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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 17, 1972, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short and Joe D. Withrow present.

ABSENT: Councilman James B. Whittington.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, C. Ross, J. Ross, Sibley and Turner present.

ABSENT: Commissioners Blanton, Godley and Moss.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Calhoun, seconded by Councilman Short, and unanimously carried, the minutes of the meeting of January 10, 1972, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO LOUISE HAMRICK ON RETIREMENT.

Mayor Belk recognized Mrs. Louise Hamrick and presented her with the City of Charlotte Employee Plaque on her retirement, and thanked her for her ten years of service with the City.

HEARING ON PETITION NO. 72-4 BY SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE NORTH SIDE OF OLD REID ROAD, BEGINNING AT THE REAR OF LOTS ON LINFORD DRIVE, AND EXTENDING EASTWARD TOWARD PARK ROAD.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised the property is located on the north side of Old Reid Road, west of Park Road; it is a single parcel which has been divided into two portions. The front portion consists of two acres along Old Reid Road and is being requested changed to O-15; the rear portion consists of approximately three acres located behind and north of it and is being requested changed to B-1. The property is vacant as is the property to the east and the property directly across Old Reid Road. To the west is single family residential development. He pointed out the location of the Catholic Church in the area, the City of Charlotte Fire Station at the corner of Sul Kirk and Park Road and stated a non-conforming use by Baucom Nursery is in the area. Other than that the area is developing for single family residential use predominately.

He stated there is a solid pattern of single family residential zoning in the area, principally R-12.

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Mr. Beverly Webb, Attorney for the petitioners, stated Southern Bell must constantly expand and relocate its facilities to meet the expanding demands of the community. That Charlotte has witnessed a phenomenal growth. Southeast Charlotte has grown in single family and multi-family uses. The whole area from Pineville Road to Albemarle Road is developed, developing, or being held for development.

Southern Bell has noted this growth and has become concerned that their existing facilities to serve this area are becoming saturated, and they have realized new facilities must be built. He stated they are concerned with two types of facilities which they have combined on a single tract. The first is a central switching office. This will be an office building containing primarily equipment that will handle eventually up to some 40,000 telephone lines. This is the equipment that switches one call to another call. The central switching office must of necessity be where the telephones are as that is its function to handle those particular phones; preferably it should be in the center of the area it is to serve. Mr. Webb stated there are two of these stations in the southeast section presently. One at the intersection of South Boulevard and Woodlawn Road, and the other at Providence Road and Sharon Amity Road.

Mr. Webb stated the second type of facility is a service center. Primarily, a service center is a staging and parking area for the panel trucks that install telephones and repair telephones. These are the trucks that leave in the morning with the telephones and install them in the homes and are available for repair. They do not install the large cable nor do they carry on the heavy work or heavy repair. There are presently two service centers in the southeast area. One at the intersection of South Boulevard and Woodlawn Road and the other on Albemarle Road. These types of centers must be located where the telephones are or where the demand is as their function is to install and repair phones. There is a great need for both these facilities in this southeast section, and there is a complete lack of zoning for the placement of these centers. The central switching office requires an office zone and the service center requires a business zone.

Mr. Webb stated Southern Bell has engaged in a great deal of study concerning this property. They have consulted realtors to find sites; they have consulted architects to draw plans; they have consulted planners within the company and city planners; their population forecasters and even the computers. They wanted to be able to come to Council and say after considering all factors, and the needs that are here, they must go into one particular area, and this is the best possible location.

Mr. Ralph S. Profitt, General Equipment Engineer for Southern Bell, explained to Council the process of selecting and purchasing the areas for the facilities. In the discussion he stated that of all the property they looked at, he found no piece of property which would do the job as well as this piece of property.

Mr. Webb stated they have an option with the South Park Christian Church who owns the entire tract, and they have given Southern Bell an option to buy a part of the property. They would not give them an option on the front portion as that is where they plan to put their church. They are selling the rear portion to get the money to build the church.

Mr. Webb stated next to the property is vacant land which is owned by the Church. The subject site is vacant and is covered with trees and has a topography that is good for both of these functions because it slopes from Old Reid Road to the back allowing them to put the office structure at the front and thereby screen the work center which will be located behind and below the level of the road. The difficulty is that it does back up to properties on Linford Drive, which will become re-routed Park Road; otherwise, it is vacant. He then presented drawings of the plans for the property and explained the location of the buildings on the property. He stated the front

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of the property, with the appropriate setback, will be the central office structure with a minimum amount of personnel. Adjoining it will be a portion of the building for services. The entrance of the building is at the rear and is designed for the cars to be parking toward the center of the property, and approaching away from both exposures. There will be no doors fronting out on the streets or to the adjacent property owners. Below and behind will be the covered parking area for the panel trucks. He stated the parking area will have a solid wall so that looking from Linford Drive they will look into wall through the trees. He stated the building is 100 feet from its corner to the property line and it is a heavily wooded area. He stated there is an expansion area on Old Reid Road, and the central office facility will be expanded; it is one story only and is designed for only one story. There is a possibility of expanding the office portion of the service center, but that is very remote. Parking will be at the rear and will be fenced. When the expansion takes place it will be entirely screened from Old Reid Road. He referred to a view from the backyards of the property owners, and called attention to the fall of the land towards the rear; that the parking area for the trucks will be completely below ground level.

Mr. Webb stated if the petition is granted, the option will be exercised, and the facilities will be built as presented. If the petition for the business portion is turned down and the entire tract is rezoned as office, then only the office structure will be built; it will be redesigned to accommodate the change in zoning, but the central switching office will be built at this location. Then, sometime in the future, they will be back asking for rezoning for the service center. If both portions of the petition are turned down, then they will be back asking for one or two additional sites as these facilities must be built.

Commissioner Crutcher Ross asked if it is possible to put this type of facility underground, or partially underground? Mr. Jerry Stacy, architect, replied it is not too feasible to have this entirely underground. With the slope of almost 20 feet from the front to the rear of the property, they will have an entire screen from Old Reid Road. With the existing trees and foliage on the property now, as well as any landscaping they will put in, that they will have adequate screening.

Mr. Steve Blackwell stated he is an attorney and also one of the adjoining land owners. That they have filed a petition to invoke the 3/4 Rule and they represent 100% of the adjoining landowners who are opposed to it; they do not like the idea at all regardless of the architectural scheme. He stated they have had several meetings in the neighborhood. He stated he has driven around the area, and in an area from Starmount on South Boulevard to Pineville, all up and down South Boulevard there are any number of tracts of land available and would lend itself to this type of facility, more so than their back yards. He stated they have a very nice residential area comprised of Spring Valley, Beverly Woods, Huntingtowne Farms, and two or three other subdivisions. That they are all opposed to having this facility in their neighborhood.

Also speaking at length against the petition was Mr. Jack Owens who filed with the City Clerk a protest petition containing 405 signatures. The protest stated homeowners and parents oppose the addition of so many vehicles to the traffic already existing in the neighborhood; that not only would the Southern Bell trucks be leaving but the drivers of these vehicles would also be arriving and departing in their private vehicles; that their streets already must bear traffic to offices in the SouthPark area and to the Celanese plant on Archdale Drive as well as school bus traffic for the schools. That the neighborhood is a residential area in which most have a large investment; a commercial and/or office plot would not only reduce the value of their property, but would damage the environment by adding noise, vehicle emissions and large parking lots replacing the trees. Also, it seems there are other sites in the area which are already zoned for business and office which would be used for Southern Bell's purpose without spot zoning a small part of a residential area. Should this property be made business and commercial, the chances of residences being built on adjoining property would be significantly reduced.

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Speaking for the petition was Mr. Milt Thompson, Trustee of SouthPark Christian Church, owner of the property under option to Southern Bell.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-1 BY GRINDSTAFF, CREEL, JONES, CONNER, FINK AND PATRICK COMPANY FOR A CHANGE IN ZONING OF A PARCEL OF LAND AT THE NORTHEAST CORNER OF PROVIDENCE ROAD AND SHARON AMITY ROAD.

The public hearing was held on the subject petition requesting a change in zoning from O-15 to O-6 of a parcel of land 300' x 342' at the northeast corner of Providence Road and Sharon Amity Road.

The Assistant Planning Director stated the property in question is at the northeast corner of the intersection of Providence Road and Sharon Amity Road, and is occupied by two buildings on the property, both used for office purposes. One building has the Health Spa in it, facing on Sharon Amity Road, and the other building has a bank in it facing on Providence Road.

Mr. Bryant stated the subject property is zoned O-15; it is adjoined by a B-1 area to accommodate the Providence Shopping Center; beyond that is one lot of O-6 and one lot of B-1 and then back into the O-15 classification up Sharon Amity Road. The zoning around the property is residential; there is multi-family zoning across Sharon Amity and single family zoning across Providence Road, and beside it on Providence. There is a R-12MF pattern diagonally to the rear of the property to accommodate the Tropicana Apartments.

Mr. Luther Creel, representing the property owners, stated four years ago they came before Council and started developing the corner. At that time they promised to landscape the corner to have it in keeping with Providence Road. A year and a half ago, the City installed a median on Sharon Amity Road which completely cut them off. He stated he appeared before Council in protest, and at that time he told Council they would have to make two way traffic around the complex, using a part of the landscaped property. He stated their only alternative now to satisfy the people who visit their complex is to use the property for a two way drive. At present it is one-way coming from Sharon Amity, and there is a one way exit. There is a one-way entrance and a one-way exit into Providence Road.

Mr. Creel stated from the time the median was installed, the business at the Spa and the bank started dropping. They stand a chance of losing those tenants because of the congestion and the inaccessibility. They are cut off completely for southbound traffic on Sharon Amity, and for eastbound traffic on Providence Road. He stated they lost one tenant out of one of the buildings 30 days after the median was put in, and they have lost three tenants out of the other building. If they lose these two tenants he does not know how the City could collect the \$15,000 tax bill in 1970, much less the \$26,000 tax bill in 1971.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-2 BY MARION BUFORD HUNTLEY AND W. A. PHIFER FOR A ZONING CHANGE FROM R-9MF AND O-6 TO O-6 AND B-2 OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD JUST EAST OF MCALWAY ROAD INTERSECTION.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is divided into two parts for the purpose of considering zoning changes. The front portion is being requested changed from office to business; the rear portion

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is being requested changed from multi-family to office. The property is occupied by two houses on the front portion of the property, and one structure on the rear portion. It is adjoined on the intown side by another single family residence, then there is the beginning of the concentration of various business activities. Across from the subject property it is developing as a very active business location. A restaurant has recently gone into operation across the street; adjoining is the site of a skating rink which is in the process of being finished up.

He stated property along Monroe Road is zoned B-2 out to the subject property on the north side of Monroe Road; the front part of the subject property is now zoned O-6; then the church located in the area is zoned R-9MF; beyond that the business classification picks up again. To the rear of the business property on the north side is an area of O-6 and then begins a pattern of R-9MF including the rear portion of the subject property.

Mr. Jippy Carter, speaking for the petitioners, stated they are asking for a change from R-9MF and O-6 to O-6 and B-2 for the purpose of putting up a small gift shop which will be located approximately 200 feet from Monroe Road. The shop will be approximately 3,000 square feet. Primarily the whole area along Monroe Road is zoned for B-2.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-3 BY CENTURY STEEL AND IRON COMPANY, INC. FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF PROPERTY ON THE NORTHEAST SIDE OF EAST 28TH STREET BETWEEN DAVIDSON STREET AND YADKIN AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located on 28th Street, between Davidson Street and Yadkin Avenue. It has on it one commercial structure. On the Yadkin Avenue side of the property is a solid row of single family residential houses; across 28th Street from the subject property is Southern Knitwear; there is a church to the rear with frontage on Jordan Street; there is a service station at the intersection of Davidson Street and 28th Street; there is a vacant business building somewhat to the rear of the subject property.

Mr. Bryant stated there is a solid pattern of industrial zoning along Davidson Street, with predominately I-2 on the left side of Davidson as you go away from the central city, and I-1 on the right hand side. This includes the subject property; there is I-1 zoning on three sides of the property with the fourth side along Yadkin Avenue zoned O-6. From that point you get into the residential zoning that leads into the North Charlotte area. There is R-6MF along Yadkin Avenue over to Pinkney and from that point on there is single family residential classification.

Mr. Lewis Parham, Attorney for the petitioner, stated they have owned this property for about 6 or 7 years; they formerly used it in their own business for steel fabrication; they are presently located on Herrin Avenue. The property is presently being used in manufacturing display type fixtures.

Mr. Parham stated Century Steel has expanded its facility and is in need of more property. Contingent upon the zoning, it has worked a trade with Asphalt Construction Company. Asphalt Construction Company does no manufacturing; they transport asphalt. Their sole use of this property would be to park the trucks when they are not in use. There is a metal building on the property that would be used to service these trucks.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

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HEARING ON PETITION NO. 72-5 BY CHARLOTTE CITY COUNCIL TO CONSIDER CHANGING THE TEXT OF THE ZONING ORDINANCE BY AMENDING SECTION 23-82, 23-83 AND 23-84 TO LIMIT IDENTIFICATION AND BUSINESS SIGNS ON BUILDINGS IN B-1, B-2 AND B-3 DISTRICTS.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this petition was requested by City Council to be advertised for public hearing. It has been advertised for hearing to consider changing the sign regulations in B-1, B-2 and B-3 districts to place a limitation on the amount of sign area that can be associated with a building or a use. At present there is no limit on the amount of area of sign coverage that may be associated with facilities in these districts.

Speaking for the petition was Mr. A. G. Odell, Jr., Architect, who stated he is in favor of the proposed amendment to the zoning ordinance. The purpose of signs is one of identification. Identification is quite different from advertising. A sign of 200 square feet is a very large sign. The aim and the goal of all of us in Charlotte is to make it not only a greater city but a better place in which to live. Some of these amenities mean a great deal to us and to our children. The mark of a beautiful city is in aesthetic sophistication, the planting of trees with considerable money that is planned to be spent; and its creation of a harmonious environment. He stated we must think in terms of what we would like Charlotte to be, and he does not think we should get it confused with the advertising on Wilkinson Boulevard or Las Vegas. That it is very wise that it be considered to have a limit on these signs.

Mr. Zeke Ford, President of Sign Arts, Inc. of Charlotte, spoke in opposition to the proposed amendment. He stated the recommended restriction of 200 square foot is just as bad one way as it might be good in another way. That he would not want to see a building 20 foot long and ten foot high with a sign the same size on top of it any more than he would want to see 200 square foot sign on top of a 35-story building. He stated what Mr. Odell has said is fine, but signs have to be in relative size to the building. He stated if the ordinance was already in effect, the sign on the penthouse of NCNB would only have one C and one N. American Credit would be able to have one A and one C on one end of their sign. K-Mart, which sits back 600 feet off the street would only be allowed to have an M and an A out of their name.

Mr. Ford stated we really need to have some kind of regulation based on the size of a building or the lot. Material is available that has recommended guidelines for establishing restrictions on building signs. They are both aesthetically acceptable as well as adequate for the business. These guidelines were used recently in Boston, Phoenix, Houston and cities in California and in Greensboro and Raleigh. They vary but most of them use four square feet per lineal feet of building, or a percentage of the wall area to allow a certain percentage of sign.

Mr. Ford stated he has heard from a considerable number of businesses in the City and he has heard from Goodyear Tire and Rubber Company, Northwestern Bank and a few others, voicing opposition to this amendment. Some of these firms asked about hiring a lawyer, but he recommended that they not do this and that they come and tell Council what they felt. He stated they recommend that Council consider a complete study of the building section rather than taking an arbitrary figure of 200 feet per building. He stated they realize there have been no restrictions in these areas before. That he personally offers not only materials but his time to help write an acceptable set of plans.

Councilman Short stated the Young Motor Company has had to operate under this provision because they are located on urban renewal land, and he asked Mr. Ford if he thinks they are hampered? Mr. Ford replied he cannot say they have been hampered, but he would have to give it further study. He stated you will have to come up with some sort of plan that will restrict it according to property.

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After further discussion, Councilman Calhoun moved that this matter be referred to the Planning Commission for a detailed study and recommendation at a later date. The motion was seconded by Councilman Alexander, and carried unanimously.

WEEK OF JANUARY 16 THROUGH JANUARY 21, 1972 PROCLAIMED AS JAYCEE WEEK.

Mayor Belk presented a proclamation setting the week of January 16 through January 21, 1972 as Jaycee Week.

He stated he would like to thank the Jaycees for the fine work they are doing, and he and Council are very happy to be a part of this proclamation, which he presented to Mr. Alan Wells.

Mr. Wells extended an invitation to the Mayor and Council to attend their banquet which will be held Thursday night at the White House Inn. He stated at that time they will recognize the ten outstanding young men of Charlotte who have dedicated their efforts to help build a better Charlotte.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY WITH RESPECT TO THE ESTABLISHMENT OF A CITY-COUNTY UTILITY DEPARTMENT.

The following members of the Mecklenburg County Board of Commissioners came into the meeting at this time and were present for the vote on the subject agreement: Chairman M. W. Peterson, Commissioners John A. Campbell, W. T. Harris and James G. Martin. Also present was Mr. Thomas C. Ruff, County Attorney.

Mayor Belk stated that Councilman Milton Short, Councilman Pat Calhoun, Commissioner Gus Campbell and Commissioner Bill Harris have been working on the joint committee for the water and sewer agreement. He stated he personally feels we can afford only one water and sewer plan in our area, and should have water throughout the county to have a progressive area.

Councilman Calhoun stated he was privileged with Mr. Short to serve on a sub-committee charged with the responsibility of preparing the necessary paper work for a consolidation of the water and sewer departments of the City of Charlotte and the County of Mecklenburg. That in the past a lot has been heard about the lack of cooperation between the City and County. That he is proud to say that was not true in any respect in the drawing up of these negotiations. That we could not have had finer support and better cooperation from our counterparts from the County on this committee. The answer is that all were working in the best interest of Mecklenburg County. They realized the need to put the two bodies together for a more efficient and a more effective water and sewer facility operation. Their one goal was to do this. That he was delighted to work with these gentlemen in the preparation of this agreement, which he hopes will be ratified today.

Councilman Short stated he would like to underscore what Mr. Calhoun has said. That it seems to him the County has an enviable record in this field; there has been a lot of discussion over the years about the City-County water-sewer argument and a war has been described. That he really does not find this to be the case, and he does not think the record really makes out a case of all that much argument.

Councilman Short stated under the present agreement the County will continue in the picture and will help with financing as needed. They will recommend and be involved in the building and expansion of the system under Sections 12, 13 and 14 of this agreement. Some other provisions of the agreement are that annual reports will be prepared by a Board appointed half by the City and half by the County. The merger in effect is one in which the management

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or the operation will be in the City and the City is assuming the debt service. The Community Facilities Committee in the future will be very active in various sensitive areas such as rates and extension policies, auditing and the building of extensions about which there may be some controversy. There is no change in extension policies. Those projects already underway by the County will continue to be built. They will be built by the Department using the same money that otherwise would have been used.

Councilman Short moved approval of the agreement between the City of Charlotte and Mecklenburg County with respect to the establishment of a city-county utility department. The motion was seconded by Councilman Calhoun.

Councilman Alexander stated he is proud that this water-sewer matter has now come to a resolve. That we have been working with this for a long time; that he would like to express appreciation to Mr. Short and Mr. Calhoun who worked diligently to bring about this resolve between the city and county. This is much progress.

The vote was taken on the motion and carried unanimously.

Mayor Belk stated he would like to thank all the County Commissioners for this agreement. That it is always a privilege and a pleasure to work with them.

Chairman Peterson stated this is perhaps the beginning of a little different spirit between the city and county governments. The development of Charlotte and Mecklenburg County the way it should be developed is a job for the city and county. This is not only a good move in terms of water and sewer but the spirit in which it has been accomplished. Out of the five years he has served on the Commission there has been a little mistrust looking across the street, and he thinks this is a step in the right direction. This is the first step towards consolidation.

Councilman Short stated it would be inappropriate if the work by Mr. Robert Potter is not recognized. That Mr. Potter was instrumental in the County getting into water and sewer operations; that he does not know how much we would have to merge if it had not been for Mr. Potter. The fact that he was such a good pioneer in this operation means we have good departments to merge.

Mayor Belk expressed appreciation to the two staffs on the work they did to bring it to this point where it can be voted on.

The members of the Board of County Commissioners then left the meeting.

CITY STAFF AUTHORIZED TO NEGOTIATE A LEASE WITH THE CHILDREN'S THEATRE AND THE LEASE AND THE TERMS OF THE LEASE BE ADVERTISED AS REQUIRED.

Councilman Alexander stated at the last Council Meeting, Council deferred action on the disposition of the Veteran's Recreation Building. At that time Council was led to believe that perhaps there had not been conversation between all three groups interested in this building. That he understands now this has been accomplished. He called for a reconsideration of the disposition of the Veteran's Recreation Building.

Mr. Whelchel, Vice Chairman of the Park and Recreation Commission, stated two weeks ago he appeared before Council and asked for the Veteran's Building with the understanding that the only way they could use it would be through the generosity of Council in providing \$70,000 which would enable them to refurbish, rehabilitate and fund the program each year.

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Mr. Whelchel stated on April 19, there appeared before the Park and Recreation Commission a delegation from the Mecklenburg Association of Retarded Children, headed by Mrs. Penny Gregory and Mr. Lewis Davis. At this time, they called attention to the lack of recreational facilities for the handicapped children. The Commission concurred in this 100% and told them they would do everything possible to institute a program as quickly as possible. On July 8, the Commission hired full time, Mr. Tom Johnson, who has a Master's Degree in this field, and gave him the responsibility of contacting all handicapped agencies in the community to ascertain the needs. He was sent on tours of other associations and other facilities in the southeastern states. As a result of what he learned and through the advice and counsel given him by local groups the program the Park and Recreation Commission is now operating at the Third Ward Center is in progress. Mr. Whelchel stated there are 11,000 handicapped children in Charlotte, and they can only take care of a very small number at present. They would like to have this facility, but the only way they can utilize it would be to receive the \$70,000. He stated at the previous meeting, he told Council if it is not possible to fund this program, that the Commission would like to support the Children's Theatre for the use of the facility. He stated the Commission has their assurance they will institute programs of their own for the handicapped. This is the second best as far as the Commission is concerned. Mr. Whelchel stated this is the only thing they can do as they do not have the funds to do it themselves.

After further questions and discussions, Councilman Alexander moved that Council authorize the staff to negotiate a lease with the Children's Theatre for a term of five years, and that the lease and its terms then be advertised as required by the present State Law. The motion was seconded by Councilman Short.

The City Attorney advised that under present State Laws, before Council may lease city-owned property that a notice must be published in the paper at least once within a ten day period, giving notice that Council will lease city property and setting out the terms of the lease.

Speaking in support of the use of the building by the Park and Recreation Commission for the handicapped was Mr. Lewis Davis of the Mecklenburg County Association of Retarded Children.

Councilman McDuffie made a substitute motion to delay action on the disposition of the building for one week and an effort be made to find these funds. The motion was seconded by Councilman Jordan for discussion.

Councilman McDuffie stated he just cannot give up the possibility that Council can do something with that building for the retarded and handicapped. That according to the latest court decisions, education must be provided for handicapped as well as the normal. He stated for years we have neglected these people and he does not see how we can give away to another group that is equally desirable, but one that does not serve, in his judgement, as many people in the community as the handicapped. That he would think somewhere in all of our know-how and our underestimation of taxes and insurance refunds, there is some money and we could find at least \$20,000 to start renovation; that our counterparts in the County could be asked to find some ABC funds they could contribute.

Councilman Jordan stated in the weeks past he has talked to a lot of people concerning both these organizations. There are so many who are interested in this, and he thinks Council wants to do what they think is best for both organizations. He stated we do have a building there that is suitable for either one of the organizations, and it would be foolish to allow this building to continue to be used for storage. That he would like for the City Manager to get with the Park and Recreation Commission and come up with an idea of providing this building or remodeling the building so that it can be used by both organizations. This is a good building, and it will take some remodeling and some money. He stated money has been spent for other organizations such as the Mint Museum and Alexander Home, etc. That this is most deserving and if there is any way possible for the City to come up with some money to allocate to the Park and Recreation Commission to work this building over so that both organizations can use it, he would like to see this done.

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Mr. Burkhalter, City Manager, stated this has been done, under the date of January 14, the report by Mr. Carstarphen states that both agencies concluded that joint use of the facility would be impractical. He stated as far as doing something about the building, Council can ignore the building until next budget year and decide what to do. All of this was brought up to begin with when Council instructed staff to make a recommendation on what to do with the property, and staff recommended that it be sold. He stated since the matter has been under discussion, a third request for the use of the building has come up. The Easter Seal Society has requested the use of the building.

After further discussion, the vote was taken on the substitute motion to delay action and lost by the following vote:

YEAS: Councilmen McDuffie and Jordan.

NAYS: Councilmen Alexander, Calhoun, Short and Withrow.

The vote was taken on the original motion to negotiate a lease with Children's Theatre, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:50 o'clock p.m., and reconvened the meeting at 5:00 o'clock.

RESIDENT OF HICKORY GROVE ADVISED THAT PEOPLE OF HICKORY GROVE FEEL CHAIRMAN OF HOUSING AUTHORITY SHOULD RETIRE.

Mrs. Elizabeth Stewart, from Hickory Grove, stated at the last Housing Authority Meeting, on January 10, Mr. Earle Gluck was asked by Mr. Ray, the new member on the Authority, if any word had been heard from HUD on Turnkey Three in Hickory Grove. And Mr. Gluck said no. Yet, they later find out that Mr. Gluck had heard from Mr. Barnwell on December 30 that there would be no more Turnkey Three houses approved for Hickory Grove. The next morning, December 31, he had all the people in Hickory Grove to an emergency meeting at the Housing Authority Building. Then he had to cancel it because he did not have a quorum. Mrs. Stewart stated they feel Mr. Gluck has not been truthful and they feel he owes an apology to the Authority and to their neighborhood. They feel he should be asked to retire as this type thing causes the people to feel they cannot trust and they fear the Charlotte Housing Authority.

CITIZEN REQUESTS REPAIRS TO EDWIN TOWERS TO PREVENT LEAKS AND REPAIRS TO HEATING SYSTEM, AND GUARD AND/OR STAFF BE ON DUTY IN CASE OF EMERGENCIES.

Mr. Charles Mangieri appeared before Council again and requested that something be done to improve the condition of the Edwin Tower building as the building leaks, the heating system does not operate properly. He also requested that staff be on duty in case of emergencies and to patrol building to prevent molesting of residents in lobby and elevators.

REQUEST OF OIC TO USE TRUCK TO ANNOUNCE PROGRAMS AND CLASSES TO BE WORKED OUT WITH MR. CARSTARPHEN AND BROUGHT BACK TO COUNCIL FOR APPROVAL.

Mr. John Moore, with the Opportunities Industrialization Center of Charlotte stated they are in process of conducting a mass recruitment program attempting to get more people into their program, and they would like to use a sound truck in various areas during various days throughout the remainder of this year to help them bring people into the program. He stated many of the classes are opening at present and they can take people immediately.

Mr. Moore was advised that Council cannot issue a blanket permit for the use of the sound truck and that he should set up a schedule and work with Mr. Carstarphen, Assistant City Manager, and bring it back to Council for approval.

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ORDINANCE NO. 345 AMENDING CHAPTER 10, SECTION 9 OF ARTICLE I AND SECTION 15 OF ARTICLE II OF THE CODE OF THE CITY OF CHARLOTTE RELATING TO SPECIAL COLLECTION OF HOUSEHOLD FURNITURE AND APPLIANCES AND ORDINANCE NO. 346-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE AUTHORIZING THE ESTABLISHMENT OF FOUR ADDITIONAL EQUIPMENT OPERATOR I POSITIONS IN THE REFUSE COLLECTION DIVISION OF THE PUBLIC WORKS DEPARTMENT FOR THE PURPOSE OF PROVIDING ADDITIONAL TRASH PICK-UP.

Councilman Jordan stated two weeks ago he presented a proposal to the Council for some changes regarding the present refuse ordinance. That he thinks it is time that we resolve this matter and get on to other matters of equal importance. He stated the proposal he presented embodied most of the present ordinance with the exception of trash pickups. That he believes the citizens are paying for this trash pickup and are entitled to it. That he does not think the present ordinance as it now stands meets the needs of the people. He stated he presented the following recommendations:

- (1) Collection of three cans per household.
- (2) Collection of tree limbs up to 8 feet in length and no more than 3 inches in diameter
- (3) Collection of boxes, cartons, toys, furniture and appliances at the curb.

Councilman Jordan stated he would like to move that Paragraphs (1), (2) and (3) be included in the present ordinance using open top trash trucks along with the packers; and once a month on regular Wednesday have all open top trucks as well as packers pick up trash at the curb as indicated in Paragraph (3) using two men to each truck, which will not require the hiring of a lot of additional men and will get the job done.

Councilman Jordan stated in Paragraph (2) on the collection of tree limbs up to 8 feet in length and no more than 3 inches in diameter, he would change it from 8 feet to five (5) feet which would mean these limbs could be placed in the packer.

He stated we have the trucks now; that he understands 20 or 30 of them are sitting out there that could be used, and picking this trash up once a month would not cost the city a great deal of money as there would be two men on the truck.

Councilman Jordan moved the adoption of an ordinance amending the trash ordinance to include the three paragraphs as presented with the tree limbs size changed from 8 feet to 5 feet. The motion was seconded by Councilman Alexander.

Councilman Short stated he thinks we are more and more talking about the same things here. The ordinance he submitted to Council last week and which he has submitted to Council today with the change of two or three words is a little bit different in its concept from Mr Jordan's. Basically, the ordinance concerns a program for picking up household furniture and appliances. He stated the ordinance provides not just one day a month but year around, on every working day, we have an ongoing program of picking up this larger trash which cannot be prepared for collection pursuant to the normal collection practices we have. He stated this is done upon request. The idea is that someone will telephone requesting the service and at that time they will be notified as to the date when the collection will occur. That this approach eliminates scouting. With 750 miles of roads it just means that the more frequently you have them, the more frequent the city has to scout. Doing it on a request basis is very efficient; you do not have to store it up; it is done any day all during the working year; and whenever someone calls in and requests a pickup a schedule time is set, and it is done on that basis. He stated it includes the pickup of refrigerators, stoves, washers, dryers, dishwashers and similar items; it includes the pickup of couches, chairs, tables, beds, springs, mattresses, chests and similar items. It does not include water heaters or furnaces; obviously, it would not include those things prohibited elsewhere in the ordinance such as contractor's materials or stumps and those sorts of things.

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Councilman Short stated along with this ordinance is another ordinance which provides for a change in the table of organization or the authorized strength of the refuse collection division of the Public Works Department providing for four individuals who will, on a year round basis, carry on this operation. That as for the side loaders, or hoist type trucks, these hoists can be purchased individually and attached to trucks we now have; the price is not so tremendous but what the City Manager himself can authorize this expenditure.

Councilman Short made a substitute motion to adopt the two ordinances as submitted. The motion was seconded by Councilman Withrow.

Councilman Alexander asked if the ordinance will provide four trucks and four operators to do this job? Councilman Short replied it is four operators but he believes there are two trucks involved with four operators.

Mr. Hopson, Public Works Director, stated what the Litter Committee has arrived at is reasonable at this point in time. That Mr. Jordan's recommendation includes the three cans which the city is now doing in its twice a week collection at the rear door. That he has changed his recommendation on tree limbs from 8 feet to 5 feet, and the present ordinance is 4 to 5 feet, unbundled. Collection of boxes, cartons and toys are picked up every Wednesday provided they are in some sort of container. Actually, we are getting down to the last two items, which are furniture and appliances. That the ordinance presented by Councilman Short will cover this.

Mr. Hopson stated they will start with the four men and will suggest to the City Manager that four additional hoists be purchased. They now have the two Model Cities trucks already equipped with hoists, but they are assigned to and purchased by the Model Cities groups. They will be put into that area and this work will be accomplished if this ordinance is adopted today within a reasonable length of time. He stated the hoists will cost approximately \$8,000, and he hopes they can find that kind of money. This will give them six, although two of them are assigned substantially to the Model Cities area. He stated this will be about as far as they can go without buying new trucks. They need 21 to 22 trucks on their leaf program which is four months of the year. They have in reserve now about 26 or 27 trucks. That they will have to ask for some new trucks in the coming year. They are trying to hold this to the bare minimum to see what will be required so that at budget time they will come back to Council for additional money and personnel.

Mr. Hopson stated the Model Cities trucks will be assigned into the Model Cities neighborhood, and they will work with the Model Cities people in their scheduling of the collection there. As soon as they can get two hoists installed on two of their present trucks, they will start this service.

Mr. Hopson stated if at all possible, they will try to keep this within a one week period. If someone calls on Tuesday, they hope to give them service by at least the following Tuesday. These trucks will be equipped with radios and if possible, and they are in the neighborhood, and they can pick up a sofa or a stove or something that is called in, they will pick it up the same day.

He stated if a citizen calls in on Tuesday and asks for the pickup of an item, they will be requested to hold it at the back door until the truck can pick it up on the designated day. That they are shooting for a maximum of one week service, or five working days. He stated they will have the two trucks with four men, all of whom will be drivers.

Councilman Alexander asked if he means the Model Cities area trucks will be on request in that area? Mr. Hopson replied he does not see how it can be worked otherwise. Councilman Alexander stated the purchase of these two trucks was based on the program formed, and it did not call for any regulations of the days on which they would be used in the Model Neighborhood area. Mr. Hopson replied they will keep them in the area; that they are in the area now. Councilman Alexander stated his point is they have been working in the Model Neighborhood area without any request regulations; that this is where they need to stay and they need to stay like that. It is no

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violation of the regulations that they do that because this is based on the program established and approved under the Model Cities concept. Mr. Hopson stated they hope the people in the area will get in line with everyone else so they can be given better service. That they now have two trucks in there. There is one truck following the sweeper and one truck on routine collection similar to that throughout the rest of the City. That he sees no problem with it.

After further discussion, the vote was taken on the substitute motion to adopt the two ordinances presented by Councilman Short, and carried by the following vote:

YEAS: Councilmen Short, Withrow, Calhoun and McDuffie.

NAYS: Councilmen Alexander and Jordan.

The ordinances are recorded in full in Ordinance Book 18, at Pages 445 and 446.

Mrs. Sue Paty spoke in favor of the construction of an incinerator-type plan which had been viewed by members of Council when they toured Europe and visited Vienna. She stated she would like to recommend that the City start planning now to take care of this problem; it would eliminate the need of some of the employees at the landfill and would eliminate the need for equipment at the landfill and most important of all, it would eliminate the landfill. She stated she would like to see it built in the urban renewal area. It could furnish heat and lights to the government center and could be piped to Charlotte Memorial Hospital.

Reverend Horne suggested that the City Sanitation Department draw the ordinance and have a copy of the ordinance in sticker form placed on trash cans of each household.

Councilman Withrow suggested that a study be made of placing dumpster containers in strategic locations in the City. That they could be placed on a school yard or some such place so that on Saturdays and Sundays the citizens would not have to go to the landfill. That he thinks this would help keep the City clean.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution providing for public hearings on Monday, February 28, 1972, on Petitions No. 72-6 through 72-8 for zoning changes.

The resolution is recorded in full in Resolutions Book 8, at Page 34.

ORDINANCE NO. 347-Z AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP BY CHANGING THE ZONING ON PROPERTY ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, WEST OF BROWNS AVENUE, ON REQUEST OF NCNB, EXECUTOR AND TRUSTEE FOR MARY S. HAYES.

Councilman Withrow moved adoption of subject ordinance amending the zoning ordinance by changing the zoning from R-9 to R-12MF of land on the south side of Tuckaseegee Road, west of Browns Avenue except for that portion of the property within 200 feet of Tuckaseegee Road which will remain as R-9. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 447.

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SPECIAL USE PERMIT FOR WOODMEN OF THE WORLD AT 915 SOUTH HOSKINS AVENUE,
APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, a special use permit was approved for the subject fraternal organization for locating in a residential district as recommended by the Planning Commission.

DEVELOPER'S APPEAL FROM PLANNING COMMISSION THAT BROOKTREE DRIVE NOT BE EXTENDED, DENIED, AND BROOKTREE DRIVE AUTHORIZED EXTENDED TO THE CREEK.

Councilman McDuffie moved that the Planning Commission's recommendation on Brooktree Drive be accepted. The motion did not receive a second.

Councilman Jordan stated he would like to see if there is not some other way to do this than is planned here.

Councilman Short stated he does not want to force a developer to build a bridge or culvert over Paw Creek. This is a fairly broad creek and a little further down it gets to be a right big creek. It is taking the water from several square miles just north of this location. He stated he does want to require the developer to build the streets that are necessary to link up these subdivisions, and to provide good street circulation in this area. In favor of requiring the streets, it seems to him this is almost a perfect case within the apartment ordinance that was adopted last January, and it is just a public necessity to link together developments for the benefit of the fire department and the school children, the post office and the general public. This street someday will be a connector between Hovis Road and Toddville Road. That we are negating the ordinance that was adopted if we do not require public streets across here.

Councilman Short stated on the matter of the bridge that he does not think we have anything in our provisions or ordinances, or anywhere in our policy statements or precedent that requires some developer, in order to meet the requirements of the site planning of the apartment ordinance to put a culvert or a bridge across a creek. This area is not defined. That he thinks a policy is needed but until that is done, he does not see that we have any basis to force the developer to handle the matter of the creek.

Councilman Short moved that Council approve the plans of the Planning Commission asking that a public street be built, but that Council not require the developer to build the bridge culvert. The motion was seconded by Councilman McDuffie.

Mr. Bryant, Assistant Planning Director, stated under the present policy, Council cannot require the physical bridging of that creek. That their concern is the street. That he thoroughly agrees this is exactly the concept they had in mind where under single family development they would get the streets, and under apartment they would not. That he does not think Council has ever had the right to actually require the physical bridging of that creek.

Councilman Calhoun stated he has been out in the area and he agrees with both Mr. Jordan and Mr. Short to a degree. That Mr. Short says the street is needed for circulation and he agrees with that. Mr. Jordan objects to the fact that this will be a through street running into the Westchester area, and the way it is designed by the Planning Staff, it seems to have a lot of drawbacks. That a street is needed that does not represent a raceway through a residential development, which this will be if it is set up the way it was presented a week ago.

Mr. Bryant stated the City will have the right of way so that in some future time the City or other agency can move in and actually open the street up with

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the proper bridge. Unfortunately, this is happening all over; we are getting this situation where the overall circulation pattern which you eventually expect to have in an area definitely calls for a street to go through an area; but we have no authority at the present time or no procedures whereby a developer can be required to put the bridge across the creek or branch. At least you are getting the concept of circulation as far as right of way is concerned, and you have the opportunity in the future to come in and put it in. It also provides the opportunity, in the case of the school, to put a pedestrian bridge in to give a pedestrian way over to the school.

After further discussion, the vote was taken on the motion and carried on the following vote:

YEAS: Councilmen Short, McDuffie and Alexander.

NAYS: Councilmen Calhoun, Jordan and Withrow.

Mayor Belk broke the tie, voting in favor of the motion.

RESOLUTION CALLING FOR A PUBLIC HEARING ON AMENDMENT NO. 3, REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution calling for a public hearing on Monday, February 7th, on Amendment No. 3, Redevelopment Plan for Downtown Urban Renewal Area, Project No. N. C. A-3.

The resolution is recorded in full in Resolutions Book 8, at Pages 35-36.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WILLIAM P. ALLAN AND WIFE, MARTHA H. ALLAN, LOCATED AT 2227 INVERNESS ROAD FOR THE LOWER BRIAR CREEK INTERCEPTOR PROJECT.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to William P. Allan and wife, Martha H. Allan, located at 2227 Inverness Road, for the Lower Briar Creek Interceptor Project. The motion was seconded by Councilman Calhoun, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 37.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 79.64' of easement at 215 Manning Drive, from Frontis Clyde Allen and wife, Marjorie, at \$80.00, for Lower Briar Creek Interceptor sanitary sewer construction.
- (b) Acquisition of 15' x 134.91' x 25' x 61.07' of easement at 1239 Green Oaks Lane, from Trotter and Allan Construction Company, at \$196.00, for Upper Briar Creek Interceptor sanitary sewer construction.
- (c) Acquisition of 17.81' x 18.93' x 21' of easement at 1216 Morningside Drive, from Eva T. Waggoner, widow, at \$13.00 for Upper Briar Creek Interceptor sanitary sewer construction.
- (d) Acquisition of 7.50' x 9.04' of easement at Juniper Drive, Box 359, from Dr. George Wike and wife, Elizabeth, at \$10.00, for Interstate 77 sanitary sewer relocation.

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- (e) Acquisition of 20' x 361.50' of easement at 3220 Commonwealth Avenue, from Walter C. Chastain and wife, Mary, at \$362.00, for Parkway Avenue trunk.
- (f) Acquisition of 83.49' x 229.03' x 143.33' x 103.74' x 381.35' x 31.55' at Old Pineville Road, from Henry D. Litaker, Heirs, at \$16,800.00, for Tyvola Road Extension.

SALE OF CITY-OWNED PROPERTY AT 511-525 EAST THIRTIETH STREET, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, approving the sale of city-owned property at 511, 519 and 525 East Thirtieth Street to the high bidder, Mr. C. R. Jones, at \$1,900.00.

RIGHT OF WAY AGREEMENTS, APPROVED.

Councilman Jordan moved approval of the following right of way agreements, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Right of way agreement with the Seaboard Coast Line Railroad Company to install a 24-inch water main beneath their tracks on Hoskins Avenue.
- (b) Right of way agreement with the Southern Railway Company for the installation of a 20-inch diameter water distribution feeder main beneath Southern Railway's tracks near Mile Posts 3 and 4, in Starita Road.
- (c) Right of way agreement with the N. C. State Highway Commission for the installation of 16" diameter water mains across North Tryon Street at Craighead Road; a 20" diameter water main in the northwest side of North Graham Street; a 24" diameter water main along the east side of Beatties Ford Road; a 24" diameter water main along Hoskins Road; and a 24" diameter water main across Interstate Highway 85, east of Statesville Road.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF UNFIT HOUSING.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following ordinances were adopted affecting unfit housing and on which the property owners had indicated they would not contest the orders:

- (a) Ordinance No. 348-X ordering the demolition and removal of dwelling at 4423 Monroe Road.
- (b) Ordinance No. 349-X ordering the vacating and closing of dwelling at rear of 410 Mill Road.
- (c) Ordinance No. 350-X ordering the demolition and removal of dwelling at 1511 Wilmore Drive.
- (d) Ordinance No. 351-X ordering the demolition and removal of dwelling at 2917 Washburn Avenue.
- (e) Ordinance No. 352-X ordering the demolition and removal of dwelling at 3708 Simmons Street.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 448.

Motion was made by Councilman Short, and seconded by Councilman Withrow, to adopt the following ordinances affecting unfit housing, and which the property owners had indicated would be contested:

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- (a) Ordinance No. 353-X ordering the vacating and closing of dwelling at 919 Belmont Avenue.
- (b) Ordinance No. 354-X ordering the vacating and closing of dwelling at 1012 Harrill Street.
- (c) Ordinance No. 355-X ordering the vacating and closing of dwelling at 1025-27 Harrill Street.
- (d) Ordinance No. 356-X ordering the vacating and closing of dwelling at 1109 Harrill Street.
- (e) Ordinance No. 357-X ordering the vacating and closing of dwelling at 1604 Harrill Street.
- (f) Ordinance No. 358-X ordering the vacating and closing of dwelling at 1620 Allen Street.
- (g) Ordinance No. 359-X ordering the vacating and closing of dwelling at 1700 Allen Street.
- (h) Ordinance No. 360-X ordering the vacating and closing of dwelling at 908 Belmont Avenue.
- (i) Ordinance No. 361-X ordering the vacating and closing of dwelling at 1228 Seigle Avenue.

Mayor Belk asked if anyone present would like to speak to the orders. No one present spoke for or against the proposed orders.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 453.

CONTRACT WITH WILBUR SMITH AND ASSOCIATES FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THREE INTERSECTIONS UNDER THE TOPICS PROGRAM, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving subject contract with Wilbur Smith and Associates for the preparation of plans and specifications for three intersections under Topics Program, at an estimated cost of \$12,000 which will be reimbursed 100% by the North Carolina State Highway Commission.

MR. TOM FINLEY APPOINTED TO PLANNING COMMISSION FOR AN UNEXPIRED TERM.

Councilman Short moved appointment of Mr. Tom Finley to fill an unexpired term on the Planning Commission to expire June 30, 1974. The motion was seconded by Councilman Withrow, and carried unanimously.

SPECIAL OFFICER PERMITS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman McDuffie, and unanimously carried, special officer permits were approved for the following, each applicant having been approved by the Police Department:

- (a) Issuance of permit to Horace R. Bissette for use on the premises of Jefferson Standard Building and Jefferson First Union Building.
- (b) Renewal of permit to Woodrow Freeman for use on the premises of Charlotte Park and Recreation Commission, North Kings Drive.

TRANSFER OF CEMETERY DEED.

Motion was made by Councilman Calhoun, seconded by Councilman Withrow, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Margaret Goodwillie, for Graves No. 1 and 2, in Lot No. 757, Section 6, Evergreen Cemetery, at \$160.00.

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CONTRACT WITH HUD FOR FEASIBILITY STUDY OF SUGAR CREEK AS A RIVER, PARK, BUSINESS COMPLEX, AUTHORIZED.

Mr. Burkhalter, City Manager, stated everyone has heard so much about the Sugar Creek Project, and three or four times it has been announced that it looked as though the City was going to get it. That the City has now been offered a contract in the amount of \$145,000 for the feasibility study of Sugar Creek as a River, Park, Business Complex. The federal government has prepared, with the city's help, this contract, and has offered it to the City.

Councilman Jordan moved approval of a contract with HUD for a feasibility study of Sugar Creek as a River, Park, Business Complex, in the amount of \$145,000. The motion was seconded by Councilman Alexander.

Councilman McDuffie stated he has been reading about this for years. That this is talking about a creek that has to have more than a cleaning out to make it useable for this kind of project. That he finds it difficult for him to support this no matter where the funds come from when we cannot answer the question about flood control and dredging out the same creek a few blocks up. That he wishes both could be done and satisfy more people. But to do a commercial project while people are being flooded out does not seem consistent to him. That he will have to vote against the project with the understanding that he cannot defend how we can spend \$8.0 million eventually, if it worked out to develop \$10.0 million worth of property values when we have people on the creek who are often flooded. That we offer relatively no assistance in their dredging program.

Councilman Jordan stated the purpose of this canal is to have dams; you will have to have a lake to hold the water, otherwise you would not have a continuous flow all the time. That he is sure when this is done, that it will remedy the flooding we are having now. This water will be dammed and the lakes and locks will make a continuous flow of water all the time. Councilman McDuffie replied it has never been explained to him that it would make any major contribution to flood control; they have always said we cannot do anything on a stretch of the creek because it will flood upstream or downstream if we do not do the whole thing. Now, we get the picture if we can do one or two miles in the center, we will somehow have flood control.

Mr. Cruther Ross, Architect, stated the whole idea is to try to control all the flooding all the way. That in this study we will start at the head of the creek; the creek starts in the northern part from a drainage ditch. That we will start at the point the creek actually starts and will take the water flows and work it all the way down, taking into consideration what has to be done in order to control flooding.

Councilman Jordan stated all the emphasis has been put on the area from Fourth down to Princeton. But that water will have to be backed up and dammed up, otherwise you would not have a continuous flow of water. Mr. Ross stated they have already been looking in the Belmont area all the way up to Cordelia Park and they are working in that area also to actually clean up the creek. That this will be another step. This is just one of the steps.

Councilman McDuffie stated he has had hundreds of complaints from people who live on the creek banks that the City will not cut the first bush off for them. That we now have a million dollars in hand that we cannot get for dredging and flood control because we do not have \$4.0 million to do those apartment houses. He stated he cannot support this program before something is done about that program.

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Mayor Belk stated he would like for the press to give Congressman Jonas credit for working on this; that the city would never have gotten the seed money if it had not been for his efforts. Also, Senator Jordan is on the Engineering Committee for the Senate and he has been working on this whole flood control program.

Councilman Jordan stated Senator Jordan and Congressman Jonas are due a great deal of credit for this but it was really the dogmatic attitude of Mr. Jerry Tuttle who has been pushing this all along, along with the Mayor's help, and everyone else. But Mr. Tuttle went after this and kept after it so he is due a great deal of credit for this.

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

YEAS: Councilmen Jordan, Alexander, Calhoun, Short and Withrow.
NAYS: Councilman McDuffie.

COUNCIL ADVISED A BREAKFAST MEETING IS SCHEDULED FOR TOMORROW MORNING AT RED CARPET INN.

Mr. Burkhalter, City Manager, stated Councilmembers have on their desk a notice of a breakfast meeting tomorrow morning at 7:30 o'clock a.m., at the Red Carpet Inn at which time they can discuss freely and equally everything they wish. That shortly after breakfast, the City Attorney wishes to discuss with Council, in private, matters concerning a law suit.

REPORT ON COUNCILMAN WHITTINGTON'S PROGRESS.

The City Manager advised that Councilman Whittington is in physical therapy now, and is responding well. That he would like to thank everyone for the cards and good wishes.

PROGRESS REPORT ON LEAF PICKUPS.

Councilman Withrow asked if the City is still picking up leaves; that he has has a number of calls that the leaves have not been picked up. He stated if the time needs to be extended then extend it for a week or so. That he has two locations where the people say the leaves have been there for two weeks. Mr. Hopson, Public Works Director, stated the time has been extended and everything in the City will be completed by Wednesday. That the crews have been cut from 20 to 10.

REQUEST THAT STUDY BE MADE OF PROVIDING SPACE THROUGHOUT THE CITY FOR EMERGENCY VEHICLES.

Councilman McDuffie stated there is something the City should be looking into down the road at budget time. He stated the other night there was a TV program on Emergency Vehicles. That as the City gets larger our system of emergency vehicles will have to be changed. He stated he would hope that the city in its studies, especially when new fire stations are built, would try to plan room in the stations for an emergency vehicle. Other cities have shown that fire stations are located throughout the city and there can be people trained who are willing to do a dual job and can provide the service of having oxygen and resuscitator and all the things that go along with saving a life.

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CITY MANAGER REQUESTED TO MAKE STUDY OF PROCEDURES AND PRACTICES OF CITY COUNCIL MEETINGS AND BRING RECOMMENDATIONS THAT WOULD RESTRICT APPEARANCES TO THE AGENDA.

Councilman Calhoun stated he has been concerned for sometime about the length of these Council Meetings, and the fact that an awful lot of time is wasted. That he thinks citizens participation from the floor is highly desirable and is welcome when the subjects are proper. Often there are matters in these hearings that necessitate some discussion; however, many times people get up and talk and they are proud of the sound of their own voice.

Councilman Calhoun suggested that the City Manager be instructed to take a good hard look at all the practices and procedures and come back to Council with a suggestion that could really restrict appearances to the agenda or on certain due notice, and perhaps Council could limit its own roundtable discussion. In matters of extreme importance, or in emergency measure, then these things should be on the agenda. That he thinks we need to cut these meetings down to size - leave the chaff out and deal with the wheat.

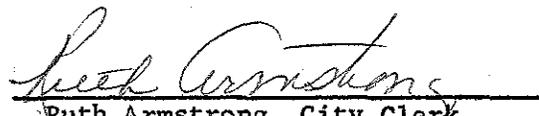
Mr. Underhill, City Attorney, replied that Mr. Withrow requested a similar type of study and he undertook to do that with the five largest cities in North Carolina concerning their practices of persons appearing before Council to speak on various subjects. He stated he has responses from four of the five cities as to what their policies and practices are. That he will be able to give a report to the Council and Manager on that particular aspect. That his study deals with persons appearing before Council and the practice of handling the scheduling of persons appearing before Council.

Councilman Withrow stated the Housing Authority has started publishing their whole agenda; that he would like to see Council do this. That if a Councilman wishes to bring up a matter then he should put it on the agenda and let the people know it is coming up and they can be present.

Councilman Jordan stated a lot of little things brought up at the meetings should be turned over to the City Manager and let him handle it and not take the time to discuss it with him at the meeting.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk