves on your property without your consent; as it stands now there is no way to handle that situation; this ordinance will correct this and this is where the biggest problem is in trying to get rid of junk automobiles.

ISSUANCE OF SPECIAL OFFICER PERMIT TO EDGAR A. OWEN, JR.

Motion was made by Councilman Stegall approving the issuance of a Special Officer Permit for a period of one year to Mr. Edgar A. Owen, Jr. to serve on the premises of English Village Townhouse Apartments. The motion was seconded by Councilman Short, and carried unanimously.

TRANSFER OF CEMETERY DEEDS.

Upon motion of Councilman Smith, seconded by Councilman Short, 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. Mildred Q. Green, for Graves 11 and 12, in Lot 16, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mrs. Justine W. Hedgecoe for Graves 9 and 10, in Lot 16, Section 2, Evergreen Cemetery, at \$160.00.
- (c) Deed with Robert L. Mangrum and wife, Mary K. Mangrum, for Lot No. 356, Section 6, Evergreen Cemetery, at \$240.00.
- (d) Deed with Thomas M. Belk, for Lot No. 343, Section 2, Evergreen Cemetery, at \$640.00.
- (e) Deed with Mrs. Jeannette C. Whedon for Lot No. 655, Section 6, Evergreen Cemetery, at \$320.00.

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CONTRACT AWARDED YOUNG FORD, INC. FOR ONE 3/4 TON 8-PASSENGER CLOSED VAN TYPE TRUCK.

Councilman Smith moved award of contract to the low bidder, Young Ford, Inc., in the amount of \$2,391.29, on a unit price basis, for one 3/4 ton 8-passenger closed van type truck. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Young Ford, Inc.	\$ 2,391.29
Hutton Scott Co.	2,426.14

CONTRACT AWARDED YOUNG FORD, INC. FOR ELEVEN 1/2 TON PICK UP TRUCKS.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Young Ford, Inc., in the amount of \$20,343.42, on a unit price basis, for eleven 1/2 ton pick up trucks.

The following bids were received:

Young Ford, Inc.	\$20,343.42
Town & Country Ford, Inc.	20,596.76
Hutton Scott Co.	21,179.89
LaPointe Chevrolet Co.	22,393.57
International Harvester	23,319.03

CONTRACT AWARDED YOUNG FORD, INC. FOR THREE 3/4 TON TRUCKS.

Motion was made by Councilman Smith awarding contract to the low bidder, Young Ford, Inc., in the amount of \$6,345.89, on a unit price basis, for three 3/4 ton trucks. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Young Ford, Inc.	\$ 6,345.89
Town & Country Ford, Inc.	6,392.22
LaPointe Chevrolet Co.	6,622.87
Hutton Scott Company	6,815.97
International Harvester	6,900.65

CONTRACT AWARDED TOWN & COUNTRY FORD, INC. FOR FOUR 8,000 GVW TRUCKS.

Councilman Smith moved award of contract to the low bidder, Town & Country Ford, Inc., in the amount of \$8,611.88, on a unit price basis, for four 8,000 GVW trucks, standard step side bodies. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Town & Country Ford, Inc.	\$ 8,611.88
Young Ford, Inc.	8,623.60
Hutton Scott Company	8,799.96
LaPointe Chevrolet Co.	9,129.16
International Harvester	9,308.68

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CONTRACT AWARDED YOUNG FORD, INC., FOR TWO 10,000 GVW CAB AND CHASSIS.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded Young Ford, Inc., the low bidder, in the amount of \$4,454.26, on a unit price basis, for two 10,000 GVW cab and chassis.

The following bids were received:

Young Ford, Inc.	\$ 4,454.26
Town & Country Ford, Inc.	4,520.70
Hutton Scott Company	4,549.98
LaPointe Chevrolet Co.	4,607.59
International Harvester	4,853.59

CONTRACT AWARDED TOWN & COUNTRY FORD, INC. FOR TWO 13,000 GVW CAB AND CHASSIS.

Motion was made by Councilman Smith awarding contract to the low bidder, Town & Country Ford, Inc., in the amount of \$5,866.06, on a unit price basis, for two 13,000 GVW cab and chassis. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Town & Country Ford, Inc.	\$ 5,866.06
Young Ford, Inc.	5,937.84
Hutton Scott Company	6,199.98
LaPointe Chevrolet Co.	6,242.72
International Harvester	6,416.88
Central Ford Truck Sales	6,678.24
GMC Truck & Coach Division	6,695.52

CONTRACT AWARDED TOWN & COUNTRY FORD, INC. FOR EIGHT 18,000 GVW CAB AND CHASSIS.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded Town & Country Ford, Inc., in the amount of \$22,763.10, on a unit price basis, for eight 18,000 GVW cab and chassis.

The following bids were received:

Town & Country Ford, Inc.	\$22,763.10
Young Ford, Inc.	22,875.70
Hutton Scott Company	23,740.32
LaPointe Chevrolet Co.	25,250.98
International Harvester Co.	25,673.31
Central Ford Truck Sales	25,773.55
GMC Truck & Coach Division	27,056.21

CONTRACT AWARDED TO HUTTON SCOTT FOR TWO 22,000 GVW CAB AND CHASSIS.

Councilman Smith moved award of contract to the low bidder, Hutton Scott Company, in the amount of \$8,968.38, on a unit price basis, for two 22,000 GVW cab and chassis. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

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Hutton Scott Company	\$ 8,968.38
International Harvester	9,596.72
LaPointe Chevrolet Co.	9,697.84
Town & Country Ford, Inc.	9,901.90
Young Ford, Inc.	9,991.18
Central Ford Truck Sales	10,831.74
GMC Truck & Coach Division	11,192.18

CONTRACT AWARDED HUTTON SCOTT COMPANY FOR TWELVE 25,000 GWV CAB AND CHASSIS FOR REFUSE PACKERS AND FLUSHER.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Hutton Scott Company, in the amount of \$54,378.62, on a unit price basis, for twelve 25,000 GWV cab and chassis for refuse packers and flusher.

The following bids were received:

Hutton Scott Company	\$54,378.62
International Harvester	58,652.44
Young Ford, Inc.	59,954.99
Town & Country, Inc.	59,959.10
LaPointe Chevrolet Company	60,003.96
Central Ford Truck Sales	65,867.82

CONTRACT AWARDED INTERNATIONAL HARVESTER FOR FOUR 25,000 GWV CAB AND CHASSIS WITH DIESEL ENGINES FOR REFUSE PACKERS.

Motion was made by Councilman Smith to award contract to the only bidder, International Harvester Company, in the amount of \$23,859.92, on a unit price basis, for four 25,000 GWV cab and chassis with diesel engines for refuse packers. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED TO GMC TRUCK AND COACH DIVISION FOR FOUR 34,000 GWV CAB AND CHASSIS FOR GASOLINE ENGINE AND MANUAL TRANSMISSION FOR REFUSE PACKERS.

Councilman Smith moved award of contract to the low bidder, GMC Truck and Coach Division, in the amount of \$33,775.40, on a unit price basis, for four 34,000 GWV cab and chassis for gasoline engine and manual transmission for refuse packers. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

ALTERNATE BID

GMC Truck & Coach Division	\$33,775.40
International Harvester	34,173.29
Central Ford Truck Sales	34,479.70

BASE BID

GMC Truck & Coach Division	\$32,595.60
International Harvester	32,942.56
Central Ford Truck Sales	33,339.40

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CONTRACT AWARDED TO INTERNATIONAL HARVESTER COMPANY FOR ONE 34,000 GVW CAB AND CHASSIS WITH DIESEL ENGINE AND MANUAL TRANSMISSION FOR REFUSE COLLECTION.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, International Harvester Company, in the amount of \$11,193.21, of a unit price basis, for one 34,000 GVW cab and chassis with diesel engine and manual transmission for refuse collection.

The following bids were received:

International Harvester Co.	\$11,193.21
GMC Truck & Coach Division	11,587.50

CONTRACT AWARDED BAKER EQUIPMENT ENGINEERING COMPANY, INC. FOR ONE SERVICE BODY TRUCK WITH AERIAL BUCKET TOWER.

Councilman Smith moved award of contract to the low bidder, Baker Equipment Engineering Company, Inc., in the amount of \$8,756.00, on a unit price basis, for one service body truck with aerial bucket tower. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Baker Equipment Engineering Co., Inc.	\$ 8,756.00
Holan Div. of the Ohio Brass Co.	9,639.84

CONTRACT AWARDED QUALITY EQUIPMENT AND SUPPLY COMPANY FOR NINE STEEL DUMP BODY TRUCKS.

Motion was made by Councilman Smith awarding contract to Quality Equipment & Supply Company, the low bidder, in the amount of \$8,517.60, on a unit price basis, for nine steel dump truck bodies.

The following bids were received:

Quality Equipment & Supply Co., Inc.	\$ 8,517.60
Baker Equipment & Engineering Co., Inc.	9,163.00

CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY FOR ONE 1,500 GALLON STREET FLUSHER.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Mitchell Distributing Company, in the amount of \$5,198.00, for one 1,500 gallon street flusher:

The following bids were received:

Mitchell Distributing Company	\$ 5,198.00
A. E. Finley & Associates, Inc.	5,295.00

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CONTRACT AWARDED QUALITY EQUIPMENT & SUPPLY COMPANY, INC. FOR FIFTEEN 16-CUBIC YARD REAR LOADING PACKER BODIES.

Councilman Smith moved award of contract to the low bidder, Quality Equipment & Supply Company, Inc., in the amount of \$58,434.75, on a unit price basis, for fifteen 16-cubic yard rear loading packer bodies. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Quality Equipment & Supply Co., Inc.	\$58,434.75
A. E. Finley & Associates, Inc.	63,693.75
Utilities Service, Inc.	66,202.50

CONTRACT AWARDED SIMPSON EQUIPMENT CORPORATION FOR FIVE 20-CUBIC YARD FRONT LOADING PACKER BODIES.

Motion was made by Councilman Smith, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Simpson Equipment Corporation, in the amount of \$38,800.00, on a unit price basis, for five 20-cubic yard front loading packer bodies.

The following bids were received:

Simpson Equipment Corporation	\$38,800.00
Truck Equipment Corp.	42,590.40
Sanco Corporation	46,315.00

CONTRACT AWARDED TWIN STATES TRUCK EQUIPMENT CORPORATION, INC. FOR ONE HYDRAULIC CRANE.

Councilman Smith moved award of contract to the low bidder, Twin States Truck Equipment Company, Inc., in the amount of \$3,800.00, for one hydraulic crane. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Twin States Truck Equip. Co., Inc.	\$ 3,800.00
Sanco Corporation	3,995.00
Baker Equip. Engr. Co., Inc.	5,114.00
H. B. Owsley & Son, Inc.	12,877.78

CONTRACT AWARDED GOODALL RUBBER COMPANY FOR RUBBER RAINSUITS.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, contract was awarded Goodall Rubber Company, the low bidder, in the amount of \$4,620.33, on a unit price basis, for rubber rainsuits.

The following bids were received:

Goodall Rubber Company	\$ 4,620.33
Tidewater Supply Co., Inc.	5,062.32
Southern Rubber Co., Inc.	5,220.01

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CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER FACILITIES TO SERVE HAMPSHIRE HILLS SUBDIVISION.

Councilman Smith moved award of contract to Sanders Brothers, Inc., the low bidder, in the amount of \$19,602.50, on a unit price basis, for sanitary sewer facilities to serve Hampshire Hills Subdivision. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$19,602.50
C. D. Spangler Const. Co.	20,760.50
Crowder Const. Co.	23,270.00
Dickerson, Inc.	24,727.50
Boyd & Goforth, Inc.	25,168.45

CONTRACT AWARDED W. K. BAUCOM, INC. FOR CONSTRUCTION OF SANITARY SEWER FACILITIES IN CASTLETON GARDENS SUBDIVISION.

Motion was made by Councilman Smith, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, W. K. Baucom, Inc., in the amount of \$25,688.35, on a unit price basis, for construction of sanitary sewer facilities in Castleton Gardens Subdivision.

The following bids were received:

W. K. Baucom, Inc.	\$25,688.35
C. D. Spangler Const. Co.	28,845.10
Sanders Bros. Inc.	30,296.00
Crowder Construction Co.	32,155.00
Dickerson, Inc.	34,020.85
Boyd & Goforth, Inc.	61,433.50

ADOPTION AND APPROVAL OF MCCANN REPORT STUDY COMMITTEE RECOMMENDATIONS.

Mayor pro tem Whittington stated the McCann Report Study Committee was appointed by members of the City Council to study the McCann Report and make recommendations from this report to Council. That the Committee consists of Mr. Fred D. Alexander, Mr. James B. Stegall and himself.

Mayor pro tem Whittington stated the Committee wishes to report to Council its recommendations, exclusive of those relating to Charter Revisions because any proposed charter revision must be presented to the delegation, elective to the general assembly on November 5.

The following are the twenty-five major recommendations of the McCann Report and the Committee's comments on these recommendations:

- "1. The chain of command is repeatedly ignored and short-circuited by officers and men at all ranks in the Department. Adherence to the chain of command is vital and violations should no longer be tolerated.

Comment: We recommend adherence to the chain of command concept.

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2. Good methods of communicating orders and policies through the chain of command should be developed and effective channels for upward communication are a vital part thereof.

Comment: We agree.

3. The amount of authority delegated by the Chief to his subordinates should be greatly increased, so that they have the authority to perform as commanders and supervisors in an effective manner.

Comment: We agree.

4. The Charter provision that the Fire Chief is under the direction of the City Manager in the same way as other department heads, needs reaffirmation. The Chief should report to Council through the City Manager.

Comment: We agree.

5. The Charter should be amended so that the City Manager has authority to appoint the Fire Chief, as he does most other department heads, and so that he can terminate him for cause.

Comment: Charter revision.

6. Many changes in the organizational structure should be made, including:

- (a) providing only one Assistant Chief to direct the Combat Division and giving him full authority, including the authority to assign and transfer men within the Combat Division.
- (b) transferring Training to the Combat Division and creating a Planning Unit, as part of the Training Section.
- (c) creating an Administrative Division, headed by an Assistant Chief, responsible for all administrative and staff supporting service.
- (d) providing a civilian Business Manager.
- (e) merging the Fire Investigation Section into the Fire Prevention Section.

Comment: We concur and recommend the organizational changes as suggested.

7. The present division of the City into three fire districts should be retained but the district boundaries should be realigned.

Comment: The district boundaries realignment should be determined by the administrators of the Fire Department.

8. The three platoon system should be adopted with a 56-hour average work week, on a cycle of two-ten hour day shifts, followed by two-fourteen hour night shifts, followed by two days off.

Comment: The three-platoon system has been adopted and the department is on a 56-hour work week. This committee recommends to Council that the Fire Department be given 27 additional men; nine men to be employed as soon as possible and the other 18 men to be allocated in the 1969-70 budget.

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9. The number of Company Officers for each company on each shift should be reduced from two to one, with a Captain in command of each Ladder Company, one Engine Company in each multiple house which does not include a Ladder Company and one Airport Company and with a Lieutenant in command of all other companies.

Comment: We agree and we recommend phasing out the rank of Captain as recommended by the McCann Report. This does not mean that the rank of Captain will be completely eliminated but that it will be adjusted as recommended by the Report.

10. The manning strength of all Engine and Ladder Companies should be raised to five men per company on each shift.

Comment: We agree.

11. An adequate five-year schedule for the replacement of equipment should be adopted by Council and adhered to and an adequate number of pieces of reserve equipment should be built up.

Comment: We agree.

12. A major reassignment of staff functions should be made so as to correct present illogical and inefficient assignments of tasks as, for example, the present assignment to the Training Division of responsibility for purchasing and issuing clothing.

Comment: We agree.

13. The amount of training conducted should be greatly increased, particularly supervisory and administrative training and an enlarged training staff should be provided and also a new, adequate joint City-County training facility should be provided.

Comment: We agree. As it relates to training, we recommend that every fireman who desires to go to school and has the opportunity for training classes be allowed to participate in this training. We also recommend that when possible and economically feasible men to deputy and assistant chief ranks be sent to schools of administration.

14. An effective community relations program should be developed and put into operation.

Comment: This should be under the administration division of the Fire Department.

15. The statistical reporting procedures should be completely revised so that the resulting reports are accurate and readily useful as administrative management tools.

Comment: We agree.

16. The present policy of providing alarm transmission service without charge to certain businesses and institutions should be re-evaluated.

Comment: We agree.

17. The number of pieces of equipment regularly scheduled to respond to all building fires should be increased so as to permit rapid "knocking down" of building fires.

Comment: We agree.

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18. The Fire Department building inspection program should be strengthened by substituting a policy of enforced compliance, when necessary, for the present policy of obtaining compliance solely by voluntary means.

Comment: We agree.

19. The Civil Service Board should delegate authority to the Personnel Director to conduct vigorous recruiting for Firefighter so as to provide the Department with enough well-qualified recruits.

Comment: We agree, and the Civil Service Board is to be instructed of our recommendations.

20. The passing mark in the Fireman entrance written tests, which passes about 97% of all candidates, is too low and should be raised to pass a level which will insure reasonable quality.

Comment: We agree, but the passing marks should be flexible enough to meet the requirements of obtaining the needed fire personnel in a given situation.

21. The probationary period should be used fairly but effectively to eliminate recruits who will not make good Firefighters.

Comment: We agree. The use of the probationary period should be strengthened. A reporting system should be developed so that a man on probation is effectively evaluated by his superior.

22. The new promotion policy is good and should be continued with one minor change.

Comment: We agree.

23. The authority of the Chief to take disciplinary action when warranted should be strengthened.

Comment: Charter revision.

24. An effective rotation program should be adopted so as to broaden the experience and ability of all men.

Comment: We agree.

25. The Charter section on personnel administration proposed as part of the new Charter, but not adopted, should be adopted with some modifications to make clear the intentions to continue good civil service practices of selection and promotion on merit and tenure during good performance.

Comment: Charter revision.

A procedures manual should be written on the jobs and job responsibilities as recommended by the McCann Report. We also recommend that the Fire Chief be given one more Deputy Chief as a relief man to the 14 Deputies that he now has in the department.

In the maintenance department there presently is a fireman who serves as an apprentice on a temporary basis. He should be placed in this department full-time. We further suggest and recommend that the

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Fire Department hire or employ two mechanics on a civilian basis. This would be the beginning of making this section a civilian operated division under the supervision of a fireman mechanic.

The Council committee also recommends as of this date that City Council refrain from communicating with firemen on matters of administration."

Councilman Smith moved the adoption and approval of the recommendations of the McCann Report Study Committee and that the City Manager expedite this report. The motion was seconded by Councilman Short.

Mayor pro tem Whittington asked that the City Manager confer immediately with the Fire Chief and make a decision on how soon all these recommendations will be implemented. That the Committee does not want anything hanging in the balance.

The vote was taken on the motion and carried unanimously.

Councilman Smith expressed Council's appreciation to Mr. Alexander, Mr. Stegall and Mr. Whittington for the time and effort spent on the report.

CITY MANAGER TO HOLD MEETING WITH REPRESENTATIVES OF FIRST BAPTIST CHURCH TO DISCUSS TERMINATION POINT OF DAVIDSON STREET.

Mayor pro tem Whittington stated the First Baptist Church purchased two blocks of land in the Brooklyn Redevelopment Project five or six years ago and at that time they were told that Davidson Street would not be extended onto Independence Boulevard. That in the minutes of the Redevelopment Commission in February of this year, it states that the Director of the Highway Commission had requested that Davidson Street and Alexander Street be opened temporarily so that when McDowell Street was widened the two streets could be used to handle traffic in that area. The Church has already hired architects, the plans have been approved; they have a campus that will be in excess of two or three million dollars when completed and they were under the impression at that time that this street would not be permanent, and today there were here. This subject was widely discussed at a church meeting Sunday night and he suggested to them today that they come to this meeting with Mr. Veeder, City Manager, on Friday at 2:00 o'clock.

Mayor pro tem Whittington stated that Council members may want to come to this meeting and get the facts; that the original documents as far as the Redevelopment plans are concerned show Davidson Street terminating at Second Street. That these people feel very strongly that they have not been treated fairly up to this point.

DANIEL O. HENNIGAN, REALTOR, ADDED TO LIST OF APPROVED APPRAISERS FOR CITY APPRAISAL WORK.

Councilman Alexander moved that Mr. Daniel O. Hennigan, Realtor, be added to the list of appraisers approved for city appraisal work as recommended by the Right of Way Division. The motion was seconded by Councilman Smith and carried unanimously.

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UP-TO-DATE REPORT REQUESTED ON BUILDING ON KINGS DRIVE.

Councilman Stegall asked if there is anything the City can do about the building on Kings Drive, which was started and never completed? That this is an eyesore; and going down Kings Drive, it looks as though you are going into ghost town.

Mr. Underhill, Acting City Attorney, replied outside the possible enforcement of the building code and another attempt to clean up the area under the grass and weeds ordinance, he does not know of anything.

Mr. Bobo, Administrative Assistant, stated he understands the plans are being redrawn for the project and as soon as the plans are complete, they will start construction.

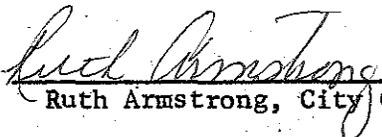
Councilman Stegall requested an up-to-date report on the status of the building for Council's information.

REPORT ON TRAFFIC SIGNAL INSTALLATIONS AT VARIOUS LOCATIONS.

Mr. Paul Bobo, Administrative Assistant, stated Mr. Hoose, Traffic Engineer, reports the traffic signal at the intersection of Eastway Drive and Kilborne Drive is in, and the traffic signal requested at Commonwealth and Briar Creek will be put into operation this week.

ADJOURNMENT.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk