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The City Council of the City of Charlotte, met in regular session on Monday, April 24, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Milton Short.

APPROVAL OF THE MINUTES.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on Monday, April 17, 1972, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO HERBERT KNIGHT ON RETIREMENT.

Mayor Belk recognized Mr. Herbert Knight, Street Cleaning Supervisor of the Sanitation Division of the Public Works Department, and presented him with the City of Charlotte Employee Plaque for his years of service with the city from April 3, 1947, to April 18, 1972, and wished him well in his retirement.

STAY OF 30 DAYS GRANTED ON BUILDING ORDERED REMOVED AT 1415 INDEPENDENCE BOULEVARD.

Mr. Myles Haynes, Attorney, stated he has been retained to represent the Schloss Advertising Company, who is in controversy with the Zoning Inspector about the location of a sign at 1415 Independence Boulevard. He stated this was brought to Council a few weeks ago by another attorney. It was taken to the Board of Adjustment which denied the request. Mr. Haynes stated they think they have found a solution to the problem, but he needs 30 days time in order to get it worked out.

Mayor Belk asked what the problem is, and Mr. Haynes replied you cannot have a mobile house and a sign within 75 feet of each other on one piece of property. That the Zoning Inspector has ordered the building taken off by April 30. He stated he only got into the matter on Thursday, and he is requesting Council to give him a 30 days stay, and he can get it worked out.

Councilman Short asked if this is the matter that Mr. Horack had before Council for a general change in the sign law, and this is related to one certain situation?

Mr. Bryant, Assistant Planning Director, replied that is correct. This is the application of the general change request which was filed to a specific situation. This is a situation where a building was built on a lot already occupied by a sign, and now they are saying either the sign or the building must be removed. Councilman Short stated this is one of those situations where the thing that was there first is treated as the non-conforming use. Mr. Haynes replied they are making the second thing, the mobile building, the non-conforming use. The mobile home man owns the lot and he says if one of them has to go, the sign will have to come down.

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Councilman Alexander stated this is the same matter that some four weeks ago came to Council and it was suggested that the matter be taken to the Zoning Board of Adjustment. Now it is to be determined whether or not we have a Board of Adjustment; or whether or not whatever Board of Adjustment exists is legally constituted. This is one of the questions and is one of the reasons they want this stay of 30 days so this can be looked into to determine just where they stand on this.

Councilman Whittington asked if this will come back to Council? Mr. Haynes replied it could, but he hopes it will not; that he thinks he can solve it another way if he can get the parties to agree on it. Mr. Bryant stated the question of a general change will come back to Council.

Councilman Whittington moved that the parties be given a stay of 30 days. The motion was seconded by Councilman Alexander.

Councilman Whittington asked what Mr. Alexander means when he says there is some question about whether or not there is a Zoning Board of Adjustment? Mr. Underhill, City Attorney, replied this goes back to the perimeter zoning change. This is the matter that has caused the doubt of the validity of the Board; that he has looked into it, and he thinks something can be worked out on it. The Board of Adjustment consisted of ten members; five of which were residents of the city, and five of which were residents of the perimeter. The City no longer has jurisdiction over the perimeter area, and this resulted in a change in the make-up of the Board of Adjustment.

The vote was taken on the motion and carried unanimously.

PETITION NO. 71-107 BY B. V. BELK, SR., B. V. BELK, JR. AND J. B. NUSSMAN FOR A CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF EASTWAY DRIVE, NORTH OF INDEPENDENCE BOULEVARD ADJACENT TO A PORTION OF THE EASTWAY-INDEPENDENCE INTERCHANGE, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning from O-6 to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Mr. Ray Rankin, Attorney for the petitioners, requested a continuance of one week so the property owners can look at what is being proposed by the Planning Commission to see how it fits their situation, and to see if something might be further recommended in light of this development.

Councilman Whittington stated during the conference session Mr. Bryant, Assistant Planning Director, presented a report on zoning along Eastway Drive, and he said the recommendations of the Staff and the Planning Commission are that this property be zoned for office institutional rather than B-1 as requested. All Council is doing at this time is denying the B-1 if the motion passes, and then Council will come back and request the Planning Commission to set a hearing on the change to O-6.

Mr. Rankin replied his clients have a portion of this area. The front portion is zoned residential for approximately 250 feet. The north 75 feet of that if zoned office would be fine. They would still like for Council to change the zoning on the remainder of that portion toward Independence Boulevard to B-1, specifically for a service station operation. The O-6 would be north of that for a buffer zone and no other business could come in except right at the corner.

The vote was taken on the motion to deny and carried unanimously.

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PETITION NO. 71-108 BY W. C. TEAGUE, ET AL, FOR A CHANGE IN ZONING OF FIVE LOTS ON THE WEST SIDE OF EASTWAY DRIVE, NORTH OF INDEPENDENCE BOULEVARD, ADJACENT TO A PORTION OF THE EASTWAY-INDEPENDENCE INTERCHANGE, DENIED.

Councilman Alexander stated to Mrs. Teague, one of the petitioners, that the same thing will happen to her property as on the previous petition; that on the recommendation of the Planning Commission after public hearing her property would be rezoned to O-6.

Mrs. Teague spoke to the petition stating they would like the business zoning so they can sell the property and be able to build another house. That since there is strip zoning all the way out to North Tryon Street, why deny just this little section here; that she can stand in her front yard and throw a rock almost to the Ramada Inn and down to Howard Johnsons and all these other places. Eventually it will all be business. That they would like to be able to sell the property for enough to have a house equal to what they have now.

After further discussion, Councilman Short moved that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

PUBLIC HEARING AUTHORIZED TO CONSIDER REZONING OF THREE AREAS ALONG EASTWAY DRIVE AS RECOMMENDED BY THE PLANNING COMMISSION.

Councilman Short moved that Council proceed on its own motion to establish a public hearing to consider three areas of zoning change along Eastway Drive as recommended in the report presented to City Council during the conference session, as follows:

- (1) Property around the interchange of Eastway and Independence.
- (2) On the east side of Eastway Drive, south of the Norfolk-Southern Railroad.
- (3) On the east side of Eastway Drive, north of the Southern Railroad.

The motion was seconded by Councilman Alexander.

Councilman Whittington stated he does not think what Council has done today has done anything other than help Mrs. Teague and the people Mr. Rankin represents. That he concurs with the recommendations of the Planning Commission as to the zoning along Eastway Drive. If Council approves this motion he thinks Council should not let any time pass before entering into a beautification program along Eastway Drive, not only in the planting strip, but also along the sidewalks where the trees have been removed. Also, that the Traffic Engineering and the Police Department be instructed that Eastway Drive is not a truck route today, has not been in the past and should not be in the future, and that these two departments should see to it that these violators are stopped and cited, and then fined according to whatever the Court fines are for violating this route. If the City really enforces these two things, then as the road is continued to the south and to the southwest, we can in good conscience do everything we can to build future belt roads. Councilman Whittington stated he hopes Council will concur in these two recommendations as it votes for Councilman Short and Councilman Alexander's motion.

Councilman Short stated these two recommendations are to be a part of the motion, and he has no objections. Councilman Alexander stated he has no objections.

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

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Councilman McDuffie asked about the report on Sugar Creek Road. That Council asked for the same type of study on it. Mr. Bryant, Assistant Planning Director, replied they would look upon this report as only the first of a series. That Council has also asked that they look at the entire circumferential route to include Wendover, Woodlawn and the other roads. That they intend to do this.

Councilman Whittington stated on the O-6 zoning that has been taken up by the interchange, that the Planning staff recommends that it goes to R-6MF and R-9MF. With Council considering eliminating R-6MF zoning it looks to him as if the Planning Staff should consider making that R-9MF rather than R-6MF and R-9. Mr. Bryant replied that is fine with them. The only reason for the recommendation was to make it conform with the pattern around it. Councilman Whittington stated he does not know whether Council agrees with this or not, but right now Council is going to consider a zoning petition that all members of Council have reservations about, and all have spoken against R-6MF as being too dense for the land use. That he agrees with that, and it seems to him this would be a good place to start it. Mr. Bryant replied R-9MF would be fine with them.

ORDINANCE NO. 447-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY EXTENDING FROM MERRY OAKS ROAD TO FLYNNWOOD DRIVE, ON PETITION OF KNARF INVESTMENTS, INC.

Councilman McDuffie stated at his request last week Council postponed a vote on Petition No. 72-20 for a change in zoning from R-9 to R-6MF of property extending from Merry Oaks Road to Flynnwood Drive, north of Central Avenue.

Councilman McDuffie asked how soon Council will get the overall study on zoning eliminating some of the R-6 and hopefully to change the R-9 to include more open space? Mr. Bryant, Assistant Planning Director, replied it is true they are taking a look at the structure of the present zoning regulations in a general sort of way. However, they are fast coming to the conclusion that to approach this from a really overall concrete general situation, they need to relate this to the general development planning process which will be about a year away. They are hesitant about suggesting to Council general overall changes in the structure of zoning throughout the city until they have the basis of the 1995 general development plan in concept to rely upon. In the concepts of development which they are going to be investigating as part of the general development planning process some of these concepts will demonstrate that under some circumstances higher density of development is both appropriate and desirable. That he does not believe you can make just a blanket indictment of density as the sole contributor to poor development. There are some situations where because of good road access and because of good general facilities in the area, as long as you have proper design of a project, then high density by itself is not that bad. If we are going to deal with an overall, across the board urban situation, that we need to provide for a range of development possibilities. He stated they are a little reluctant at this point to say they can recommend the total elimination of R-6MF as a part of the zoning structure. They really think this should be related to the general development planning concept and in that fashion let them build now on what will be implemented in the 1995 plan rather than dealing with spot situations as they come up today.

Councilman McDuffie stated site plans that developers have to stick to have been mentioned before; this is something we do not have now in most of the zoning classifications. Mr. Bryant replied that is good, and they can deal with that a little bit.

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Councilman McDuffie stated in getting site plans people can be assured when zoning requests are made and proposals presented that they will conform to that. We do not have much of that. After the property is rezoned, if they have R-6, they can build a density and locate them anyway they choose. That they do not have to be approved as to how they face and such. Mr. Bryant replied that is not quite right. We do have site plan reviews and this is mandatory. Any development plan must be submitted to the Planning Commission for review and approval. There is some control.

Councilman Short stated as an alternative to eliminating R-6MF and R-6MFH Council should consider making these conditional. If we have R-20MF conditional at the top end of the sparsity, and R-6MF and R-6MFH conditional at the low end of the sparsity it would be a good way to do it. This could be done without waiting for the 1995 plan.

Councilman McDuffie stated he thought he remembered hearing that the trend of apartments is to have open spaces guaranteed - that the people will build (X) number of apartments and all the land they did not put into small front yards and side yards will then be in the complex in greenery and playgrounds. Mr. Bryant replied we have percentage requirements for open spaces. Councilman McDuffie replied if it is, it must have a thousand cars parked on it. Most apartment units would not have many children and would not have that kind of need, but the swimming pools and open spaces he has seen in most apartment houses do not have enough room for the people who live there. He asked if the requirement is 2 1/2 parking spaces per unit? Mr. Bryant replied parking is related to the size of the apartment; it can go up to as high as 2 1/4 spaces. Councilman McDuffie stated he hopes Council will have a chance to either eliminate or put strict limitations on anything that is as dense as R-6 and R-9. That he personally does not feel that in Charlotte we need that kind of density on a regular basis. Everything we get is a request for R-9 or R-6 if it is very wide open or if there is something next door. Mr. Bryant replied the Staff will be back to Council with some general comments on multi-family within a month or six weeks. That they are doing an analysis of the current multi-family situation.

Councilman McDuffie stated if someone in another city has an outstanding zoning program, he would like to be aware of it so that he can get some information from what they are doing so that we might compare. Surely everyone is not getting the density and clutter that most of the apartment houses have such as Sharon Amity, Eastway and Central have added recently.

Councilman Short asked if it is realistic to expect the Planning Staff and Planning Commission to consider at some reasonable date in the next few months whether we can make R-6 and R-6MF conditional? Mr. Bryant replied yes, they can.

Councilman McDuffie stated Central Avenue, Eastway Drive and Sharon Amity has had a large increase in multi-family building and rezoning requests, not using the land that is already available in a lot of cases, but new requests for zoning. That he believes we will look back in a few years and regret that we, the City Council, allowed the overcrowding and overbuilding of apartments in some locations. In reality, they are row-houses that require little or no yards, too few parking spaces, and much less play area than is desirable. In many cases, unsightly congestion. He would hope that we could get this particular request changed to R-12MF which will allow some apartments in addition to what it is already rezoned for, but still a large enough number to be built on this small plot. Much of this request is in the back yards of single family residences. His question is when are we going to start making these lasting changes in the zoning process, and the change to R-12 in his judgement for much of them would not be unreasonable. Recently Council had a petition for low income housing to be R-12. If one can build R-12 low income housing and make a profit, it would seem there is some basis for stopping the overbuilding of apartments on residential streets such as Eastway Drive and Central Avenue.

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Councilman Short asked if he is suggesting that some less density category be applied to this petition? Councilman McDuffie replied yes, and asked how many they could build for R-12?

Councilman Alexander moved adoption of an ordinance amending the zoning map by changing the zoning of the property from R-9 to R-6MF as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

Mr. Rege Hamel, Attorney for the petitioner, stated he has a site plan with him which they are willing to stipulate in any legal fashion Council desires that they will abide by. It provides for far less units than could be permitted under the zoning classification.

Councilman Short asked if they can build this many units with R-9MF zoning, and Mr. Hamel replied not this many.

Mr. Hamel stated under the zoning they could build 64 units, but they are asking for 51, and they are willing to stipulate this site plan which Mr. Bryant has already approved; that they have spent a lot of time discussing it with them, and designing it to meet their approval. That they have spent approximately \$2,000 getting this together. If they are permitted to do it this way, they are willing to stipulate legally they will do it this way. He referred to the plan and pointed out Central Avenue and Flynnwood Drive; that there will be one entrance on Flynnwood Drive. The front part of this location is already zoned R-6MF; it is just the back portion they are concerned about now which is R-9.

Mr. Frank Headen referred to sketches and discussed the plan at some length. He stated the site as presently situated has a total of 71 trees, some of them four feet in diameter. That the buildings have been shifted and designed in such a way they have saved as many trees as possible; out of the total 71 trees, they are only cutting 11 trees on the whole site. Mr. Headon stated they want no direct access to Central Avenue; they have one road that comes into Flynnwood with parking lots; there is no through traffic. No one has to cross any street or cross any road of any kind to walk straight back to the recreational building.

Councilman Alexander asked if he re-states his motion to approve the recommendation as proposed with the approval being on the plan as submitted today, will that hold the petitioner to do just what he says they will do? Mr. Underhill, City Attorney, replied there have been two recent supreme court cases in North Carolina involving the City of Raleigh in which Raleigh passed a rezoning request for a particular piece of property where no site plan was called for, and in both cases the Supreme Court overturned the rezoning. In both cases, the City Council of Raleigh limited the development of the property and based its rezoning on the fact it would be built in accordance with a specific plan. Under the law that is contract zoning, and is not permitted.

Councilman Whittington asked if Council can say it is approving the zoning request with the understanding they are going to develop according to this plan; not as a part of the motion, but with the understanding. The motion has already been made and seconded.

Councilman Short stated if he votes for this motion, he is not having any such understanding as it would make the zoning very questionable and could be stopped by injunction.

Mr. Hamel replied that is so, but there is something else they can say. That both Frank Headen and Rege Hamel are young fellows and have to be around the city for a long time, and he is willing to say this is what they are building.

Councilman Short replied he can say whatever he wants, but he is saying he is not responding to that in any way, or taking it into account in any way.

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Councilman Withrow asked how many stories you can go up in R-6MF; that he does not think the whole Council understands that you do not have to build a two story building in R-6MF; that he does not understand why builders have not gone with more greenery, and open space.

Mr. Headen stated this is a combination of townhouse and flat plans, and it will be two stories. That they did a survey on the high rise, and the cost incurred in going up at this point so much changes the economics that it could not be worked out.

The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Alexander, Jordan; Easterling, Short, Whittington and Withrow.

NAYS: Councilman McDuffie.

The ordinance is recorded in full in Ordinance Book 19, at Page 59.

Councilman McDuffie asked if there was a state law passed that you could have a city ordinance on environmental impact on developments of over three acres? Mr. Underhill, City Attorney, replied he does not think there is any state law. The effect of some 1971 general assembly legislation was that Council could appoint appearances committees and this type thing; but it was not a mandatory type of thing.

Councilman Withrow stated the Tree Commission is coming to Council within the next few weeks with recommendations on ordinances on just what Mr. McDuffie is talking about.

CONTRACT BETWEEN MODEL CITIES AND MANAGEMENT MANPOWER ASSOCIATES FOR THE DEVELOPMENT, COORDINATION AND IMPLEMENTATION OF A TRAINING PROGRAM FOR STAFF MEMBERS, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject contract was approved between the Model Cities Department and Management Manpower Associates, in the amount of \$13,247 to provide for the development, coordination and implementation of a training program for staff members of the four Model City Agencies in the State of North Carolina.

CONTRACT BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND PARENT TEACHERS ASSOCIATION FOR TUTORING PROGRAM, AUTHORIZED.

After explanation by the City Manager, Councilman Whittington moved approval of the subject contract in the amount of \$12,500.00 for the remainder of the school year for the PTA Tutoring program. The motion was seconded by Councilman Jordan, and carried unanimously.

STREET TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, authorizing Marden Court, from 94 feet west of Cardigan Avenue to the end of the cul-de-sac taken over for continuous maintenance by the City.

CONTRACT WITH KOGER PROPERTIES, INC. FOR CONSTRUCTION OF SANITARY SEWER MAIN, APPROVED.

Councilman Whittington moved approval of subject contract with Koger Properties, Inc. for the construction of 1,998 feet of sanitary sewer main to serve the Koger Properties, outside the city limits off Albemarle Road, at an estimated cost of \$22,000.00, with the entire project to be constructed at the applicant's expense. The motion was seconded by Councilman Jordan, and after discussion, the vote was taken on the motion and carried unanimously.

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CONTRACTS FOR INSTALLATION OF WATER MAINS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following contracts were approved for the construction of water mains:

- (a) Contract with The Ervin Company for the installation of 17,294 feet of water mains and 13 fire hydrants to serve Falconbridge Subdivision, Sections I & II, outside the city, at a total cost of \$124,437.84.

The water lines in this contract were previously arranged for and partially constructed under the previous arrangement with Mecklenburg County, and a considerable amount of work had been completed at the time the city-county utilities merged. This is in accordance with the terms of the agreement for merging utilities that all commitments made by the County will be honored. Under the terms of this contract, the company will be reimbursed the project costs under the city policies regarding such matters. Said reimbursement to be made from revenue derived from the project.

No immediate funds will be required from the city.

- (b) Contract with Ed Griffin Construction Company for the installation of 5,545 feet of water mains and six fire hydrants, to serve a portion of the Yorkwood Subdivision, outside the city limits, at an estimated cost of \$28,500.00. Funds will be advanced by the applicants under the terms of the existing city policies.
- (c) Contract with the Amity Corporation for the installation of 360 feet of water main and two fire hydrants to serve Dillehay Courts, inside the city, at an estimated cost of \$3,000.00. Funds will be advanced by the applicant under the terms of the existing city policies.
- (d) Supplementary contract, to contract dated February 15, 1965, with Derita Woods Utilities, Inc., for the installation of 1,200 feet of water main and one fire hydrant to serve Tanglewood Subdivision No. 2, outside the city limits, at an estimated cost of \$5,400.00. The applicant will finance all pipe lines and system and will own and operate and maintain same and retain all revenues derived until such time as any part or all of the mains or systems are incorporated into the city at which time the lines and system will become the property of the city without cost to the city or further agreements.

RIGHT OF WAY AGREEMENTS, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the following right of way agreements with the State Highway Commission:

- (a) Agreement with the State Highway Commission for the installation of an 8" water main in the north side of Arrowood Road (State Highway 1138), beginning at York Road and extending west.
- (b) Agreement with State Highway Commission for the installation of an 8" water main in the north side of Arrowood Road (State Highway 1164), beginning at existing 8" main and extending west approximately 2,000 feet to the north side of Hollysprig Drive.

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APPOINTMENT OF JERRY TUTTLE TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY FOR A TERM OF FIVE YEARS.

Councilman Alexander moved the appointment of Mr. Seedon Goode to the Auditorium-Coliseum-Civic Center Authority for a term of five years. The motion did not receive a second.

Councilman McDuffie placed in nomination the name of Mr. Oliver Rowe, and moved his appointment. He stated Mr. Rowe is probably one of the most outstanding men in the city and just recently retired from business; he is President of the Charlotte Symphony and would have insight into the Arts, something which has been missing from what he can gather. That there is no one on the Authority now, or ever has been, who has had any direct interest or been active in the Arts. Mayor Belk stated all of them have been active; that they have had outstanding programs set up on the Arts. That he thinks it is a falsehood in saying the Arts have not been done with the Authority. That he does not know a city the size of Charlotte that has the arts program our Auditorium-Coliseum has.

Councilman McDuffie stated over the years a lot of people have been concerned about the lack of acoustics in the building; we have spent numerous dollars to try to correct it when the building was built. Since then there have been complaints about not being able to hear.

Councilman Short moved the appointment of Mr. Jerry Tuttle to the Auditorium-Coliseum-Civic Center Authority for a term of five years. The motion was seconded by Councilman Whittington.

Councilman McDuffie stated this Council over the years has used authorities and appointive boards to give political homage to those people who have worked in the party system or something. Mayor Belk stated Councilman McDuffie is out of order; as long as he has a law suit pending he does not have authority to mention this to the Council.

The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Short, Whittington, Easterling, Jordan and Withrow.  
NAYS: Councilmen Alexander and McDuffie.

Councilman Alexander then asked that the record show that he withdraws his "no" vote.

CLAIM FILED BY ORVILLE S. HOLLENBACK FOR DAMAGES TO AUTOMOBILE, DENIED.

Councilman Whittington moved that claim in the amount of \$449.55 filed by Mr. Orville S. Hollenbeck for damages to automobile be denied as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and carried unanimously.

PAYMENT TO BAR-FLY CORPORATION FOR EMERGENCY REPLACEMENT OF POLICE HELICOPTER ENGINE, APPROVED.

The payment to Bar-Fly Corporation in the amount of \$10,600.61 for emergency replacement of police helicopter engine was presented for Council's consideration.

Mr. Burkhalter, City Manager, stated LEAA will not support this helicopter any further after this year. Next year, if the City carries the helicopter as part of the police operation, it will probably cost in the neighborhood of \$100,000 just to operate it. This cost of \$10,600.61 is for the replacement of the engine and is being paid from LEAA funds.

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This year the operational cost is being paid by LEAA funds. As an example liability insurance runs over \$13,000; change of the engine every year is over \$10,000.00.

Councilman Alexander stated the use of this helicopter sponsored by LEAA was based on the fact that the City was going to establish a cadet program, and the helicopter was to be the means whereby the cadet program could be implemented. It would have been highly possible through the institution of this cadet program; it would have led toward other projects and they would have been able to draw in and offset some of the expense that would come from the operation of the helicopter. The Police Department did not make any effort to establish the cadet program as called for and proposed to the LEAA committee.

Councilman Jordan moved approval of the payment to Bar-Fly Corporation in the amount of \$10,600.61 for emergency replacement of police helicopter engine. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short stated the use of the helicopter could be broadened. The City Manager stated he did not mean to pre-suppose any thinking that this is bad; that if he suggested that, he did not mean to; that he just meant to say it is expensive. Councilman Whittington stated this is something the Manager should point out to Council early in budget procedures that this tab of \$100,000 will have to be considered if we are going to keep it. Mr. Burkhalter stated Staff is working very hard to get LEAA to continue the funding; they have not accepted the no answer.

Councilman Whittington stated he would like to give an example of how these services are not being used all over the city. The reason in this case is because of the bad motor. When they were trying to get rid of all those black birds and starlings off South Boulevard and Scaleybark, he suggested to the Health Department that they put a helicopter in there. The Health Department had to pay something like \$40,000 to get one from this company because the city's was either not available or would not operate. If it could have been used then you could justify some of these expenditures.

ORDINANCE NO. 448-X AUTHORIZING THE TRANSFER OF \$316,000 FOR THE CONSTRUCTION OF PHASE III OF THE MCMULLEN CREEK OUTFALL.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance authorizing the transfer of \$316,000 for the construction of Phase III of the McMullen Creek Outfall.

The ordinance is recorded in full in Ordinance Book 19, at Page 60.

CONTRACT AWARDED THE FORD METER BOX COMPANY, INC. FOR WATER METER YOKES.

Councilman Whittington moved award of contract to the only bidder, The Ford Meter Box Company, Inc., in the amount of \$13,520 on a unit price basis, for 2,000 water meter yokes. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER CONSTRUCTION FOR MCMULLEN CREEK OUTFALL, PHASE III.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Thomas Structure Company, in the amount of \$628,991.00, on a unit price basis, for sanitary sewer construction for McMullen Creek Outfall - Phase III, subject to final approval by the State Department of Water and Air Resources and the Environmental Protection Agency.

The following bids were received:

Thomas Structure Co.	\$628,991.00
Blythe Brothers Co.	644,364.00
Rand Construction Co., Inc.	691,654.00

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CITY MANAGER REQUESTED TO GIVE REPORT TO CITIZEN AND CITY COUNCIL ABOUT INCIDENT INVOLVING HER YOUNG SON AND POLICE OFFICERS.

Mrs. Hazel Gaddy, 104 Sylvania Avenue, stated on last Tuesday she sent her little boy to the store around 5:30 o'clock in the afternoon. Just as he got in the 200 block the police stopped him. Both jumped out of the car and grabbed him. She stated she was in the back hanging out clothes and a neighbor sent a girl down to tell her to come see about what was going on. She stated she went up and asked if he had done anything, and the policeman said he had not done anything. They just wanted to talk to him. They had asked him if he had any identification to go to the store, and he said no. They would not let him go to the store and told him he had to go back home and get identification before he could go to the store.

Mrs. Gaddy said she told the policeman who he was and that he was her son, and he was only 15 years old, and the policemen said he was more than 15. They told him if he went up the street they were going to take him downtown and book him as a juvenile delinquent. She stated they did not give her any reason why they were doing this.

Mrs. Gaddy stated they did not take him. She went home and called the Police Department and asked if it was against the law for a 15 year old boy to walk on the street without identification, and the person she talked with told her no. He asked who was doing this and she told him it was two policemen. She stated one of the police officers was C. W. Wilson.

Mrs. Mary Thompson, the neighbor, stated she was sitting on her porch on last Tuesday holding her little granddaughter. That Mrs. Hazel Gaddy sent her little boy to the store to get some milk and bread. She stated she saw a police car parked in front of Kings Funeral Home, and she wondered why they were parked over there. That she was sitting on the porch with her little granddaughter when he (the Gaddy Boy) started up the street. Just as he got in the next block, these two officers turned around in the middle of the street - made a U turn in front of Kings Funeral Home - and they came back to the little boy. One had hold of him. That she sent the lady who lives upstairs to Mrs. Gaddy to tell her the police had her little boy. That Mrs. Gaddy came and when she came back she was crying and said they would not let her little boy go to the store or nothing, and said he had to have identification. Mrs. Thompson said if it had not been for her they would have taken him downtown.

Councilman Short asked Mrs. Gaddy if she thinks they mistook her son for someone else? Mrs. Gaddy replied she asked if anything had happened, and they said there had been some disturbance over the weekend, and she told them she did not know anything about it. That the officer said it was a bad neighborhood and they were just going to check. That she told them who her son was.

Mayor Belk requested the City Manager to check into this and to give a report to Mrs. Gaddy. That she deserves an answer and the boy should be able to go up and down the street.

Councilman Alexander asked if the City has any type of ordinance, or is there any type of police regulation that will permit a police officer to require that type of identification, or attempt to enforce any kind of curfew to stop this type of movement upon the street? Mr. Underhill, City Attorney, replied not that he is aware of: there is not a city ordinance. That he cannot recall any city ordinance or state law that would require identification in order to travel during normal circumstances, outside of a riot or a situation such as that.

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Councilman Alexander requested the City Manager to give Council a report on this. He stated incidents like this can create many problems, and we should have some concern about it and take whatever steps are necessary to establish directives if it is found out that everything stated here is valid. He stated even if this had been the case, he thinks citizens deserve a little more consideration when they get to the police department and try to get information. There are many reports about not being able to find information about things. That someone should be in a position to say to people when they make this type of inquiry just what the situation is, so a person can leave with intelligent knowledge.

CITY MANAGER TO HAVE TRAFFIC ENGINEER INVESTIGATE REQUEST OF TEMPLE BETH EL FOR PARKING PRIVILEGES ON PROVIDENCE ROAD ON FRIDAY NIGHTS AND REPORT BACK TO COUNCIL.

Councilman Alexander stated Temple Beth El requests permission to park on the side of Providence Road their church is on when they meet on Friday nights. He asked if this can be done by motion to grant them the privilege that other churches are granted for special privilege parking during church services.

The City Manager stated he would like the Traffic Engineer to review this request before Council makes any decision. That he will get a report back on it.

DISCUSSION OF ORDINANCE CONCERNING REMOVAL OF ABANDONED MOTOR VEHICLES.

Councilman Alexander stated he has in his hand a citation from the Public Works Department Community Improvement Division giving the owner of a car seven (7) days to remove the car. He stated this car is in good condition and is on its tires. The owner bought another car and transferred the license from this car to the new car, and a neighbor across the street granted him permission to put this car in his yard with a for sale sign on it.

Councilman Alexander stated he saw nothing wrong with the car, and he is afraid our ordinance penalizes the person. This citation was written within the ordinance, and makes a violator out of a law abiding citizen who is not doing anything that is altogether illegal. He stated he thinks Council should take another look at this ordinance.

Mr. Hopson, Public Works Director, replied the state law specifies a junk vehicle as one that does not display a current license plate. He stated this is really a notice of a citation. Some of the inspectors give these notices on a car that is not licensed, and apparently that happened in this case. He stated on the bottom of the citation there is a note that for further information or assistance they can call the inspector. If the man had called, the inspector would have given him almost indefinite time in order to comply. The judgement of the inspector has to be weighed with what happens in the field.

Councilman Alexander asked if there were not city ordinances, would this car be in violation under the state law? Mr. Underhill, City Attorney, replied it would not. The state law is discretionary; the state law grants the city the authority to adopt an abandoned car ordinance and if you adopt the abandoned car ordinance you must follow the definition they set forth. One of the definitions is a car that does not have a current license.

Councilman Alexander stated his point is that Council needs to come up with an ordinance that is not as restrictive as this so allowances can be made for this type of situation.

Mr. Hopson stated if this person will notify their office they will take care of this and extend the time within reason.

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W. J. SMITH COMMITTEE AND CITY ATTORNEY REQUESTED TO MAKE A FEASIBILITY STUDY OF ADDING ONE DOLLAR BOARDING FEE FOR ALL PASSENGERS AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Withrow stated when he first came on City Council there was talk about extra revenue, and we have been talking about extra revenue about every meeting since that time. He stated the Supreme Court has ruled to allow cities to apply a \$1.00 boarding fee to people who are boarding airplanes at different airports throughout the country. There is some question as to whether the City of Charlotte can impose a \$1.00 boarding fee at our airport without legislative action.

Councilman Withrow moved that the City Council request Mr. W. J. Smith and his Committee to study the feasibility, and whether it is legal, adding \$1.00 boarding fee to boarders of airplanes at Douglas Municipal Airport. The motion was seconded by Councilman Whittington.

Councilman Withrow stated he would like for this Committee, along with the City Attorney, to study this and see whether or not it is legal; whether we have to have legislative action, and if we have to have the legislative action, then go through the proper procedure and to the next legislature to get this authority.

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

CITY MANAGER ADVISED THAT WORK IN LAYING PIPE ON CRAIGHEAD ROAD HAS BEEN STOPPED.

Councilman Whittington stated he read in the paper where a construction company would start laying pipe on Craighead Road today. He asked if this has been stopped? Mr. Burkhalter, City Manager, replied it has; that he has indicated the city will use whatever power it can to stop it, even at a cost to the city. He stated he will be back to Council with a report.

ANNOUNCEMENT OF APPOINTMENT OF STEERING COMMITTEE OF THE CHARLOTTE-MECKLENBURG ENVIRONMENTAL COUNCIL.

Mayor Belk stated as a co-announcement with County Commission Chairman Pete Peterson today they assured the establishment of the Charlotte-Mecklenburg Environmental Council with the appointment of its first Chairman and a steering committee. He stated it is appointed in this manner so that Council can name persons to be appointed at a later time.

He stated the Chairman is James D. White, Executive Vice President and Head of the Trust Department of NCNE. Other members of the Committee are William E. McIntyre of the Charlotte-Mecklenburg Planning Commission; Larry G. Owen, Associate Director of the Institute for Urban Studies at UNC-C; Mrs. Bruce H. Rinehart, Chairman of the Ecology Committee of the Junior League; Arnold M. Stone, Attorney and Board Chairman of Metrolina Environmental Concern Association; Harry C. Wolf, III, well-known Charlotte Architect, and Mr. Robert S. Hopson, Public Works Director, for the City of Charlotte.

He stated the appointment of the Steering Committee followed prior to approval of the Council's establishment by the Mecklenburg County Commissioners and the Charlotte City Council. He stated he would like to congratulate these people for being willing to serve on the Committee.

Councilman Whittington stated he would like to recommend Mr. Frank Cockinos of Frank Cockinos and Company, local engineers dealing with water and sewer programs in this area.

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Councilman Short stated he would like to recommend Mr. Ted Edgar Lakin, of the First Citizens Bank and Trust Company.

Councilman Withrow stated he would like to recommend the appointment of Dr. Herbert Hechenbleikner, Chairman of the Tree Commission for the City of Charlotte.

Councilman Short stated in reply to Councilman McDuffie's question as to whether or not the City could require an environmental impact statement on a three acre development, the motion in which Council approved the appointment of this organization provides that the duties assigned to this Commission would be to study the question of whether we should have an ordinance that would require such environmental impact statement. This was enabled by the law called "The North Carolina Environmental Policy Act of 1971." One of the purposes, if not the principal purpose of this Commission, is to decide whether or not we really should try to have this sort of thing.

JOINT HEARING WITH COMMUNITY FACILITIES COMMITTEE ON WATER RATE SCHEDULE SET FOR MONDAY, MAY 1, 1972 AT 2:00 P.M.

Mr. Burkhalter, City Manager, stated Mr. Jack Fennell, Finance Director, will have the water rate schedule ready to present to Council at its next meeting. In the contract with the County in taking over this utility responsibility the city agreed to have joint hearings with the Community Facilities Committee. That he would like to request Council to formally set next Monday, May 1, at 2:00 p.m., as the hearing date.

Councilman Short moved that hearing date be set for Monday, May 1, at 2:00 p.m. The motion was seconded by Councilman Jordan, and carried unanimously.

COUNCILMEMBERS LEAVE MEETING.

Councilman Jordan and Councilman Withrow left the meeting at this time and were absent for the remainder of the Session.

ANNOUNCEMENT OF MEETINGS SCHEDULED FOR COUNCIL TO ATTEND.

The City Manager stated there will be a breakfast, Friday at 7:30 A.M., at the Ramada Inn on the bond projects.

He stated Monday, May 1, at 11:00 A.M. a meeting is scheduled with the County Commission in the Commission Meeting Room, to hear the HDR study on waste products.

He stated the meeting with the County scheduled for May 3 has been changed to May 4, at 7:30 A.M., at the Manger when the County will entertain at Breakfast, and the Legislative Delegation will be present also.

Councilman Short stated all members of Council and a number of people from the city staff are invited to the Centralina Press briefing and legislative meeting tomorrow night, at the Trade Mart at 7:15.

The City Manager stated Mr. Vernon Patterson asked him to announce that the Mayor and Council Members are invited to attend the Law Enforcement dinner on May 18, at 7:00 P.M. at the Holiday Inn No. 4, Wagner Hall.

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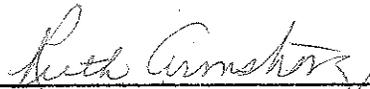
COPY OF LETTER, AN APOLOGY OR NAME OF PERSON SENDING LETTER FROM STATE HIGHWAY COMMISSION REGARDING THE INTERSTATE 85 INTERCHANGES REQUESTED BY COUNCILMAN MCDUFFIE; AND ADJOURNMENT OF MEETING.

Councilman McDuffie stated when he returned from out of town he read all the newspapers, and he thought the *Ev* and Charlie Show had been revised with Mr. Alexander and Mr. Withrow. He stated he would like to hear about the letter he is supposed to have received about Derita Road that informed him something was going to be done out there.

Councilman Alexander stated this was letter from the State Highway Commission saying they had planned to install a traffic light out there. Councilman McDuffie asked if he would provide him with the letter he is supposed to have received as he never got one. That he did not receive a letter and has not received one yet. Councilman Alexander stated then he should contact the Highway Commission.

Councilman McDuffie stated all he has to go on is the minutes from the last meeting where this was discussed. He stated on April 4, Mr. Alexander, the Mayor and Mr. Burkhalter said we had been turned down with everything we asked, and they would do absolutely nothing. As far as he knows that is the only transaction that transpired. That he objects to his "McCarthyism" in the newspaper. That he says he is telling an untruth, and if he can provide a letter he would like to see one. That he would like the letter, or an apology, or the name of someone who sent him the letter.

After further comments Councilman Whittington moved that the meeting be adjourned. The motion was seconded by Councilman Alexander, and carried unanimously.

  
Ruth Armstrong, City Clerk