

December 11, 1972
Minute Book 58 - Page 135

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 11, 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, and Joe D. Withrow present.

ABSENT: Councilman James B. Whittington.

* * * * *

INVOCATION.

The invocation was given by Councilman Sandy R. Jordan.

APPROVAL OF THE MINUTES.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the minutes were approved for the meetings on December 1 and December 4, 1972.

GEORGE ARZBERGER DECLARED KNIGHT OF THE QUEEN CITY OF CHARLOTTE, NORTH CAROLINA.

Mayor Belk recognized Mr. George Arzberger and presented him with the Knight of the Queen City Award. He stated this is a new honor that is presented to citizens who distinguish themselves.

Mr. Arzberger was presented the award for coming to the assistance of an elderly lady at Charlottetown Mall when he noticed a young man approaching the lady and grabbing her purse. With Mr. Arzberger's assistance the assailant was apprehended by the police, arrested and charged with attempted strong arm robbery.

Mayor Belk and each Council member expressed appreciation to Mr. Arzberger.

PROPOSED STREET AND HIGHWAY PROGRAM AND TOPICS PROGRAM APPROVED AS INFORMATION THAT HAS BEEN PRESENTED AND CITY MANAGER AND STAFF REQUESTED TO PROCEED WITH PLANS FOR A BOND REFERENDUM SOMETIME WITHIN NEXT SIX MONTHS.

Councilman Short stated he is sure that all of the Councilmembers appreciate very much what Mr. Burkhalter, Mr. Hoose and Mr. Hopson have done on the proposed street and highway improvement program, the TOPICS program and all these matters that have been discussed with relation to improving transportation in the City of Charlotte. They have recommended these projects and have recommended that Council unleash them to proceed with a referendum to finance these projects or some of them.

Councilman Short moved that Council approve the program as information that has been presented to it, and ask the City Manager and staff to proceed with plans for a bond referendum sometime within the next six months and withhold naming the exact amount as this is new material just recently received, and he thinks Councilmembers will want to discuss further just exactly how much and what items will be included. The motion was seconded by Councilman Jordan.

December 11, 1972
Minute Book 58 - Page 136

Councilman Alexander asked if Council is going to talk about the powell bill funds separately? Councilman Short replied it can; however, that is money that will be used in any event. Councilman Alexander stated what is being discussed for a bond program would not affect the powell bill money. Councilman McDuffie stated during the next few weeks, Council should discuss the timing. That it would be well to get a copy of the Transit Commission of Atlanta's viewpoint on how they passed their transit system bonds; it was a major item, but their mechanism was important; they changed their tactics a little and had more of the working class of people involved.

The vote was taken on the motion and carried unanimously.

COUNCILMAN WHITTINGTON ABSENT FROM MEETING DUE TO BUSINESS.

During the meeting, the City Manager stated that Councilman Whittington had called and asked him to extend his regrets that he could not be present for the Meeting today, as he is tied up in his business.

ORDINANCE NO. 689-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance extending the corporate limits of the City of Charlotte to include area known as the Albemarle-York Road Annexation Area.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 391.

ORDINANCE NO. 690-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Short moved adoption of subject ordinance extending the corporate limits of the City of Charlotte, to include area known as the Hickory Grove Annexation Area. The motion was seconded by Councilman McDuffie, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 411.

ORDINANCE NO. 691-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, the subject ordinance was adopted to include area known as the Statesville-Derita Road Annexation Area.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 419.

ORDINANCE NO. 692-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE, ESTABLISHING A GENERAL REVENUE SHARING TRUST FUND TO PROVIDE SUPPLEMENTAL APPROPRIATIONS FOR THE PURPOSE OF CARRYING OUT ANNEXATION PLANS FOR THE ALBEMARLE-YORK ROAD, STATESVILLE-DERITA ROAD AND HICKORY GROVE AREAS.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance amending Ordinance No. 520-X, the 1972-73 Budget Ordinance, to establish a general revenue sharing trust fund pursuant to the State and Local Fiscal Assistance Act of 1972, and to provide supplemental appropriations for the purpose of carrying out annexation plans for the Albemarle-York Road, Statesville-Derita Road and Hickory Grove Areas.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 425.

December 11, 1972
Minute Book 58 - Page 137

REQUEST OF ATTORNEY FOR MRS. CHARLES D. LUCAS TO DELETE PROPERTY FROM ALBEMARLE-YORK ROAD ANNEXATION AREA, DENIED.

Mr. J. B. Craighill, Attorney for Mrs. Charles DeForest Lucas of Margaret Wallace Road, Route 4, Matthews, North Carolina, stated he has had correspondence with most of the Council Members, and he would like to amend, very slightly, the Albemarle Road-York Road provisions to eliminate property of his client. That he had a specific proposal to do that with the metes and bounds all set out. He stated his client has a very exceptional situation. She has 113 acres and there is only one house and it is not an urbanized area at all. This is a particular hardship case for her because she is a widow and has lived there for about 35 years, and it is not possible for legal and practical reasons for her to develop the property. Hence, she can get no benefits from annexation. He stated his client's case is an exceptional situation, and he appreciates the consideration some of the council members have given his request. He stated they have filed a formal objection to the annexation including her property, and he urged consideration of Council before the day is over to the specific exception which they have asked in her case.

Later in the meeting, Councilman Alexander stated Mr. Craighill has submitted a request. He would think the importance of this is that it is a matter Council should make some determination on now; it is very important in relation to what we are attempting to do with annexation. That he does not think it should be left open, and Council should make a decision on it now.

Councilman Short moved that the matter be brought up for discussion. The motion was seconded by Councilman McDuffie, and carried unanimously.

Mr. Underhill, City Attorney, advised Council legally can amend the annexation ordinance to exclude a certain area. That is the reason for the public hearing to take into consideration those facts that are presented to Council at the hearing as to whether or not Council intends to annex the property that was initially presented to it. If based on what was heard at the public hearing, Council desires to delete some of the original area that was under consideration, Council has the legal right to do that.

Councilman Short stated what is involved is a so-called density credit and the law provides there has to be a density of two citizens per acre to the area that abuts the city that is to be annexed. The Planning Commission staff has advised in this matter, that when they come to the end of the heavily urbanized area, sometimes they carry on a short distance beyond into an area not so heavily urbanized because of the thickness of the homes and the population in the urbanized area; the density credit allows them to run just a little bit beyond. Councilman Short stated he is advised this density credit was applied in a completely reasonable way without reference to any individuals; but when there was a density credit that allows going slightly beyond a built up area they just turned their backs to the Square and walked straight ahead and proceeded to utilize the credit for some distance. This is the rule used; no choosing used; no capriciousness. This being the case, Mrs. Lucas's situation, while it may flay on your heart strings a little bit, he does not see how we can do otherwise except utilize the policy our Planning Commission has carefully applied, and which took a year to work around the entire three areas to be annexed.

Councilman Short moved that Council respond to this request by leaving the proposed annexation boundaries as recommended by the Planning Commission. The motion was seconded by Councilman Alexander.

Councilman Withrow stated he believes this property also had something to do with a sewer outfall running through the property.

The vote was taken on the motion and carried unanimously.

December 11, 1972.
Minute Book 58 - Page 138

AGREEMENT WITH SEABOARD COAST LINE RAILROAD COMPANY FOR REPLACEMENT OF CALDWELL STREET OVERPASS, APPROVED.

After discussion, Councilman Jordan moved approval of an agreement between the City and the Seaboard Coast Line Railroad Company for the replacement of the Caldwell Street Overpass, between 12th Street and 13th Street, with the city to provide all engineering services necessary to the project; to provide all contract administration and pay 90% of all project costs with the Seaboard Coast Line obligated to provide flagmen for the protection of the operation, to provide the necessary relocation of company-owned wire lines and to pay 10% of all project costs. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the following contracts for the installation of water mains, was authorized:

- (a) Contract with Clivedon Properties for the construction of approximately 125 feet of 2" water main, to serve property abutting on West 32nd Street, inside the city limits, at an estimated cost of \$412.00. All funds will be advanced by the applicant under the terms of existing city policies, wherein the applicant will be reimbursed 50% of all mains 6" in diameter and smaller at the rate of 35% per quarter of the revenue derived from said main until the entire amount has been reimbursed, or until the end of fifteen years, whichever comes first.
- (b) Contract with Gulf Oil Corporation for the construction of approximately 600 feet of 8" C. I. water main and one fire hydrant, to serve certain property located on Interstate 85 North Service Road, outside the city, at an estimated cost of \$3,700.00. All funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction, wherein the applicant will be reimbursed the full cost of all mains 8" in diameter and larger, at the rate of 35% per quarter of the revenue derived from said main until the entire amount has been reimbursed, or until the end of fifteen years, whichever comes first.

CHANGE ORDER NO. G-1 IN CONTRACT WITH PETERSEN CONSTRUCTION, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, approving the subject Change Order No. G-1 in contract with Petersen Construction Company, in the amount of \$2,890.69, for additions to the general contract for work at the Irwin Creek Wastewater Treatment Plant related to the installation of a chain link fence around the sludge holding tank and related appurtenances at the plant.

RESOLUTION REQUESTING EXTENSION OF TIME FROM THE N. C. BOARD OF WATER AND AIR RESOURCES FOR PERMIT NO. 1971, APPROVED.

Councilman Alexander moved adoption of the subject resolution requesting extension of time from the N. C. Board of Water and Air Resources for Permit No. 1971 as related to the Irwin Creek Wastewater Treatment Plant, said extension period being for the period ending December 31, 1973. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 480.

December 11, 1972
Minute Book 58 - Page 139

RESOLUTION AUTHORIZING CITY MANAGER TO FILE AN APPLICATION FOR A STATE MATCHING GRANT FOR SEWAGE WORKS IMPROVEMENTS RELATED TO THE CONSTRUCTION OF THE IRWIN CREEK AND MCALPINE CREEK TREATMENT PLANT ADDITIONS AND THE UPPER KENNEDY CREEK INTERCEPTOR.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing Mr. David A. Burkhalter, City Manager, to file an application for a state matching grant for sewage works improvements related to the construction of the Irwin Creek and McAlpine Creek Treatment Plant Additions and the Upper Kennedy Creek Interceptor.

The resolution is recorded in full in Resolutions Book 8, at Page 481.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR A STATE MATCHING GRANT FOR SEWAGE WORKS IMPROVEMENTS RELATED TO THE UPPER IRWIN CREEK INTERCEPTOR.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, adopting subject resolution authorizing Mr. David A. Burkhalter, City Manager, to file an application for a state matching grant for sewage works improvements related to the Upper Irwin Creek Interceptor, with the project cost estimated to be \$403,576, with an estimated portion of \$385,676 being eligible for the 75% P.L. 660 Federal Grant and an adjusted State Grant Award.

The resolution is recorded in full in Resolutions Book 8, at Page 482.

ORDINANCES AFFECTING UNFIT HOUSING, ADOPTED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting the following ordinances affecting "unfit" housing on which property owners had indicated they would not contest the orders:

- (a) Ord. No. 693-X ordering the dwelling at 2416-18 Sanders Street to be vacated and closed.
- (b) Ord. No. 694-X ordering the dwelling at 936 Calvine Street to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 429.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of the following ordinances ordering the removal of weeds and grass, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Ord. No. 695-X ordering the removal of weeds and grass adjacent to 2305 Sanders Street.
- (b) Ord. No. 696-X ordering the removal of trash and brush adjacent to 1913 St. John Street.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 431.

December 11, 1972
Minute Book 58 - Page 140

PROPERTY TRANSACTIONS AUTHORIZED AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the following property transactions were approved at Douglas Municipal Airport:

- (a) Acquisition of 2.54 acres of property and one story brick residence, on Piney Top Drive, from Miles A. Bigger and wife, Mary R., at \$41,000.00, for the Master Plan Acquisition Project.
- (b) Acquisition of 176' x 228' x 176' x 228' of property on Sylvan Way, from Clyde L. Gordon and wife, Dorothy, at \$4,800.00, for the Master Plan Acquisition Project.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Alexander and seconded by Councilman Jordan, authorizing the following property transactions:

- (a) Acquisition of 648.53 sq. ft. of property at 2401 Sharon Road, from Robert M. Fadel and wife, Kristi, at \$700.00, for Sharon Road Culvert Project.
- (b) Acquisition of 10,533.83 sq. ft. of property, with one story residence and one car garage, at 2331 Sharon Road, from Odell S. Vestal and wife, Sara M., at \$24,500.00, for the Sharon Road Culvert Project.
- (c) Acquisition of 10' x 20' easement at 4451 East Independence Boulevard, from Lucille T. Olive (widow), at \$1.00, for sanitary sewer to serve 4451 East Independence Boulevard.
- (d) Acquisition of 1,934.22 sq. ft. of property, at 5228 South Boulevard, from William Marshall Donaldson and wife, Angelle, at \$7,000.00, for Tyvola Road Extension Project.
- (e) Acquisition of 1,061.80 sq. ft. of property (plus 4,432 sq. ft. of construction easement), at 3600 Sargeant Drive, from Floyd June Dixon and wife, Margaret D., at \$1,320.00, for Clanton Road Extension Project.
- (f) Acquisition of 7,643 sq. ft. of property, with one story frame residence, at 1016 Eveningside Drive, from Clarence H. Boone and wife, Mae C., at \$5,450.00, for Irwin Creek-Sugar Creek Open Space Project, Phase II.

Councilman Short asked why Mr. Vestals' home is needed in connection with a culvert project; the culvert is running down the creek? The City Manager replied we are also straightening out the road, and it takes quite a bit of right of way to do that. Councilman Short asked if this will box the city in on any choices it might make about the ultimate handling of the street pattern in the area? The City Manager replied the city can do any of the alternates with this.

The vote was taken on the motion and carried unanimously.

SETTLEMENT TO THE LINCOLN COMPANY, INC. FOR RIGHT OF WAY, APPROVED.

Councilman Alexander moved approval of the settlement to The Lincoln Company, Inc., in the amount of \$3,000.00, in connection with sanitary sewer right of way for Taggart Creek Outfall, as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and carried unanimously.

December 11, 1972
Minute Book 58 - Page 141

ORDINANCE NO. 697-X AUTHORIZING THE CLEARING OF A BLOCKED DRAINAGE DITCH ON THE PROPERTY OF JOHN H. WYNNE, JR. AT 706 NORWOOD DRIVE.

Councilman Short asked if Mr. Wynne is present or if anyone is present representing him on the subject ordinance? Mr. Hopson, Public Works Director, replied this is a case where this man has permitted much uncontrolled filling on property in a relatively nice neighborhood. He has blocked the drainage ditch of an intersection and it is impounding water. That his office has sent him several certified letters, and they have received no answers. This is a serious problem and it could flood some other people. Councilman Short asked if anyone has actually reached this gentleman for a face to face talk? Mr. Lee, Administrative Assistant, advised these were certified letters, and he has also been contacted in person. That he said he was not going to cooperate with the city. That he does not know if he is aware it was to be before Council at this meeting, but he has been sent certified letters.

The City Attorney stated Mr. Wynne was notified on February 7, 1972, on June 30, 1972, and on September 7, 1972, all by registered letters. No response was made to any of them. Prior to February 2, he was contacted in person.

Councilman Alexander moved adoption of an ordinance authorizing the clearing of a blocked drainage ditch on the property of John H. Wynne, Jr. at 706 Norwood Circle. The motion was seconded by Councilman Short.

Councilman Withrow stated in the Ashley Road area, Ervin Construction Company went in and put in drainage ditches, and they are becoming stopped up. The City will not go in, although all the water runs into the drain holes through the people's property, and the city will not unstop the drainage ditches which is a bad situation. He asked what the city is going to do about these situations. When the people bought the houses they did not know the drainage ditches were in there. Mr. Hopson replied once it gets onto private property the only way the city can help drainage is through a situation such as on Norwood Drive. As long as the situation Mr. Withrow is talking about affects the right of way of public property then the city would have to take some action. Councilman Withrow stated even though the city's runoff runs through these ditches, the property owner has to straighten it out? Mr. Hopson replied once the property adjacent to the public rights of way will accept the water, then we are alright; but 100 yards upstream it becomes a conflict of two properties. Councilman Withrow asked if the builder or contractor who made the original installment can not be held responsible? Mr. Hopson replied once he sells the property there is no way to go back.

After further discussion, the vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Pages 433-434.

During the discussion, it was suggested that the Planning Commission review the section of the subdivision ordinance pertaining to drainage to see if it is strong enough.

SPECIAL OFFICER PERMIT AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, approving the renewal of a special officer permit for a period of one year to Bowell Adams, for use on the premises of Morris Speizman Company, Inc., 508 West Fifth Street.

December 11, 1972
Minute Book 58 - Page 142

CONTRACT AWARDED NATIONAL POLICE SUPPLY FOR REVOLVERS FOR THE POLICE DEPARTMENT.

Councilman Jordan moved award of contract to the low bidder, National Police Supply, in the amount of \$4,577.31, on a unit price basis, for revolvers for the Police Department, which motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

National Police Supply	\$4,577.31
Charles Greenblatt, Inc.	5,333.04

CONTRACT AWARDED SUN ELECTRIC CORPORATION FOR INFRA-RED ENGINE PERFORMANCE TESTOR FOR THE MOTOR TRANSPORT DIVISION.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded Sun Electric Corporation the only bidder, in the amount of \$4,400.00, for infra-red engine performance testor for the Motor Transport Division.

CONTRACT AWARDED ROGERS-FARMER CAROLINA CHRYSLER, PLYMOUTH, INC. FOR FOUR AUTOMOBILES.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, awarding the subject contract to the low bidder, Rogers-Farmer, Carolina Chrysler, Plymouth, Inc., in the amount of \$12,622.04, on a unit price basis, for four 8-cylinder automobiles.

The following bids were received:

Rogers-Farmer Carolina	
Chrysler, Plymouth, Inc.	\$12,662.04
Dodge Country, Inc.	12,945.92
Young Ford, Inc.	13,039.80
Town & Country Ford, Inc.	13,226.80
Ray Skidmore American, Inc.	14,290.00

CONTRACT AWARDED DODGE COUNTRY, INC. FOR SEVEN AUTOMOBILES.

Councilman Jordan moved award of contract to the low bidder, Dodge Country, Inc., in the amount of \$21,292.32, on a unit price basis, for seven 8-cylinder automobiles, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Dodge Country, Inc.	\$21,292.32
Young Ford, Inc.	21,417.69
Rogers-Farmer Carolina	
Chrysler, Plymouth, Inc.	21,612.85
Town & Country Ford, Inc.	21,790.79
Ray Skidmore American, Inc.	22,408.05

December 11, 1972
Minute Book 58 - Page 143

CONTRACT AWARDED YOUNG FORD, INC. FOR TWO STATION WAGONS.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded the low bidder, Young Ford, Inc., in the amount of \$6,841.04, on a unit price basis, for two 6-passenger, 8-cylinder station wagons.

The following bids were received:

Young Ford, Inc.	\$6,841.04
Town & Country Ford, Inc.	6,947.44
Dodge Country, Inc.	7,007.32
Rogers-Farmer Carolina	
Chrysler, Plymouth, Inc.	7,024.30
Ray Skidmore American, Inc.	7,146.88

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR TRAFFIC SIGNALS.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, awarding contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$8,524.50, on a unit price basis, for traffic signals.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$8,524.50
Marbelite Co., Inc.	8,779.00
Jack Rosenblatt & Assoc.	9,260.30
Eagle Signal	9,413.00

CONTRACT AWARDED THE HENRY WALKE COMPANY FOR POWER SHEAR FOR TRAFFIC ENGINEERING SIGN SHOP.

Councilman Withrow moved award of contract to the low bidder, The Henry Walke Company, in the amount of \$4,410.00, for a 72" power shear for Traffic Engineering Sign Shop, which motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

The Henry Walke Company	\$4,410.00
The Poe Corporation	4,601.10
J. T. Ryerson & Son	4,785.00
Dillon Supply Company	4,900.50

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED JOHN H. REID.

Mayor Belk recognized Mr. John H. Reid and presented him with the City of Charlotte Employee Plaque for his services to the city in the Utility Department from November 19, 1962 until his retirement November 29, 1972.

APPOINTMENT OF W. J. SMITH TO THE REDEVELOPMENT COMMISSION DEFERRED FOR ONE WEEK.

Councilman Alexander stated the appointment of W. J. Smith to the Redevelopment Commission has been pending since November 27, 1972. That Mr. Smith is filling out an unexpired term, and the appointment is for a full five year term. If there are no other nominations, he moved the reappointment of W. J. Smith to the Redevelopment Commission for a five year term. The motion was seconded by Councilman Withrow.

December 11, 1972
Minute Book 58 - Page 144

Councilman Alexander stated Mr. Smith has rendered excellent service to this commission, and with the professional capacity in which he serves and his professional knowledge that we need to have him serve a little longer.

Councilman McDuffie asked when the discussion will take place on the possibility of the Mayor's suggestion that urban renewal be placed under the city manager's office? The City Manager replied the report will be sent to Council within the next ten days. Councilman McDuffie stated he would like to wait for this report considering Mr. Smith serves until he is reappointed or someone is appointed in his place.

Councilman Alexander stated whatever decision is made on the recommendation when and if it is submitted will be a different ball of wax. That he thinks Council still needs to make the appointment because they have matters they need to continue with, and perhaps he would like to know for sure as he is the Chairman of the Commission just where he is. Whatever is done about any recommendation when it comes it will have no effect upon his being reappointed even if the commission is merged. That he thinks it is necessary for Council to go ahead with the appointment.

Councilman Short asked if any conversation has been held with Mr. Smith about the matter of bringing this into the city as a department? Mayor Belk replied he has discussed this with him.

Councilwoman Easterling asked, even though his term has expired, if he continues to serve until someone is appointed to serve in his place? The City Attorney replied all members of committees whose terms expire serve until a successor is appointed.

Councilman McDuffie made a substitute motion that the appointment be delayed until Council receives a report on the possibilities of putting this under the City Manager's office. The motion was seconded by Councilman Short.

Councilman Alexander stated Mr. Smith fully understands the potentials pertaining to urban renewal and understands some individuals thinking that concerns urban renewal; they are in somewhat of a strained position from the point of view of his position as Chairman for some of the things that are performed that they must do. Councilman Alexander stated if he were chairman and some of the matters they have before them, he would like to have the appointment situation resolved before moving further into some situations that are before them.

Councilman McDuffie changed his motion to delay action until January 8. The motion did not receive a second, and after further discussion, Councilman McDuffie amended his motion to delay the appointment for one week. The motion was seconded by Councilwoman Easterling, and carried by the following vote:

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

SUGGESTION THAT CALDWELL STREET-BREVARD STREET CONNECT BE SUBSTITUTED ON THE LIST OF THREE PRIORITIES IN PLACE OF THOMPSON ORPHANAGE RIGHT OF WAY.

Councilman Alexander stated in the Conference Session today, Council discussed the Powell bill money, and on the summary it is proposed the balance of this fund be applied to three projects listed. Also discussed was the Caldwell Street bridge and the Brevard Street connector. That he thinks Council should shift the priorities and set them up with Number one and Number two as shown and swap Number three. Thompson Orphanage Right of Way for Number 14 on the index sheet, which is the Caldwell Street-Brevard Street Connector.

December 11, 1972
Minute Book 58 - Page 145

Councilman Alexander stated this is suggesting using the balance of the Powell bill money, \$98,000, for the three projects which are the Caldwell Street Bridge, Old Steele Creek Bridge and Thompson Orphanage Right of Way. That he thinks the Caldwell Street Bridge is equally related to the Brevard Street Connector, and this would give an opportunity to come around and get into the one-way pattern planned, rather than keeping it blocked off. That he is suggesting instead of using this money for the Thompson Orphanage Right of Way, which is not absolutely necessary, that it be used to help implement the completion of the Caldwell Street-Brevard Street Connector.

Mr. Burkhalter, City Manager, stated this is talking about \$98,000 as the total amount of money available. Staff has suggested in the priorities for the bond program these three things. It is suggested that the Powell Bill balance be lumped together and held in reserve for those three projects. If the bonds for these projects are not approved, or even if they are approved, there may be some additional costs which will give some little leeway. They are suggesting these three priorities be on the bond ballot as we cannot do those without the bond money; but that we also hold the \$98,000.00.

Councilman Alexander stated the Caldwell Street-Brevard Street Connector is more important than moving on the Thompson Orphanage Right of Way at present. That he is trying to get some surety of our coming through and he is asking staff and Council to think about his suggestion. Mr. Burkhalter stated Council may want to add the Connector to the total which would still be under \$11.0 million. Councilman Alexander stated he does not want us to get so solid in our thinking on this and not have any room to give consideration to Item No. 14.

The City Manager stated we are in court on the Thompson Orphanage Right of Way now, and it is just a matter of how much. We will have to have the money and that is more immediate than most anything else. When the court tells us what it is then we have to put the money in.

DISCUSSION OF USE OF PARKWOOD AVENUE AND 20TH STREET TO MOVE TRAFFIC MORE SMOOTHLY THROUGH AREA.

Councilman McDuffie stated Parkwood Avenue, a nice four lane street, comes down across Davidson Street, and 20th Street has a little curve and they could have used 20th Street. What he had in mind was one-way for the traffic going out so they could have a traffic light at Brevard Street, and get out. The way it is now to get very much use of it, people are going to get disgusted making this curve and going down Caldwell one block to 18th Street and making the sharpest turn you can make in degrees over to Brevard Street with a stop sign with service trucks parked in front of a grocery store, and impossible to see around and to get out. People will not use the street so that Parkwood Avenue will not get the use it should. If 20th Street is made one-way out, the heavy traffic going in, in the morning can use the traffic light at Brevard Street. It does not have much traffic on it, and the railroad is next to it, and it will carry a lot of traffic. Unless the Caldwell Street Bridge is built in the next year or so, the street will be almost useless. The point is they did not take into consideration making it one-way to Brevard Street, and the whole thing is based on the bridge, and it will not be ready.

Councilman McDuffie stated the most use of the street will not take place under the present dog-leg and no traffic light to enable people to get out onto Brevard Street. The whole thing is the road is already there and all they had to do was leave the curb out, and if the traffic warrants, install a traffic light at Brevard Street.

December 11, 1972
Minute Book 58 - Page 146

Councilman McDuffie stated the report states in order for the Parkwood Avenue project to make connection with Caldwell Street in a manner that will provide continuous traffic it will be necessary to close 20th Street to eliminate a potential dangerous intersection. He stated there would be no danger in making 20th Street one-way west; that throws that argument out, which is the basis of them saying it is not feasible. They should open the street up and see if the people will use it. That is all they have to do. He stated he wants them to take the curb out and make 20th Street one-way to Brevard Street.

CITY MANAGER REQUESTED TO HAVE TRAFFIC ENGINEERING LOOK AT TRAFFIC PROBLEM ON THIRD STREET BEYOND INDEPENDENCE BOULEVARD WHERE IT CHANGES FROM ONE-WAY INTO TWO WAY TRAFFIC.

Councilman Jordan stated there is a traffic problem on Third Street, just beyond Independence Boulevard, where it is a one-way street coming out. In the afternoon, there are four lanes of traffic going into two, and vehicles coming off Independence Boulevard into Third Street. When they get down about half a block on Third Street, there is no place to go with the four lanes of traffic trying to merge into two lanes. He stated he has talked to Mr. Hoose about this, and he had not realized it was such a dangerous situation. He requested the City Manager to have the Traffic Engineer look into this matter and give Council a report on it.

REPORT ON LEAF COLLECTIONS.

Councilman Alexander asked if the city is behind in the leaf collections? He stated in moving around the city it looks as though we are behind in the collection. Mr. Burkhalter, City Manager, replied the crews work at it regularly. Mr. Bobo, Assistant City Manager, stated there have been a few breakdowns in equipment, but we are catching up on the problem, and we are pretty well on schedule. Councilman Jordan stated one of the problems has been the bad weather; and some of the bad weather has been on the week ends. When there is a pretty week end, everyone cleans their yard and it is impossible to get it all on the one pick-up day and they lie there for a week or two.

DISCUSSION OF USE OF SEPTIC TANKS INSIDE THE CITY AND PERSONS BEING CITED BECAUSE THEY DO NOT HAVE THE MONEY TO HAVE THE TANKS CLEANED OUT PERIODICALLY.

Councilman Alexander stated there is a type of odd situation where there is no quick solution to the problem, and it may require some long range looking into. That he is talking about the areas where there is the problem where citizens who are in the city limits cannot tie on to our sewer system. These citizens in many cases have an abnormal expense in trying to keep their septic tanks operating. It gets to the point where some of the people are unable to keep them looked at as often as it takes - sometimes it is every 30 or 60 days. In many cases they are letting that sewage loose. He stated this also liables them to be cited. That he does not know the immediate solution, but he thinks we need to give some stern consideration to if there is any way we can come up with resolving some of these things. That he does not know the solution, but he knows it is happening. He would hate to be cited if he was of limited income, and because he could not get sewer, yet he is in the city limits, and he had the constant septic problem, and did not have the funds to pay for it every 60 days or so, he imagines he would be tempted to let it loose too.

Councilman Alexander stated he does not know the solution but is bringing it up for thinking, hoping we can look at it a little faster to see if in these types of situations we have any form of relief or what happens when someone is cited.

December 11, 1972
Minute Book 58 - Page 147

Mr. Burkhalter, City Manager, stated we do have maps showing every situation in the city that does not have sanitary sewers, and why. If we need a change in policy, staff will come back to Council. In some cases it is just an obvious economic thing - where there is a house worth \$15,000 and if it is worth spending \$40,000 of everyone else's money to take sewer to it.

MAYOR AND MAYOR PRO TEM DESIGNATED TO MEET WITH POLICE OFFICIALS ON PROBLEMS OF HOLD UPS IN CITY.

Councilman Alexander stated several weeks ago he brought to the attention of Council his concern relating to the frequent hold-ups in our community and felt a need for discussion between Council and the Police Department regarding it. He stated in discussing this with the City Attorney, he finds we are constrained by the legal problems that face us in that we cannot have these types of discussions. There are some things that need to be talked about that would not be things that can be discussed publicly, and the value of the discussion would be fruitless unless they could talk about the entire problem.

He stated it has been suggested for the time being that the Mayor and Mayor pro tem be authorized to look into the matter and report back to Council. This seems to be about the extent that we can do at this time. Following whatever suggestion we get from the legal department on it, he would suggest that Council move in that direction.

Councilman Short moved that Council designate the Mayor and Mayor pro tem to discuss this matter with the police officials, and bring a report back to Council to the extent it can be talked about. The motion was seconded by Councilman Jordan.

Mayor Belk stated he thinks in this way we can improve our relationship with the police department and have a better understanding.

The vote was taken on the motion and carried unanimously.

COUNCILMAN ALEXANDER REAPPOINTED TO MODEL CITIES ADVISORY COMMITTEE FOR THREE YEAR TERM.

Councilman Short moved that Mr. Fred Alexander be re-appointed to the Model Cities Advisory Committee for a three year term. The motion was seconded by Councilman Jordan, and carried unanimously.

BREAKFAST MEETING TIME ON DECEMBER 14 CHANGED AND MEETING DATE SET TO DISCUSS BOND REFERENDUM ITEMS.

Councilman Short suggested that Council get together on Wednesday, December 27 or some such time and finalize what Council wants to do on the bond issue as Council has decided to have it. That it seems to him Council might have a session or two right in the Council Chamber at night somewhat like the budget sessions during that week. That he thinks Council should pen down a time to actually get into this and finalize it.

The City Manager stated Council has a legislative meeting set up for a breakfast meeting on December 14, and he suggested it be moved up 30 minutes, from 8:00 A.M. to 7:30 A.M. Then after this meeting Council can discuss when it wants to meet to discuss the bond referendum.

After discussion by the Council it was decided to set the December 14 breakfast meeting at 7:30 A.M. rather than 8:00 A.M., and to set a breakfast meeting on Wednesday, December 20 at 7:30 A.M. to discuss the bond referendum.

Councilman Withrow suggested that the bond ballots set out line items rather than as a bulk item so everyone will know exactly what they are voting for. That he is suggesting that each bridge be listed separately, and nothing lumped. That people object to lumping items together as they do not know whether they are voting for a bridge or what.

December 11, 1972
Minute Book 58 - Page 148

MAYOR BELK LEAVES CHAIR AND MAYOR PRO TEM ALEXANDER PRESIDES.

Mayor Belk left the Chair at this time and Mayor pro tem Alexander presides.

BILL LITTLE & COMPANY AUTHORIZED THROUGH MONTH OF DECEMBER TO PERFECT PLANS FOR DOWNTOWN PARKING GARAGE AND OTHER FACILITIES.

Councilman Short stated Council has a recommendation from the City Manager to arrange for Mr. Bill Little and Company to have the time through the month of December to perfect further the details of his arrangements for a parking and other type structure between Fourth and Third Street on College Street, and he moved that Council proceed this way. The motion was seconded by Councilman Jordan, and carried unanimously.

MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returned to the Chair at this time and presided for the remainder of the Session.

CITY MANAGER ADVISES CITIZENS REQUEST TO REMOVE BRIDGE ON CALDWELL STREET NEAR STONEWALL IS BEING LOOKED INTO.

Councilman Short stated Mrs. Van Sciver has brought up a matter of the unused bridge on College Street, near Stonewall Street. He requested the City Manager to look into this. If the bridge is no longer being used trucks are striking it. The City Manager replied it is being looked into; that it is very expensive to take down and the city is trying to get the cooperation of the railroad.

SUGGESTIONS OF STRAIGHTENING MARSH ROAD AND PAYING EXPENSES OF PLANNING COMMISSION BROUGHT TO COUNCIL'S ATTENTION.

Councilman Short stated again he would like to suggest the City examine the possibility of straightening Marsh Road, and also examine the possibility of paying expenses to members of the Planning Commission.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk