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A regular meeting of the City Council of the City of Charlotte, North Carolina was held on Monday, July 16, 1973, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Alexander, McDuffie, Short, Whittington, and Withrow present.

ABSENT: Councilwoman Ruth M. Easterling was absent at the beginning of the meeting and came in during the first hearing as noted in the minutes. Councilman Sandy R. Jordan was absent for the entire meeting.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its hearings on the Zoning Petitions, with Commissioners Albea, Boyce, Finley, Jolly, Kratt, Ross and Royal present.

ABSENT: Chairman Tate and Commissioners Moss and Turner.

* * * * *

INVOCATION

The invocation was given by Councilman James B. Whittington.

MINUTES APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short and unanimously carried, the minutes of the last meeting, on July 2, 1973, were approved with the following correction: Page 91, second paragraph, second line, change the word "Tryon" to "Pine".

CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED TO RETIRING EMPLOYEES.

Mayor Belk recognized the following employees, thanked them for their services to the City, and presented each with a City of Charlotte Employee Plaque:

- (1) Albert H. Scott, Chief Accountant, Finance Department, Employed June 9, 1947, and retired June 29, 1973.
- (2) James Murray, Laborer II, Utility Department, Employed April 21, 1961, and retired June 29, 1973.
- (3) Walter Allen Wood, Accountant III, Urban Redevelopment Department, Employed March 27, 1965, and retired June 26, 1973.
- (4) Richard C. Doster, Equipment Operator I, Traffic Engineering Department, Employed March 23, 1960, and retired June 26, 1973.

COUNCILWOMAN EASTERLING COMES INTO MEETING.

Councilwoman Easterling came into the meeting during the first public hearing and was present for the remainder of the meeting.

HEARING ON PETITION NO. 73-24 BY MICHAEL D. HERNDON FOR A CHANGE IN ZONING FROM O-6 TO I-2 OF TWO LOTS FRONTING A TOTAL OF 100 FEET ON THE SOUTH SIDE OF CHARLES AVENUE, BEGINNING 50 FEET NORTHWEST OF YADKIN AVENUE.

The public 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. Bryant, Assistant Planning Director, stated this is a request to change from office to industrial land located on Charles Street, between North Davidson Street and Yadkin Avenue; the property has two single family houses located on it; it is adjoined on Davidson Street by a sheet metal shop; across Charles it is used predominately for residential uses with a child care center located at the corner on Charles and Yadkin Avenue. To the rear of the

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property is one multi-family house beside it at the corner of Yadkin and Charles. There is a predominance of single family residential uses along Charles Avenue, Yadkin Avenue and some of the other streets in the vicinity. Across Matheson Avenue begins a general pattern of non-residential uses of light industrial which extends back along Davidson and along Yadkin from the other street.

He stated the subject property has industrial zoning adjacent to it coming out to Davidson Street; the subject property is zoned O-6 and that classification carries all the way to Yadkin. There is a general pattern of R-6MF extending along Charles, Yadkin and the other streets in the general vicinity.

The subject property has industrial zoning on one side, continuing office zoning on the other side and to the rear, and multi-family zoning on the two remaining sides.

Mr. Robert Potter, Attorney for the petitioner, stated the petitioner's father owned the Allied Sheet Metal Works, and when Matheson Avenue was put through, about 20,700 feet was taken from them because of the highway. Mr. Michael Herndon purchased the property hoping to get it changed to I-2 to allow them to expand their sheet metal work.

At present the property is abutted on the east side by office zoning, on the south side by Matheson Avenue, and on the west side by industrial. If the request is granted, it will still be abutting on office zoning on the east, Matheson Avenue on the south, and industrial on the west. They are only extending it 100 feet along Charles Avenue. Mr. Herndon owns the lot on the corner of Charles Avenue and Yadkin, zoned O-6, and they have not requested that to be changed; but they are requesting the I-2 be extended down Charles.

Mr. Potter passed around three pictures showing the sheet metal shop, the area requested rezoned, and the property immediately across the street and stated they feel this is a reasonable request.

(Councilwoman Easterling came into the meeting at this time, and was present for the remainder of the Session.)

Reverend Paul Horne, representing the North Charlotte Action Association, the people in the community, and the people on Charles Avenue, stated they are asking that this request be denied for several reasons. One, it is close to a neighborhood elementary school; it is only 2 1/2 blocks from the property requested rezoned. In the last two years, this school has been enlarged; and they are hoping they will get sidewalks; they were told they would not and the children have to go into the street, and any more traffic in this area could be double jeopardy for the children. Two, it would be detrimental to the value of the property and to the people who have owned their property for a long time, and they would like to remain there. If the request is granted, the buffer zone of O-6 would be eliminated except for about a 50-foot lot between I-2 and Yadkin Avenue.

He stated there are a number of retired persons in the community, and in the last three or four years they have improved their properties looking toward the time they would not have to move and would be able to live in the community without worrying about having to move. He stated they do not have any big buildings or outstanding landmarks in the way of buildings which would be generally considered as historic; but he believes if this newly appointed Historic Preservations Commission would do some investigation they would find this area has some points of history for Charlotte, and would be an asset in the history of manufacturing and such in Charlotte.

Reverend Horne stated the people in the community have filed this petition of protest because they are concerned about their community, and in the past four years have tried to improve it.

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

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HEARING ON PETITION NO. 73-27 BY GUS COLLIAS FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF A PARCEL OF LAND 193' X 150' AT 2008 AND 2010 FLORAL AVENUE.

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. Bryant, Assistant Planning Director, stated this request is for a change from R-6 to O-6 of property located on Floral Avenue which has on it single family residential usage; it is adjoined on the East Boulevard side by the Scholtz Greenhouse business. The other sides of the property are adjacent to residential facilities. There are single family houses down Floral; single family houses directly across Floral from the property and also to the rear of the property fronting on Scott Avenue. Along East Boulevard is a variety of commercial activities.

He stated there is B-2 zoning adjacent to the property on the Greenhouse use side; then residential zoning on the other three sides of the property. The zoning pattern and landuse pattern follows similar features in terms of zoning and business uses.

Mr. Nick Miller, Attorney representing the petitioner, stated Mr. Collias has lived on this property for the past 25 or more years, and raised his family there. That he realizes zoning is a must in all of Charlotte; but that zoning should not be done in such fashion that you zone property out of use or almost to that extent. Mr. Bryant has pointed out that all the property around it is residential in use; but if you look at the zoning map you see that the property south of this property is all zoned B-2 and used by a florist and it is completely covered with hot houses. Behind the property all the way the entire length of the back line of the property is zoned R-6MF. He stated it does not matter that there are single family houses on the property today, if it is zoned R-6MF and these houses can be removed and apartments built there, then this vacant property, the subject of this petition, any one interested in using it would take those things into consideration. Mr. Collias tried to sell this property several years ago and could not get one offer. That he is here today seeking relief; he has owned this property all this time and paid taxes and upkeep has gone out of sight on any property. This property is unimproved and if he lets it grow up in weeds, the City will send out and give a notice to either clean it up or the City will clean it up for him.

Mr. Miller stated he is asking that all of the property be rezoned to O-6. If Council should decide that is too much, and more than they can give, then Council can rezone one or two of the lots O-6, and then zone the next two lots R-6MF, and that will be immediately adjacent to single family units there now. This man's property is right next to a B-2 zoning. He could find no one interested in buying this property to put single family residences right next to B-2 zoning.

Mr. Miller stated there are four lots; the first and second lots are vacant; Mr. Collias' home is on the third lot, and the fourth lot is vacant. That Mr. Collias has no present plans that would change the immediate use of the property. He would like to do something to get some relief if it is rezoned.

Mr. Jack Pentes, speaking for his Mother, Lucielle Pentes who lives in the house adjacent to the subject property, and the other residents in the neighborhood who signed the petition in protest, stated Floral Avenue concentrates the deepest penetration of business on East Boulevard. If this petition is granted it will go into the completion of the second block of commercial activity on Floral Avenue; the first block and three quarters being presently occupied by the Scholtz Greenhouse. That the Scholtz Greenhouses were there prior to Mr. Collias taking possession of the property in the same evidence they are today. That the situation on Floral Avenue has not changed drastically in 25 years. To extend it into the second block with four more lots would eventually create more commercial activity/ and eventually the people,

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mostly older and retired, next to the property would come to Council to rezone their property in order to sell and get out. In granting this petition, you would be contributing towards the eventual and systematic disruption of a neighborhood in a part of this city that is currently making great efforts and some stride to rehabilitate itself. That he is talking about Dilworth. On August 18, the Dilworth Community Association will celebrate the Dilworth Jubilee in Latta Park as a way of expressing to Charlotte and its citizens the fact that Dilworth has made progress; they have stopped decay; they have rehabilitated homes, and they have made a vibrant community on the edge of downtown Charlotte come back to life.

Mr. Pentes stated the people in the neighborhood have asked him to speak on their behalf and to ask Council to help them preserve their neighborhood and the neighborhood characters.

Mr. Jim Ritch stood in opposition to the petition.

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

HEARING ON PETITION NO. 73-29 BY BLYTHE PROPERTIES, INC. FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF TWO LOTS, AS FOLLOWS: (1) 75' X 185' ON THE SOUTH SIDE OF WESTFIELD ROAD, BEGINNING 326' WEST OF SELWYN AVENUE: (2) 75' X 221' ON THE NORTH SIDE OF CROYDON ROAD, BEGINNING 160' WEST OF SELWYN AVENUE.

The public 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. Bryant, Assistant Planning Director, stated the request is in two parts. It involves one lot having frontage on Westfield Road, and the other lot having frontage on Croydon Road. The property in question constitutes the first lots on their reflective side of the streets away from Selwyn Avenue. The lot located on Westfield has on it a single family house, which is vacant. The one lot on Croydon Road is vacant. Those lots are adjoined on the Selwyn Avenue side by a solid block of vacant property extending from Westfield to Croydon. The other adjacent land uses to these two lots down Westfield and down Croydon is single family residential. At the intersection of Croydon and Selwyn there is an existing apartment house; there are several apartment uses on Selwyn Avenue. Generally speaking the two lots are adjoined on one side by vacant property, fronting on Selwyn Avenue, and by residential on the other side.

He stated there is R-6MF zoning along Selwyn Avenue including the vacant property. Behind that down Westfield and Croydon Road as well as a number of other streets in the area there is R-12 single family zoning.

Mr. Maury Johnston, Attorney representing Blythe Properties, Inc., stated this request is to rezone the rear portion of property that Blythe owns facing Selwyn Avenue. They intend to construct a condominium on the property, and the additional lots will afford them the possibility of increasing the number of units from 54 to 68 units, and would entail an eight story building rather than a six story building. By adding the additional units it will be of benefit to the entire property because it will allow them to put additional luxuries into the units, such as swimming pools, tennis court, and primarily a 24 hour security system.

Mr. Johnston stated they have attempted to meet with the neighbors to explain what they have in mind and to explain that in any event there will be a six story building as the plans are firm on that and they are going forward. The question is simply whether they have a six story or an eight story building. If this request is allowed the two lots in question will not be used for the construction of any of the living units. They will be primarily greenways with possibility of recreation facilities such as the tennis court on them. He stated they met with the Myers Park Homeowners Association, explained the plan to them, and assured them the use of the two lots, and they have advised they have no objections.

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Mr. Paul Gibson, an officer of Blythe Properties, explained the plan from two schemes. Scheme II shows the use of only the front portion of the property which is currently zoned R-6MF which would permit the construction of 54 units with sufficient parking to satisfy the requirements. Under Scheme I, it takes the additional two lots at the rear and increases their density from 54 to 68 units. With the exception of a possible tennis court, the two lots will remain as greenway, permitting them to go two additional floors with the building. The trees on the site range anywhere from a height of 80 to 100 feet. The building even as eight stories is still in the trees. Additionally they would have underground parking to excavate for which would be constructed for the complete security for the tenants of the building in that they would go under the building; they can do this with the additional units. It is doubtful with 54 units to justify the economics. In designing the project they have tried to disperse the traffic for ingress and egress, utilizing all three streets, and placing no burden on any one of the streets with in and out permitted from all three streets.

Mr. Gibson stated they plan planting berms three to four feet high to shield from the street to buffer their project from the single family residences behind it, and to make beautiful backdrops for the project. He pointed out a rendering showing the building as eight stories, and stated the trees on the site will not permit much of the building to be seen. He stated except where the exact building is and where the parking lot is located, none of the trees will be disturbed. He also presented a model of the project which he explained.

Mr. Gibson stated the units will sell from approximately \$50 to \$70 thousand; they intend to break ground as soon as the matter of the rezoning is settled; they hope it will be an eight story building with 68 units; but they do intend to proceed with the building of 54 units if the rezoning is denied.

Councilman Short asked if all parking will be underneath? Mr. Gibson replied no; there will be underground parking of one parking space per apartment, and the balance is surface parking.

Mr. Ted DuBose stated he is a homeowner on the block of Croydon Road that is of concern today. That they have sent a petition around and canvassed the neighborhoods of only the adjacent blocks to the subject property. Out of the homeowners on the two blocks concerned they have approximately 85% signatures on the petition in protest. Out of 36 or 37 lots concerned on Westfield and Croydon Road, all but about eight signed the petition; some of those were out of town, and some decided to go along with the petition.

Mr. DuBose stated they object to the height of the building. Of all the apartment houses in the area none are above two stories, so that an eight story building would be higher than anything in the area. Also they are down Croydon Road ten to twelve feet below the height of the building and already are one or one and half story below the height of the property. They believe the eight story building will overpower the neighborhood. The hedges and berms will not hide the parking or the condominium. The traffic is the second major concern they have. The addition of the 54 units will greatly increase the traffic on Westfield and Croydon Road. The swimming pool will be built whether it is six or eight stories, so the tennis court is the only thing in question. The lot on Croydon Road which is to be rezoned will be used partially for a tennis court; they do not plan to light the court now, but once it is sold to homeowners they make their own decision as whether or not to light a tennis court. They feel the rezoning would seriously encroach on the single family residents, and would be an invasion of their privacy.

He stated they are concerned that the rezoning could creep down the block. Eventually they may all be back up here asking for a rezoning of their single family property. Approximately five or six months ago, Dr. Long came before Council and asked for a rezoning on Croydon Road and this was turned down. This lot is across the street on Croydon approximately 150 yards up the road. They do not think there is any question but the trees will not do any good especially in the winter time. He stated they are definitely opposed to the eight story building.

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Mr. Ceasor Cone stated his neighbor Ted DuBose has presented the notes they compiled jointly.

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

HEARING ON PETITION NO. 73-25 BY ELTON B. TAYLOR FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A PARCEL OF LAND 100' X 120' AT 2541 DEHERRADORA STREET.

The public hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, stated the property is located on Deherradora Street, near Wilkinson Boulevard, and is located at the rear of the Park and Shop on Wilkinson Boulevard. There is one single family residence located on the property with the remainder vacant land.

It is adjoined on the front by the rear of the Park and Shop; to the rear of the property is one duplex and single family houses north of it; to the north of the property is vacant property on both sides of Deherradora; immediately opposite is one single family house. There is a commercial parking lot associated with the retail facilities in the area.

He stated there is business zoning along Wilkinson Boulevard. The subject property is part of a tier of office zoning installed between the business and the multi-family which begins to the north of it. There is multi-family zoning on one side of the subject property; office zoning on two sides and business zoning on the fourth side.

Mr. Elton B. Taylor, the petitioner, stated the use of the property surrounding his property makes it totally impractical for residential use. The property is a one story, two bedroom residence, and is directly in back of the Park and Shop. It is undesirable for residential use because of the large trucks serving Park and Shop loading and unloading just across the street. It is very difficult to keep the house rented. The tenant turnover is considerable, making maintenance costly, and it remains vacant a good part of the time. For this reason it has been impossible to sell the property for residential use. This property was bought in 1960 and at that time it was surrounded by business establishments; that he understands the O-6 was set up as a buffer zone, and if you look at the map it is the only O-6 at that point, and is just as undesirable for office use as residential use.

Mr. Taylor stated he has no plans to use the property; he has had no offers for the property for any purpose. His purpose is merely to be able to do something with the property.

Mrs. Jolly asked if he has ever tried to use it for office? Mr. Taylor replied he has it with a rental agent who will rent it to anyone; but in that location it is not conducive to an office use. Councilman Withrow asked what type of retail store would he put in, and Mr. Taylor replied similar to the other side of the street where there is a drug store.

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. 73-26 BY CARTER L. REDD, JR. FOR A CHANGE IN ZONING FROM R-9 TO I-1 OF APPROXIMATELY 20 ACRES OF LAND LOCATED NORTHWEST OF THE END OF CUSHMAN STREET WEST OF SUGAR CREEK ROAD AND SOUTH OF INTERSTATE HIGHWAY 85.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is west of Sugar Creek Road, is vacant property and is surrounded principally by vacant property. There is a creek to the rear of the property separating it from industrially zoned land. There is considerable residential zoning

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along Cushman Street, between the subject property and Sugar Creek Road. The property immediately east is vacant at present and is the property the city has purchased for a park site - Hidden Valley. There is scattered single family development along Wilton Lane, and along Sugar Creek Road is a combination of residential and business uses. Along I-85 to the northwest of the property is some industrial activities.

He stated there is a solid single family residential pattern extending all the way through Sugar Creek Road to the creek which is at the rear of the property; west of the creek is a pattern of I-1 and I-2 zoning. Immediately around the subject property except for the one side is existing R-9 zoning.

Mr. Bryant stated the Park and Recreation Commission acquired part of the land from the petitioner, and probably did not have the money available to acquire the entire tract.

Councilman Whittington asked if this is the big park the Park and Recreation Commission is talking about in northeast Charlotte? Mr. Bryant replied it is not the real big park, but is the one discussed the other day in terms of improvements; it is approximately 30 acres and is referred to as Hidden Valley Park. The big parks are at Beatties Ford Road and Plaza Road.

Mr. Richard Vinroot, representing the petitioners, stated his clients own the entire 65 acre tract that runs behind the creek all the way over to I-2, all the way out to Sugar Creek Road. Before the City Council condemned the front portion of the land the entire tract was R-9 up to the creek and then the I-1 over towards I-85. He stated the property was acquired by Park and Recreation short of the final proceedings on condemnation; there was an offer to purchase and a refusal and condemnation proceedings instituted, negotiations and they were ready for the Commissioners to hear it, and it was settled. The matter was resolved and they sold the front portion to the Park and Recreation Commission in May of this year. Access to the remaining R-9 property is through Cushman Street; and they had no access except for the fact in the conveyance and in the deed to the City of Charlotte, they were left with a right of way over a small piece of land that runs up to their boundary on the right hand side that allows them to come in Cushman Street for access to the R-9 tract.

Mr. Vinroot stated there are no plans and no purchasers; they had a very desirable and attractive R-9 tract of land, and they were very reluctant to sell to the City of Charlotte; they tried to sell the whole R-9 tract to the City but the City could not purchase the R-9 tract, and finally did purchase what his client calls the "wheat" leaving the petitioner with what he calls the "shaft". He stated there is no market for the R-9 tract as such; with access to Sugar Creek as they once had it through the front portion of the property it was a tract for residential and apartments for condominiums. He stated they are saying the City has the best portion, and they have the less portion, and would like, and have had some interest, in the entire remainder of the tract - 15 acres of I-1 and 20 acres of R-9, and they would like to have it all zoned I-1 to be able to sell it.

Councilman Whittington asked about the egress and ingress on this property if rezoned? Mr. Vinroot replied he would not think it would be through Sugar Creek, and the desirable would be back towards I-85 service road. At this time they have an entrance to Cushman Street through the city's park street.

Councilman Whittington stated to think about using that street for heavy trucks would be impossible. Mr. Vinroot replied they are not proposing to use that; but it is their only access at present. Councilman Whittington asked Mr. Vinroot if he will propose to the petitioner to give Council a document that this street would not be used for an entrance to an industrial park? Mr. Vinroot replied he will be glad to propose that to the petitioner. Councilman Whittington stated this is one of the things he would want to see before considering making a change. He also requested Mr. Vinroot to discuss this with the Chairman of the Planning Commission and with the City Attorney.

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Councilman Alexander stated he would like to have information from the Park and Recreation Commission on why they are not interested in the remainder of this land before deciding on this.

Councilman Short stated the intent here would be to place this land with someone who would use it industrially; he asked if the Redds plan to do that themselves? Mr. Vinroot replied they live in Columbia and have owned the land since 1948, and have not been moving one way or the other; that he does not know of any interest on their part.

Councilman Short stated he is getting to the point with reference to the City negotiating, which Mr. Vinroot calls a condemnation. The Redds had in mind to sell the land in any event, so they got value from the city. That it is a little bit out of order to make the heavy out of the City because the people got the money for the land. Mr. Vinroot replied they were reluctant and they eventually sold at the price the City offered before condemnation only because they were told it was a fair price. The petitioners apparently have had no great interest in selling, and they have had a number of offers. Councilman Short replied he does not think they can make too good a case that these people are entitled to a certain rezoning because the City has put them behind the eight ball because he does not think it is that way. Mr. Vinroot replied that is the petitioner's argument; that he would not take the position it is not a fine place for a park and they did not get a fair price, as they did.

Councilman Withrow asked if they would consider any other zoning, such as multi-family? Mr. Vinroot replied the only reason they did not ask for that is because they have not been given any recommendations by the realtors who represent them locally that it would be a desirable alternative.

No opposition was expressed to the proposed rezoning.

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

ADD HEARING ON PETITION NO. 73-28 BY JAMES A STIMMONS FOR CHANGE IN ZONING -

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:32 p.m., and reconvened the meeting at 3:52 o'clock p.m.

\$3,100,000 BOND ORDERS AUTHORIZED.

Mayor Belk announced this is the date and hour fixed by City Council for the hearing upon the orders entitled:

- (1) "Order Authorizing \$1,300,000 Public Building Bonds",
- (2) "Order Authorizing \$800,000 Recreation Facilities Bonds",
- (3) "Order Authorizing \$750,000 Storm Drainage System Bonds", and
- (4) "Order Authorizing \$250,000 Sidewalk Bonds",

and the Council will hear any and all citizens and taxpayers who might desire to speak for or against the issuance of said bonds.

The City Clerk advised that no protest in writing signed by any citizen or taxpayers has been presented.

Mr. Tom Sykes, residing at 3535 Carmel Road, appeared in person and protested against the issuance of the bonds.

Mr. Sykes stated again we are faced with another indebtedness for our tax monies to retire. Governments do not spend monies that do not come from taxpayers, and he has preached this for a number of years. We had a recent bond election which added to our bond indebtedness. If his memory and his facts serve him correctly at that time the people were promised that certain bonds would be retired to relieve our purse. Here we are now adding an

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additional \$3.1 million to the taxpayers' indebtedness. The excellent bond position this city now has in financial circles is due in part to the wise handling of bond issues in the past. That he is beginning to wonder who really sponsored the legislation in our general assembly; that he does not think it was the voters that asked that their right to vote on bond issues be taken away from them. That he thinks it was a combination of big city boys who went to Raleigh and said they were not getting what they wanted out of voters, and just sidestep them. So we have circumvented the voters for millions of dollars of public funds to be used without the voters having a voice. That only leaves the voters one choice, and that is to change the elected officials. The issue is not that these projects are good, bad, necessary or unnecessary. They are not debating the validity of what Council is attempting to do with this \$3.1 million. They are only asking the question why the voters have not been allowed to speak, It is a major decision. Council made promises during the last bond campaign, and now several months later they proceed to add an additional \$3.0 million debt to the overburdened taxpayers' bills. Mr. Sykes stated it is his belief this Council knew in advance that our State Legislature would pass a bill allowing this type of financing. That he feels this group also knew during the recent bond election that this \$3.0 million expenditure would be available through legislative action without the voters consent.

He stated to add a \$3.0 million additional tax load to the voters should bring about some recollection at election time. The people have not lost confidence in the Council; it appears the Council must have lost confidence in the voters; apparently the State Legislatures have also lost confidence in the voters. These decisions have been handled justly and wisely by voters in the past. The State, County and City elected officials must bear the responsibility for this circumvention of voter sayso in the expenditure of these sums of money.

Mr. Sykes stated the credibility of what Council is attempting to do, and what it is asking the money for is not a matter of question. It is a matter of the handling of the matter. For this Council to spend \$3.1 million of bond order - it is not a bond issue any more - is an indication of their loss of the confidence of the voters as to their wise ability to handle these matters as they have over the many past years. He asked that this issue be presented to the voters as they are the ones who will have to pay for it.

Councilman McDuffie asked if it would help Mr. Sykes to know the date of the Bill authorizing this type of bond offer? Mr. Sykes replied it would help him to know the date the City Government started working with the legislators on this; not when the Bill was passed. Mr. Underhill, City Attorney, stated this provision has been in the North Carolina Constitution since 1868; this part of the constitution was slightly revised in 1971 by the General Assembly with this provision not being changed at all and submitted to the voters as a constitutional amendment which was approved in a statewide referendum. The language in the constitution is similar to that of the Statute. All the Statute does is to recite what the constitution says. This provision has been in the North Carolina Constitution for a long time. The new budget and fiscal control act which was passed by the 1971 General Assembly and became effective July 1 of this year contains this language; but this same language was in the old fiscal control act. The new law contains language that was in both the old fiscal control act and which has been in the constitution.

Mr. Sykes stated he has not questioned the constitutionality of this, nor has he questioned the credibility of the actions in what they desire to do.

Mr. Burkhalter, City Manager, stated the reason this probably has not been used before is because in a growing climate where cities and counties are growing and the need for additional funds is apparent every year for capital improvements it is very difficult to pay off more money than you issue new bonds. This past year, the City did not issue any bonds, and it did pay off between \$4.0 and \$5.0 million; therefore, the law allows us to issue 2/3 of what is paid off in a net savings the year before. This has seldom occurred, and that is why this is possible this year. The reason this is being done at this particular time is that the City has authorized several million dollar sale of utility bonds which are to be sold in August. If we wait until after August then we cannot enjoy this net gain for this period of time.

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Mr. Sykes stated the selling point in the most recent bond campaign was these bonds would be retired and we could add this additional bond monies to our indebtedness. That these are statements made by the Committees. Mr. Burkhalter replied the theme of the last bond sale was that the bond would be sold without increasing the property tax rate. Mr. Sykes stated that was not the message received by the voters; it was that we would retire bonds so that these additional bonds would not affect the indebtedness. He stated it was a promise to induce the people to vote for a bond issue that indebtedness would be reduced by a certain number of bonds being retired so that we could add to our bond indebtedness this amount. Councilman Short stated that is still true. Mr. Sykes stated but now they are adding an additional \$3.1 million.

Mayor Belk asked Mr. Sykes if he knows of any city this year or in the last five years that has gone up in its bond rating? Mr. Sykes replied he is not really concerned with any other city; that he thinks we should stay at home and do a little homework here. Mayor Belk stated as the City's bond rating has gone up he thinks they should all be congratulated. That this rating was achieved by doing a good job on the financing.

Mr. Sykes stated we have a good tax structure in this City, and his main interest and desire is to keep it in that position and not spend monies like this without voters consent. The projects are probably worthwhile and are probably necessary. But that is not the issue he is bringing before this Council. If you are going to spend \$3.0 million and you are going to put \$3.0 million of tax load on these voters, then you should let them decide whether or not they want it.

Councilman McDuffie asked about the rest of the budget; that Council gets the facts and all the information on all the financing of the city and we cannot expect the public to come down here as Mr. Sykes does and know all about city government and have an opinion on projects whether they are good or bad. So when we have a bond election that is exactly what he is asking the public to do is to be knowledgeable and determine whether these are good items or not. Here Mr. Sykes comes today and has not said the first word for or against these projects; but wants to talk about the system of getting the money. To him it is an extension of the Council's authority to do what is necessary for the city. If Council makes a determination these projects are worthwhile, then it is a matter of financing. If this method is available, then it is the same as putting it in the tax rate. But it is deemed to be advisable to use the bond indebtedness to allow people who will become a part of the City next year to help pay this.

Thereupon upon motion of Councilman Short, seconded by Councilman McDuffie, and carried, the order introduced and passed on first reading on July 2, 1973, entitled: "ORDER AUTHORIZING \$1,300,000 PUBLIC BUILDING BONDS", was read a second time and placed upon its final passage.

Councilman McDuffie stated he has some reservations about using this kind of authority and excluding the public from voting on bond issues. But having seen the information and having sat in this seat for two years it becomes obvious that you do not always have current revenue, and you cannot do all you need to do out of current tax rates, and you have an obligation to decide if projects are worthwhile, and you must use what is available at the time to do the job as you think it needs to be done. If there is some question about whether the police and fire training station is needed, then he would have hoped the people would have come today and talked about that subject. But he personally thinks this investment is for the good of the community and we need to support the police and fire and see that they have the best training that is available. Hopefully it will be a regional facility that can be used by other communities that will pay the cost of using it, and that it will be something that Charlotte-Mecklenburg will be proud of and will be able to use for the next 50 years or longer. For that reason he will place his vote for it with the idea that a lot of people will criticize it about excluding the public. It is very difficult for the public to be knowledgeable about all the things that City Council must make decisions on. If the public did have reservations about anyone of these items, and in particular this one, he thinks Council should have heard the discussion on the merits of it. Based on the facts we have and the need for this facility he can support it.

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Councilman Whittington stated he would commend Mr. McDuffie for what he has said. But he has to take a different view for several reasons. Since he has been on this Council he has been a proponent and supporter of every bond issue we have had, and has been out with the citizens on every occasion trying to sell that particular bond issue. The last two were no different from all the others. But in that last bond issue, he thinks Council went to the citizens perfectly clear and stated that these were absolute needs and should ask the citizens support in order to catch up with programs that the City had undertaken. Also this \$3.1 million was turned down last September by the citizens of this community. That is another reason he will have to vote no today. Third, the Verner Company is talking about something like \$1.9 million and the City Manager has about \$300,000 in the budget for property, and all of these are unknown figures at this time. Fourth, the people have not had an opportunity to vote for it. Fifth, the first time he heard about this proposal was in the Charlotte News in headlines; Council had no input into, or he did not; all he knew was what he read in the paper. That he cannot vote for this today because of these reasons.

Councilman Withrow stated he has made it absolutely clear how he feels on these issues, and he endorses what Mr. Whittington has said.

The vote upon the final passage of said order was:

AYES: Councilmembers Short, McDuffie, Alexander and Easterling.

NAYS: Councilmen Whittington and Withrow.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$1,300,000 PUBLIC BUILDING BONDS" had passed.

Councilman Alexander stated the next order on Recreation bonds will make it possible for parks to be begun in these areas where citizens have asked that park consideration be given. They have expressed a need, and it is because of that expression of need and this opportunity to make it possible to get these parks going, that he is supporting this item. That he has not heard anyone protesting the use of this system of fund raising to make these parks possible in these areas where they are to be instituted. These are the areas of communities that we have heard much concern about where it has been said they have been overlooked; that no attention is given to them. This will enable the city to get going on three parks in areas where there is a need.

Thereupon upon motion of Councilman Alexander, seconded by Councilwoman Easterling, and carried, the order introduced and passed on first reading on July 2, 1973, entitled: "ORDER AUTHORIZING \$800,000 RECREATION FACILITIES BONDS" was read a second time and placed upon its final passage.

Councilman Withrow stated for the same reason he is personally against this as from the bond referendum we had we thought we had picked out the most important things for citizens to vote on. That he went out to civic clubs and asked for the passage of these as they were the most important things, so he will have to vote against this also.

The vote upon the final passage of said order was:

AYES: Councilmembers Alexander, Easterling, McDuffie and Short.

NAYS: Councilmen Whittington and Withrow.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$800,000 RECREATION FACILITIES BONDS" had passed.

Councilman Whittington stated the Sidewalk Bonds and Storm Drainage System Bonds are the only two issues of this bond package that he can feel inclined to vote for. When you talk about Storm Drainage System here is a program where the people were just here two weeks ago from the Briar Creek Basin and the Sugar Creek Basin and told Council about their problems of their property washing away. This is an effort we have tried to do something about for about five years with the Corps of Engineers, and he believes this is a brother

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helping a brother or a citizen who lives on the hill trying to do something for the person who lives at the bottom of the hill who is flooded continuously, some as late as last night. For that reason his convictions are that we should approve this.

Thereupon, upon motion of Councilman Whittington, seconded by Councilman McDuffie, and carried, the order introduced and passed on first reading on July 2, 1973, entitled: "ORDER AUTHORIZING \$750,000 STORM DRAINAGE SYSTEM BONDS", was read a second time and placed upon its final passage.

Councilman McDuffie stated the public has not in the past been fully informed about the cause of flooding, mainly poor zoning regulations that allow people to build in the flood plains, and because of the development of parking lots in shopping centers and apartment houses. Every piece of pavement, including driveways cause water to run off faster and it causes streams to flood now that did not use to flood. This is a city wide problem, and all contribute to it. For that reason he can support all participating and doing something about creeks and streams that need to be dredged and cleaned out so that water can flow off without flooding the people who have already built on the flood plains.

Councilman Withrow stated he agrees these two items are needed, not only for Sugar Creek but Briar Creek should be included also. But he thinks it should have been in the bond package if it was this necessary; we had flooding before the last time. That he agrees it is needed, but he thinks the people should vote on these issues and if needed, then include all the creeks and go for a bond referendum to the people.

Councilman McDuffie stated he understands this is a starting place and is seed money to get federal participation. The Corps of Engineers is suppose to put up a million dollars and that is the reason for this \$750,000 to start on Sugar Creek.

The vote upon the final passage of said order was:

AYES: Councilmembers Whittington, McDuffie, Alexander, Easterling and Short.
MAYS: Councilman Withrow.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$750,000 STORM DRAINAGE SYSTEM BONDS" has passed.

Thereupon, upon motion of Councilman Short, seconded by Councilman Whittington, and carried, the order introduced and passed on first reading on July 2, 1973, entitled: "ORDER AUTHORIZING \$250,000 SIDEWALK BONDS", was read a second time and placed upon its final passage.

Councilman Short stated he has absolutely satisfied himself, beyond any question, that what is involved here will not necessitate an increase in the 25 cent levy for debt service, either next year, or what is being done now will not in the years ahead necessitate an increase in this. If it would entail an increase in this figure he would feel as though he was going back on his own word. But he has absolutely satisfied himself on that. Over the next approximately six years, we will be issuing approximately \$26.2 million of tax supported bonds. That he is convinced and is absolutely certain it will not necessitate an increase in the 25 cent levy.

Councilman Withrow stated in the last bond referendum why did we not have \$500,000 instead of the \$250,000 if we needed \$250,000 more and let the people vote on it. If we need these things, we need to go out on another bond referendum.

The vote upon the final passage of said order was:

AYES: Councilmembers Short, Whittington, Alexander, Easterling and McDuffie.
NAYS: Councilman Withrow.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$250,000 SIDEWALK BONDS", had passed.

On motion of Councilman Alexander, and seconded by Councilman Short, the City Council directed the Clerk to publish each of the said orders in The Charlotte Observer, together with the appended note as required by The Local Government

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Bond Act, as amended.

The vote was as follows:

AYES: Councilmembers Alexander, Short, Easterling and McDuffie.

NAYS: Councilmen Whittington and Withrow.

RESOLUTION AGREEING TO PROVIDE THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY \$327,000 FOR THE OPERATION OF THE CIVIC CENTER FOR THE 1973-74 FISCAL YEAR.

Motion was made by Councilman Alexander and seconded by Councilman Whittington to adopt a resolution agreeing to provide the Auditorium-Coliseum-Civic Center Authority \$327,000 for the operation of the Civic Center for the 1973-74 Fiscal Year.

Councilman McDuffie stated he has been here for over two years and each time we talked about the Coliseum Authority which now includes the Civic Center, there was no debate because of the pending lawsuit. We are now down to the meat of the matter, and no matter what happens in the lawsuit this appropriation can be affected by what has gone on in the past. The developments in the recent past appointing Mr. Fennell as Finance Officer has made him sleep a lot easier, knowing they will get some control they had not counted on. That he finds it extremely difficult to support the granting of public funds to a branch or subdivision, or so-called separate tax district, that is removed from the direct control and supervision of the elected officials that are supposed to be responsible for all the monies that belong to the public. That he has not heard any discussion on the merits of having separate tax districts for a board of appointive members which in many cases has been political appointments, and somewhat like Tammany Hall for reward or consolidation for lost elections. There has been no discussion at this table as to why the Civic Center should not be a department of the City, somewhat like the Greensboro Center is operated. In his judgement it should be a department of the City that does not duplicate personnel, payroll.....

Mayor Belk interrupted stating he will have to rule Mr. McDuffie out of order. If he would like to make a statement later he can, but this motion is just on this one point.

Councilman McDuffie stated he intends to read the statement. It pertains to the financing of the Coliseum. Mayor Belk stated what he has said so far has nothing to do with the motion. This is one issue and it is indicated on the agenda as Item No. 10.

Councilman Withrow stated this is to start off the new building. In order to start it up and to save taxpayers money we already have in there, you have to have something to get started. Councilman McDuffie stated that is exactly right and the good possibility is the building will never generate enough money to sustain itself. The philosophy of the governing body makes a lot of difference in how much deficit the taxpayers have to put up every year. That he wants to object because the Coliseum-Authority members.....

Mayor Belk interrupted and stated Council does not mind his objections; the only thing he is trying to say is that we should stay on this particular issue.

Councilman Alexander stated it makes it difficult for him to arrive at a concern as expressed here by virtue of the fact that Mr. McDuffie has a law suit against the City in regards to the Coliseum Authority. That he has never been told clearly where the conflict of interest begins and the conflict of interest stops as regards his position as an elected official, and also suing the City on a matter on which he also passes on. Councilman Alexander stated he cannot ever tell whether he is arguing his suit or whether it is a matter of City concern. That it confuses him, and makes it difficult to understand just what point it is.

The Mayor stated the Chair is open to any discussion on Item No. 10 only. If there is any other matter each will have the privilege of presenting it later.

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Councilman McDuffie stated he is proposing that part of the funds these people get be used for inservice training. That the Coliseum Authority members attend, for example, a meeting in Philadelphia next week by the Managers Association of Coliseum-Auditorium Managers. Mayor Belk stated that has nothing to do with this item.

Councilman Short stated it is absolutely unthinkable that the voters of this City would vote \$10.7 million worth of building and then not expect Council to get the operation of it started and underway, and he called for the question.

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

YEAS. Councilmembers Alexander, Whittington, Easterling, Short and Withrow.

NAYS: Councilman McDuffie."

ADOPTION OF THE AIRPORT TERMINAL CONCEPT AS PRESENTED BY ARNOLD THOMPSON ASSOCIATES, INC., AND A CONTRACT WITH ARNOLD THOMPSON ASSOCIATES, INC. FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE DEVELOPMENT OF DOUGLAS MUNICIPAL AIRPORT TERMINAL COMPLEX AND A LAND USE STUDY.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the Airport Terminal concept as presented by Arnold Thompson Associates, Inc., in a conference session, and a contract with Arnold Thompson Associates, Inc. for professional services in connection with the development of Douglas Municipal Airport Terminal complex and a land use study was approved.

ORDINANCE NO. 857-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY BOUNDED BY WILMONT ROAD, SOUTHERN RAILROAD CROSSLINES, IRWIN CREEK, REID PARK AND A LINE 200 FEET SOUTH OF AMAY JAMES SCHOOL PROPERTY, ON PETITION OF CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.

Councilman Whittington moved adoption of the subject ordinance as recommended by the Planning Commission changing the zoning from R-6MF to I-2. The motion was seconded by Councilman Withrow and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 177.

ORDINANCE NO. 829-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY AT 425 AND 427 PECAN AVENUE ON PETITION OF PAUL H. MOORE, W. C. STEWART AND T. J. HAWTHORNE.

Councilman Whittington moved that the subject ordinance changing the zoning of property from R-6MF to O-6 at 425 and 427 Pecan Avenue be adopted and that the request for the change in zoning at 1940, 1942 and 1944 East Eighth Street be denied as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie.

Councilman Short made a substitute motion to deny the entire petition. The motion did not receive a second.

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

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

The ordinance is recorded in full in Ordinance Book 20, at Page 176.

CONTRACT WITH GANTT/HUBERMAN ASSOCIATES FOR DESIGN, DEVELOPMENT AND CONSTRUCTION SUPERVISION OF BELMONT CENTER, PROJECT NO. N. C. N-13, AUTHORIZED.

Councilman Alexander moved approval of the contract with Gantt/Huberman Associates for the design, development and construction supervision of the Belmont Center, Project No. N. C. N-13. The motion was seconded by Councilman Whittington.

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Councilman Short asked if this has been before the Model Cities Advisory Board? Dr. Travland replied it has not but he is sure they would have no objections to it.

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

DISCUSSION OF POLICY ON ADDING NAMES TO LIST OF ARCHITECTS AND ENGINEERS AND EMPLOYMENT OF ARCHITECTS AND ENGINEERS.

Councilman Whittington stated in June of this year, the City Manager sent Council a memorandum listing about 20 architects and said they had been approved as architects and engineers. Then on the 18th, Council received a memorandum that added the firm of Gantt/Huberman Associates. That he has no objections to them being on the list or being appointed to design this facility in the Belmont-Villa Heights neighborhood.

He asked if the names Council now has are the only architects and engineers the city is going to do business with, and if the Councilmembers as an elected body have the right to recommend architects and engineers to this list?

Mr. Burkhalter replied Council asked for the list and it was sent out as it existed. The procedure is from time to time as architects bring to the city's attention that they would like to perform business for the city, staff will review their request, and will recommend them to the Council. Without any objection from Council, they are put on the list. Any Councilmember can bring these to staff's attention in the same way.

Councilman Whittington stated he does not think this list includes everyone who would like to do city work. For example, the last three firms appointed by this Council to do fire stations are not on this list. It seems to him they should be if Council thought they were competent and capable to do this work.

Councilman Alexander stated sometime ago he raised the question about the city's policy for employing architects. That he ascertained that evidently there was not a firm policy. That he does not know if the policy talked about today is a firm policy, but to his mind it gives a beginning of what we are doing as far as getting a list of architects to be considered in handling these projects.

Mr. Burkhalter stated in employing an architect, Council has adopted a policy for this which was followed in the case above. The policy simply is that staff goes through the reviewing and the type of work that is supposed to be planned and the type of work that we want and the services the architect has given to the city, and such. Then staff makes recommendations to the Council. If Council does not like the recommendations then it can ask for another recommendation.

CHANGE ORDER NO. 2 IN CONTRACT WITH SANDERS BROTHERS, INC. FOR GREENVILLE URBAN RENEWAL PROJECT NO. N. C. R-78, IN THE AMOUNT OF \$3,100.00 APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, approving the subject Change Order 2 in contract with Sanders Brothers, Inc. for Greenville Urban Renewal Project No. N. C. R-78, in the amount of \$3,100.00.

ORDINANCE NO. 858-X AMENDING ORDINANCE NO. 708-X, THE 1973 MODEL CITIES BUDGET ORDINANCE TRANSFERRING FUNDS WITHIN THE MODEL CITIES BUDGET TO PROVIDE AN APPROPRIATION FOR THE COMPLETION OF THE REVEREND R. H. FRAZIER MEMORIAL PARK IN THE AMOUNT OF \$20,000.00.

After explanation and discussion of the park project, motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting an ordinance to amend Ordinance No. 708-X, the 1973 Model Cities Budget Ordinance transferring funds within the Model Cities Budget to provide an appropriation for the completion of the Reverend R. H. Frazier Memorial Park, in the amount of \$20,000.00.

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The ordinance is recorded in full in Ordinance Book 20, at Page 178.

ORDINANCE NO. 859-X AMENDING ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE, ESTABLISHING AN APPROPRIATION FOR THE OPERATION OF THE OEO SUMMER RECREATION PROGRAM, IN THE AMOUNT OF \$60,000.00.

The program was explained by Dr. Travland, Director of Model Cities. Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, an ordinance amending Ordinance No. 828-X, the 1973-74 Budget Ordinance, establishing an appropriation for the operation of the OEO Summer Recreation Program, in the amount of \$60,000.00, was adopted.

The ordinance is recorded in full in Ordinance Book 20, at Page 179.

During the discussion, Councilman Whittington stated he has had a number of calls from people about this program, and he would like to be able to answer the questions. He requested Dr. Travland to send him a letter containing all the information he related to Council today about how the money is spent.

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE-MODEL CITIES AND COMMUNITY HEALTH ASSOCIATION (SPECIAL ACTIVITIES FOR GOLDEN AGERS)

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject contract for technical or professional services between the City of Charlotte-Model Cities and Community Health Association (Special Activities for Golden Agers), in the amount of \$23,133.00.

Councilman McDuffie asked if Model Cities is making contact with the County, hopefully using the State Legislators that have been in the Model Cities Neighborhood, and he is speaking of David Jordan, and Caroline Mathis, about the needs for some of the programs in Model Cities, and since they do have an interest, and other legislators do, he would hope Dr. Travland would use their influence with the county about taking over some of these projects that should be countywide. Dr. Travland replied they have not taken that step yet. They have asked the county to pick up three or four of their programs partially. Councilman McDuffie stated now is the time for this.

NOMINATIONS TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION CONFIRMED BY APPOINTMENT.

The City Manager advised that the County Commissioners approved the Council's nominations to this Commission in meeting this morning. Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the following nominations to the Charlotte-Mecklenburg Historic Properties Commission were confirmed for appointment.

City Council nominations -

- 1. Mr. Thomas Storrs
- 2. Mrs. Mildred P. Alridge
- 3. Mrs. Charles Crawford
- 4. Mr. Michael Robinson
- 5. Mrs. Barbara Casstevens

Board of Commissioners' nominations -

- 1. Mr. Harry Dalton
- 2. Mr. James A. Stenhouse
- 3. Mrs. Frances Gay
- 4. Mr. Edgar Love
- 5. Mr. William A. Kibler

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Councilman Alexander stated the County Commissioners have named an ex-officio member, and he suggests that Council name an ex-officio member. The County named Dr. Glasgow, and he would like for Council to name him as the ex-officio member so that he can get the project going.

Councilman Whittington moved that Councilman Alexander be named as the ex-officio member of the Historic Properties Commission. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION ESTABLISHING THE FILING FEES FOR CANDIDATES FOR THE OFFICE OF CITY COUNCILMAN AND MAYOR FOR MUNICIPAL ELECTIONS TO BE HELD IN NOVEMBER, 1973.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting resolution establishing the filing fees for candidates for the office of City Councilman at \$100.00, and the filing fee for candidates for the office of Mayor at \$200.00 for Municipal Elections to be held in November, 1973.

The resolution is recorded in full in Resolutions Book 9, at Page 231.

Councilman McDuffie requested that the following letter from the Fraternal Order of Police be included in the record as it has a few comments about this action:

"Dear Councilman:

It is with deep and sincere dedication to public service and more specifically law enforcement in Charlotte-Mecklenburg that we feel compelled to register our voice in opposition to the rate of increased salary recently approved for the City Manager and City Councilmen.

Our organization was represented by committee to discuss salary and other benefits with City officials earlier this year. Our reception was less than considerate and our requests were ignored completely. In regards to salary, we were told that the national guidelines had been set by presidential action, that the President had set a maximum of 5.5% for salary increases nationally and that it would be a violation of these guidelines to give a larger salary increase than that. As worthy as we thought our cause to be, we certainly did not want to violate federal economic policy, and with this in mind we willingly accepted your decision to grant us only a 5.5% increase in salary.

It was therefore with complete surprise and bewilderment that we read on July 3, 1973 of your decision to grant the City Manager a 9.23% salary increase, almost twice the federal guideline and to grant yourselves a 16.66% salary increase, which is more than three times the guideline set by the President of the United States to control inflation. From this action we can only assume that the federal guidelines were set for a certain class of working people, whereas while we were discussing our salary increase with City officials, we were given to understand that these guidelines applied to everyone. The only other explanation for your action that we can find is that your motivations for election are strictly self-serving as opposed to dedication to public service.

If we had been told that we were not getting a larger salary increase due to the fact that we were not making attempts to improve our services to the people of Charlotte-Mecklenburg, we would have offered some evidence to the contrary, for we do not believe that any employees of the City have better prepared themselves to meet the demands of the citizens of Charlotte-Mecklenburg than have the police officers. As evidence we would have offered the announcement by our Chief of Police in a report to you that 125 officers have acquired Associate degrees and another 25 have already received their Bachelor degrees. He stated also that approximately 150

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more were presently enrolled in degree work. In addition, the City is spending many thousands of dollars for training police officers. The 1973-74 budget reflects that about 3200 hours will be spent training our officers this year. We do not believe that this record of education and training can be surpassed or equalled by any City employees, including yourselves. We would have also offered as evidence the fact that we are also meeting the demands being placed on us by the citizens of Charlotte-Mecklenburg for better law enforcement by better preparing ourselves for our presentations in court. And it is this court in which we are required to spend many hours over and beyond our regular duty for which we receive absolutely no compensation.

However, this was not the reason given by you for denying us a larger salary increase. The reason given was that we must conform to the national guidelines, and it is therefore extremely difficult for us to understand your decision to ignore these guidelines in increasing your salary and that of the City Manager.

For the City fathers to be totally oblivious to our justifiable requests while they vote themselves a salary increase three times greater than the federal guidelines not only surprises us but leads us to conclude that our City government leaves a lot to be desired.

Yours truly,

H. M. Ferrell
President"

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT THE FINANCIAL STATEMENTS OF THE MODEL CITIES DEMONSTRATION PROGRAM, NO. ME-32-001 - FOURTH ACTION YEAR.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was approved with Peat, Marwick, Mitchell and Company to audit the financial statements of the Model Cities Demonstration Program, No. ME-32-001 - Fourth Action Year, in the amount not to exceed \$8,000 which is fully reimbursable by the Department of Housing and Urban Development.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR CULVERT AND ROADWAY CONSTRUCTION AT BRIAR CREEK AND SHARON ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, approving the subject Change Order No. 1 in contract with Crowder Construction Company, increasing the contract price of \$203,723.75 by \$4,218.00, for culvert and roadway construction at Briar Creek and Sharon Road.

CONTRACTS FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION, APPROVED.

Councilman Withrow moved approval of the following contracts for water main and sanitary sewer construction, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Contract with Hedgemore Corporation for the construction of approximately 410 feet of 6" C.I. water main and one (1) fire hydrant, in Mockingbird Lane, inside the city, at an estimated cost of \$2,200.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.

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- (b) Contract with Koger Properties, Inc. for construction of approximately 960 feet of 8" C.I. water main and two (2) fire hydrants, to serve properties abutting on Executive Center Drive, outside the city, at an estimated cost of \$6,100.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (c) Contract with Hobart Smith Construction Company for construction of approximately 6,470 feet of 8", 6", 2", 1½" water mains and six (6) fire hydrants, to serve Heritage Woods East Subdivision, Section II, outside the city, at an estimated cost of \$30,900.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (d) Contract with Ed Griffin Company for construction of approximately 11,720 feet of 8", 6", 2" water main and ten (10) fire hydrants, to serve the Yorkwood Subdivision Section 2, outside the city, at an estimated cost of \$59,000.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (e) Contract with G. W. Baan and T. P. Eillott, Jr., Owners in a joint venture, for construction of approximately 310 feet of 6" C. I. water main to serve property abutting on Stoney Ridge Trail, outside the city, at an estimated cost of \$1,400.00. Funds will be advanced by applicant under terms of existing city policies as related to such water main construction.
- (f) Contract with New South Properties, Inc. for construction of approximately 6,740 linear feet of 12-inch trunk beginning on McAlpine Creek Outfall, thence northwest through Marlwood Acres Subdivision to Albemarle Road; thence on north to Wood Lakes Site, outside the city, at an estimated cost of \$101,235.00. The applicant has deposited \$19,060.00, as estimated cost of right-of-way and 10% of construction cost. Applicant is to deposit the remainder upon the receipt of bids. No money is needed from the city and refund is as per agreement.
- (g) Contract with Avery Products Corporation for construction of approximately 1,600 linear feet of 8-inch trunk sewer from the existing manhole on the trunk at Barrington Drive extension, southeast to Dillard Drive; thence northeast in Dillard Drive to serve Dixie Tag and Label Company, outside the city, at an estimated cost of \$18,440.00. The applicant has deposited 100% of the estimated cost. Refund is as per agreement and no money is needed from the City.
- (h) Contract with The Westminster Company for construction of approximately 3,580 linear feet of 8-inch trunk sewer beginning at McAlpine Creek Outfall, thence northeast parallel to Old Monroe Road, outside the city, at an estimated cost of \$35,000.00. Applicant is to construct at his own cost and the city is to own, maintain and operate. No money is needed from the city and the city is to receive all revenue from the trunk.
- (i) Contract with Edwards Lumber Company for construction of approximately 930 linear feet of 8-inch sewer main extension in Monroe Road, beginning at McAlpine Creek Outfall; thence in a northerly direction along Monroe Road to serve #8800, outside the city, at an estimated cost of \$11,340.00. The applicant has deposited 100% of the estimated cost and city forces are to construct. The City will own, maintain and receive all revenue and refund is as per agreement.

ENCROACHMENT AGREEMENTS WITH SOUTHERN RAILWAY COMPANY AND THE DEPARTMENT OF TRANSPORTATION AND SAFETY, APPROVED.

Councilman Short moved approval of the following encroachment agreements with Southern Railway Company and the Department of Transportation and Safety, which motion was seconded by Councilman Withrow, and unanimously carried:

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- (a) Resolution authorizing an encroachment agreement with Southern Railway Company for an 8-inch water pipe line at Nations Ford Road, at a cost of \$50.00 to cover administration costs.

The resolution is recorded in full in Resolutions Book 9, at Page 232.

- (b) Encroachment agreement with the Department of Transportation and Safety permitting the City to construct an 8-inch VCP sanitary sewer line within the right of way of Statesville Avenue, US 21.
- (c) Encroachment agreement with the Department of Transportation and Safety permitting the City to construct a sanitary sewer to serve Milton Road at Barrington Drive.
- (d) Encroachment agreement with the Department of Transportation and Safety for the installation of the 8-inch C.I. water main in the I-85 Service Road.
- (e) Resolution authorizing an encroachment agreement with Southern Railway for an 8-inch sanitary sewer line at Newell, North Carolina, in the amount of \$50.00 to cover administration costs.

The resolution is recorded in full in Resolutions Book 9, at Page 233.

PAYMENT TO MR. HARRY G. BROWN, APPRAISER, IN THE AMOUNT OF \$4,000.00, FOR APPRAISING THE DAMAGES SUSTAINED AT CAROLINA GOLF CLUB, INC., DURING CLANTON ROAD EXTENSION PROJECT.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, payment was approved to Mr. Harry G. Brown, Appraiser, in the amount of \$4,000.00, for appraising the damages sustained at Carolina Golf Club, Inc., during Clanton Road Extension Project.

ORDINANCE NO. 860-X TRANSFERRING FUNDS FROM THE GENERAL FUND UNAPPROPRIATED BALANCE TO THE POPLAR STREET WIDENING PROJECT FOR THE PURCHASE OF A BUILDING AT THE CORNER OF THIRD AND POPLAR STREETS.

Councilman Whittington stated as he understands it the city has bought one building on the southwest corner of Fourth and Poplar Streets for the Poplar Street Widening program. The subject property is on the northwest corner of West Third Street at Poplar Street, and this is for the Poplar Street project as well as the Third Street project. He asked why they are starting at that end of the street program rather than at Trade and Poplar Streets? The Public Works Director replied because this property is vacant; the man has said he had negotiated to put a long term lease in there. If he did that the City probably would not be able to get the new tenant out without paying residual damages; he has offered to sell this property for \$55,000 and he thinks the city has a real bargain.

Councilman Whittington stated the memorandum to Council stated they were negotiating other properties? The Public Works Director replied they will be as they become vacant. Councilman Whittington stated he would like to point out one; that he is talking about property that faces Trade on the corner of Poplar and Trade Streets. The owner of the property has not been able to get a suitable lease since the city started talking about Poplar Street; the property is vacant now, and this is a person the city staff should see and try to negotiate that property. If there was ever a question of a hardship, and almost condemning his property without use of it, it is this property. He stated he will give the Public Works Director his name so that he can talk with this man.

Councilman Whittington moved adoption of the subject ordinance transferring funds, in the amount of \$71,000, from the General Fund Unappropriated Balance to the Poplar Street Widening Project for the purchase of a building at the corner of Third and Poplar Street.

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

The ordinance is recorded in full in Ordinance Book 20, at Page 180.

Councilman Whittington moved approval of the acquisition of 100' x 89.6' x 100' x 89.6' of property at the northwest corner of West Third Street, including a two-story brick commercial building, from Juanita C. Hobbs, Trustee, under a trust under a last will and testament of David J. Hobbs, at \$55,000 for the Poplar Street Widening project. The motion was seconded by Councilman Withrow, and carried unanimously.

PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 6.95' x 14.13' x 11.52' of easement at 2617 Southview Street from Rea Construction Company, at \$1.00, for proposed right of way of Lancaster Street at Southview Street.
- (b) Acquisition of 60' x 453.58' of easement North of N. C. #51 (239.32 acres), from Leitner S. Miller (widower) at \$2,200.00, for Irwin Creek Crossover Sanitary Sewer Construction Project.
- (c) Acquisition of 15' x 487.62' of easement at 10300 Johnston Road, off Highway 51, from Belle W. Johnston, at \$488.00, for sanitary sewer to serve Oakcreek Apartments Project.
- (d) Acquisition of 15' x 910.28' of easement at 8324 Highway 51, from Henry N. Pharr II, Trustee, at \$900.00, for sanitary sewer to serve Oakcreek Apartments.

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.

Motion was made by Councilman Whittington, seconded by Councilman Withrow and unanimously carried, adopting the subject ordinances ordering the removal of weeds and grass, at the following locations:

- (a) Ordinance No. 861-X ordering the removal adjacent to 2301 Sanders Street;
- (b) Ordinance No. 862-X ordering the removal adjacent to 2327 Celia Avenue;
- (c) Ordinance No. 863-X ordering the removal adjacent to 2006 Russell Street;
- (d) Ordinance No. 864-X ordering the removal adjacent to 912 Rodey Avenue;
- (e) Ordinance No. 865-X ordering the removal at 724 Herrin Avenue;
- (f) Ordinance No. 866-X ordering the removal adjacent to 5309 Ruth Drive;
- (g) Ordinance No. 867-X ordering the removal adjacent to 4033 Seaförth Drive;
- (h) Ordinance No. 868-X ordering the removal at 2912 Clemson Avenue;
- (i) Ordinance No. 869-X ordering the removal adjacent to 3012 Clemson Avenue.

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 181 and ending at Page 189.

SPECIAL OFFICER PERMIT AUTHORIZED

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the following special officer permit was authorized for a period of one year to Mr. Leonard Newman Lowder for use on the premises of the Charlotte Park & Recreation Commission property.

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REVEREND PAUL DRUMMOND APPOINTED TO FILL EXPIRED TERM ON CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Motion was made by Councilman Alexander, seconded by Councilman Whittington and unanimously carried appointing Reverend Paul Drummond to the Charlotte-Mecklenburg Planning Commission for a three year term to expire June 30, 1976.

CLAUDE L. ALBEA TO BE RECOGNIZED FOR SERVICES RENDERED TO THE COMMUNITY AS A MEMBER OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Alexander moved that proper recognition be given to Mr. Claude Albea for his years of service to the City of Charlotte as a member of the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

APPOINTMENT TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY DEFERRED.

Councilman Short stated there are three nominees to fill this expired term on the Auditorium-Coliseum-Civic Center Authority and one Councilmember is absent today, and he moved that the appointment be deferred until the next meeting. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR CONSTRUCTION OF WATER MAIN ALONG U.S. HIGHWAY 74 (WILKINSON BOULEVARD) AND S.R. 1662 (TUCKASEEGEE ROAD).

Councilman Alexander moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$118,147.50 on a unit price basis for construction of a 12 inch water main along S. R. 1662 (Tuckaseegee Road) and U. S. Highway 74 (Wilkinson Boulevard). The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$118,147.50
Thomas Structure Company	123,678.50
R. H. Wiggins, Inc.	128,367.50
A. P. White & Associates	134,437.50

CONTRACT AWARDED BEN B. PROPST COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNK TO SERVE 4600 INTERSTATE-85 NORTH.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Ben B. Propst Company in the amount of \$45,799.00 on a unit price basis for construction of sanitary sewer trunk to serve 4600 INTERSTATE-85 North.

The following bids were received:

Ben B. Propst Company	\$ 45,799.00
Thomas Structure Company	46,478.00
Sanders Brothers, Inc.	54,642.00
R. H. Wiggins, Inc.	56,646.00

CONTRACT AWARDED BAGBY ELEVATOR & ELECTRIC COMPANY FOR DUAL ELECTRICAL SERVICES AT IRWIN CREEK WASTEWATER TREATMENT PLANT.

Councilman Withrow moved award of contract to the low bidder, Bagby Elevator & Electric Company, in the amount of \$114,100.00 for Dual Electrical Services, Contract No. 5, for Irwin Creek Wastewater Treatment Plant, subject to final approval by the Environmental Protection Agency and the N. C. Department of Water & Air Resources. The motion was seconded by Councilman Whittington, and carried unanimously.

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The following bids were received:

Bagby Elevator & Electric Co.	\$114,100.00
Electrical Contracting & Engr.	129,455.00
National Electric Co.	134,400.00
Industrial Electric Co.	137,500.00
Austin Electric Co.	148,888.00

ALL BIDS RECEIVED FOR SANITARY SEWER CONSTRUCTION TO SERVE KAHALA CORPORATION, REJECTED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, all bids received for sanitary sewer construction to serve Kahala Corporation were rejected at the request of the applicant.

CONTRACT AWARDED MOORE AIR CONDITIONING COMPANY FOR FIRE STATION NO. 2, 1215 SOUTH BOULEVARD.

Councilman Short moved award of contract to the low bidder, Moore Air Conditioning Company, in the amount of \$8,700.00 for air conditioning Fire Station No. 2, 1215 South Boulevard. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Moore Air Conditioning Co.	\$ 8,700.00
Air Masters, Inc.	9,003.00
A. Z. Price & Assoc., Inc.	9,457.00
Ross & Witmer, Inc.	9,878.00
Climate A/C of Charlotte	10,451.00

CONTRACT AWARDED AMERICAN STRUCTURES COMPANY FOR MOBILE OFFICE UNIT FOR SANITATION DIVISION OF PUBLIC WORKS DEPARTMENT TO BE LOCATED ON SEIGLE AVENUE.

Councilman Alexander moved award of contract to the only bidder, American Structures Company, in the amount of \$7,095.00 for the construction of a complete 12' x 40' Mobile Office Type Unit for the Sanitation Division of Public Works Department, to be located at the Public Works Complex, on Seigle Avenue. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED MORETTI CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF REVEREND R. H. FRAZIER MEMORIAL PARK.

Motion was made by Councilman Short to award contract to Moretti Construction Company on the reduced low bid of \$85,308.00 for the general construction of the Reverend R. H. Frazier Memorial Park. The motion was seconded by Councilman Withrow and carried unanimously.

The following bids were received:

Moretti Construction Company	\$ 98,660.00
Crowder Construction Company	163,450.00
Roger Brothers Company	175,000.00

CONTRACT AWARDED HENSLEY & MOSLEY, INC. FOR ELECTRICAL CONTRACT FOR REVEREND R. H. FRAZIER MEMORIAL PARK.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, contract was awarded Hensley & Mosley, Incorporated on a negotiated low bid in the amount of \$15,000 for the electrical contract for the Reverend R. H. Frazier Memorial Park.

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The following bids were received:

Hensley & Mosley, Incorporated	\$ 16,374.00
Driggers Electric & Control Company	19,245.00

ORDINANCE NO. 970-X AMENDING ORDINANCE NO. 363-X, THE 1973 MODEL CITIES BUDGET, TRANSFERRING FUNDS WITHIN THE MODEL CITIES BUDGET TO PROVIDE AN APPROPRIATION FOR THE OIC CENTRAL ADMINISTRATION.

Mr. Burkhalter, City Manager, stated he has an emergency item to bring to Council for action concerning the temporary allocation of \$20,000 from the Model Cities' supplementary funds to cover the cost of the central administration operations of the Opportunities Industrialization Center (OIC) program whose funds were terminated July 15, 1973.

Councilman Alexander stated staff has met on this and requested that OIC give substantiating documents to give a clarification of their workers' program, and he has that report before him. He stated staff has approved their recommendations; that he set with them along with the Mayor and they approve what has been submitted.

Councilman Alexander moved adoption of the ordinance transferring \$20,000 within the Model Cities budget as recommended. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 190.

REQUEST OF RESIDENTS OF SHERWOOD FOREST AREA THAT SOME ACTION BE TAKEN ON THE FLOODING OF THEIR PROPERTIES FROM McMULLEN CREEK: CITY MANAGER REQUESTED TO SET UP MEETING WITH COUNTY COMMISSIONERS AND DRAINAGE COMMISSION BEFORE THE NEXT COUNCIL MEETING.

Mrs. Ernest Brown, 4918 Addison Drive, stated she is appearing as spokesman for a group of landowners along upper McMullen Creek in the Sherwood Forest area, and they appear in support of the proposal to include money for flood control in this bond issue; that it is a wise and farsighted step by the Council, and a recognition of a serious and growing problem. She stated they fully understand the reasons for beginning the project along Sugar Creek and are thankful that residents in that area will finally receive long overdue relief. At the same time, they say you cannot stop there; the program must continue and other areas of the city must have immediate relief.

Mrs. Brown stated in Sherwood Forest, McMullen Creek has long been a nuisance; now it is no longer a nuisance, it is a threat. Over the past 15 years, the area has grown and developed a hundred-fold; homes, commercial buildings, and parking lots now exist where there was once only woods and fields. Yet the same outmoded drainage system which served Sherwood Forest 15 years ago still serves the area; it is inadequate, and dangerous. McMullen Creek now gets out of its banks with frightening regularity. The most recent major occurrence was June 15 when yards and streets were flooded, furnaces ruined and water almost entered several homes. Worst of all, sanitary sewers overflowed, creating a health hazard.

Mrs. Brown stated their inquiries to the Planning Commission, City Manager and City Engineer have brought sympathy and understanding but no action. They did get the following information from them: First, the problem has been a long time coming and the city has been acutely aware of it for years; as long as 10 years ago studies predicted the kinds of floods we have today. Yet the City of Charlotte has continued to allow wholesale development and even the building of homes within flood plains, without taking any action to prevent a disaster. Second, there is universal agreement the only acceptable solution is the channelization, or dredging, of McMullen and other affected creeks. They are told only this can prevent the major flood that is bound to occur and is predicted by the Corps of Engineers. Third, they are told only the Mayor and City Council can get the job done; they are told that it costs money, and the money can be spent only if Council makes the policy decision.

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She stated they are here today to ask Council to do what must be done. Words cannot adequately express how serious they consider the problem, or how insistent they are to get relief. The City has been amply warned before that development would create a flood problem. Now, the City must pay a price for its growth.

Mrs. Brown stated they want Council's assurance that it will act and act now; they want Council to do its job for them.

Councilman Withrow stated that is why he said earlier there are other creeks beside Sugar Creek that should have been included in this bond order; that all of them should have been included.

Mrs. Brown stated McMullen Creek does not empty into Sugar Creek; it eventually empties into McAlpine Creek. She stated they want to do their part to help Council do whatever has to be done.

Councilman McDuffie stated the County has some money for this. He asked if this group has approached the County about helping on this? Mrs. Brown replied they are starting where they feel the important people are.

Councilman Whittington asked the City Manager if he has attempted to set up a meeting of the Drainage Commission, the County Commissioners and the City Council on this problem? Mr. Burkhalter replied they are attempting to do this now; some work has been done on it.

A lady residing at 4833 Stafford Circle stated a man from the Engineering Department came out and looked at the problem at the request of her husband; that he sympathized with them but said they would have to come to City Council.

Councilman McDuffie stated he does not want to leave the impression with these people that City Council is the only source for them to get help; the County does have \$100,000 or more in their budget for drainage, and we are all located in Mecklenburg County, and these funds could be spent for this creek as well as any other. What we have to do is to change our policy because right now this money is the only amount we have for creeks.

Mayor Belk stated it is his opinion we are behind in the problem of the creeks in the county and in the city, and he would like to push this and put it on the front burner, and push together. Not only on this one spot but all of them in the city and county. That it cannot be done just by the City, but we can push the federal government to help with it.

Councilman Whittington requested the City Manager to make every effort to have a meeting set up for Council, County Commissioners and the Drainage Commission to address ourselves to this problem before the next Council Meeting if physically possible.

Councilman Withrow stated the other councilmembers have just voted on some bonds, and perhaps some of these items were not quite as important as this item. Maybe some of those items out of that \$3.0 million could all be put to this problem.

Mr. Burkhalter stated Council did say this was most important and has said it on several occasions. They had proposals for Sugar Creek and Briar Creek, and Council itself reduced it to Sugar Creek and said it was the most important, and the most important thing in this City in drainage is from Freedom Park to the City Limits to get this work done. The next thing Council has said is to go up Briar Creek; and to his knowledge they have not had a program presented to them on McMullen Creek. In the program approved today, in order to allow for inflation, extra cost that you run into, there is \$250,000 over the estimated cost of the first cost in this matter. It is so written that it can be used for any major drainage project in this city. After they find out the cost of this particular project, they hope there will be some funds that can be used for Sugar Creek, Briar Creek, McMullen Creek and such.

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Councilman McDuffie stated what Council has said in the past is that we cannot do anything for any of the other creeks until we start at the bottom end. This is the starting place, and it has to start someplace. All the creeks have to be done eventually, but you have to start at the bottom. What bothers him is the lack of coordination between the City Council and the County Commission. That it is not logical to clean out a creek inside the city if the county does not do something on out in the county. Since the county covers everybody the drainage problem should be in their hand so they can do the whole county.

Councilman Whittington stated the point is that it has to be done together, and Council should make an effort to get with these other two agencies as quickly as possible and see what can be done together.

CITIZEN NOT PRESENT WHEN CALLED TO SPEAK BY THE MAYOR.

Mayor Belk stated Mr. Henry T. Leviner, 3031 Clemson Avenue, has requested to speak to Council on problems of bus drivers during their daily routes.

Mr. Leviner was not present when called upon by the Mayor.

REPORT ON CHARLOTTE-MECKLENBURG AMBULANCE STUDY BY THE FIRE PREVENTION TASK FORCE OF CHAMBER OF COMMERCE.

Mr. Jim Spivey, representing the Chamber of Commerce, stated his purpose is to present to Council a report of the results of a study made by the Emergency Vehicle Sub-committee of the Fire Protection Committee of the Chamber of Commerce.

Mr. Spivey passed around copies of the full report to the Councilmembers, and stated he will not review the complete report but will review the pages outlined as Article IV, Conclusions and Recommendations.

Mr. Spivey stated after almost a year of study in the field of emergency medical service, the sub-committee has reached the following conclusions:

1. Charlotte Mecklenburg has increased in size to the point where it is extremely difficult, if not impossible, to serve the area required from one central location and still meet minimum criteria of Emergency Medical Service.
2. The increase in traffic volume on the streets and roads of Charlotte-Mecklenburg, particularly during peak volume hours, further inhibits the response time.
3. While present ambulance service personnel are receiving excellent training through the EMT-1 course at Central Piedmont Community College and other sources, the course is only offered once each year, and there is an indicated time lag between the time a new employee is hired and when he received his DOT-AMA minimum standard of training, (EMT-1).
4. The Charlotte Ambulance Service under Mr. Roddy Brandes has and is operating at a high level of service under present criteria. Continued operation of EMS under higher criteria may become impractical to the point of not continuing the service.
5. There is at present considerable activity at the federal and state level. The U. S. Department of Transportation, the U. S. Department of Health, Education, and Welfare, the American Medical Association, the North Carolina State Legislature and the North Carolina Medical Association have all been conducting independent studies and are beginning to produce detailed recommendations for the operation of EMS.

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6. While the thrust of this study was in the direction of Emergency Vehicle Service for Charlotte-Mecklenburg, our study has concluded that emergency vehicle service is but a part of the overall service needed. State and Federal studies indicate that emergency medical service is as much a part of the need as is the method by which emergencies are answered and serviced. Therefore, the conclusions and recommendations of this study will apply to Emergency Medical Service, a term which embraces all facets of mobile response to an emergency requiring medical and/or transportation services.

Mr. Spivey stated based upon the forgoing conclusions of this task force, the following recommendations are made:

1. That the City of Charlotte, in cooperation with Mecklenburg County, establish an Emergency Medical Service Council similar to the prototype called for in the 1973 Report of the N. C. Legislative Research Commission on Emergency Medical Services. Such a Council should have study and advisory powers on EMS within the community.
2. That the City of Charlotte, in cooperation with Mecklenburg County, and possibly their appointed EMS Council, undertake a detailed study of the four viable alternatives of Emergency Medical Service within the community.
3. That the Chamber of Commerce, in the interest of the best possible Emergency Medical Service of the citizens of this community, recommend to the city four viable alternatives:
 - (a) That the City of Charlotte in cooperation with Mecklenburg County establish an Emergency Medical Service as a separate department of local government.
 - (b) That the City of Charlotte in cooperation with Mecklenburg County establish an Emergency Medical Service as a section of the Charlotte Police Department.
 - (c) That the City of Charlotte in cooperation with Mecklenburg County, establish an Emergency Medical Service as a section of the Charlotte Fire Department.
 - (d) That the City of Charlotte in cooperation with Mecklenburg County continue the service with the private entity.
4. That the City of Charlotte enlist the cooperation and participation of the Mecklenburg County Medical Society in every phase of the implementation of an Emergency Medical Service, from study and recommendations to an ongoing role in the training and readiness of an Emergency Medical Service.

Mr. Spivey stated they recommend this report to Council, and urge action upon it as it is recommended.

Mayor Belk thanked Mr. Spivey and the Committee for the study and stated it will be of great interest for all to read.

Councilman McDuffie requested the City Manager to contact Mr. Brandes and have him give Council a report on the Devonshire case; if an apology is in order, then he should see that it is made. According to the newspaper report he was before the County Commissioner stating that the response time to that emergency was 17 or 19 minutes; the Driver was at the meeting at Devonshire and said it was 38 minutes. People out there were claiming 45 minutes. The information given Council through the City Manager's office was 17 or 19 minutes also.

Councilman Alexander stated he cannot accept the fact that so many citizens call him about service complaints; that he cannot believe all are fabrications. That he is not saying that perhaps there are not some unpleasant situations that arrive at times through public ambulance service. But he thinks there must be some fire where there is some smoke. But nobody ever touches on this. If there are things that do happen and need to be corrected, then he

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thinks we should talk about all of them. He stated he is not saying this is not a good ambulance service; but he cannot continue to accept the fact because of the many calls that come about the service as given by the Ambulance Service - that he is talking about the service to general poor people white and black; that he receives these calls. Something has to give somewhere. Some of these people have to be telling the truth. This is a side Council needs to know about also. Does it exist and to what extent, or what is the problem?

Mr. Spivey stated he agrees that it is not discussed to the point it should be. Really, this is what they are saying. They are asking Council, in cooperation with the County, to set up a Committee who will go into this and to whom they can report and document such cases. He stated his committee went into sufficient details to determine that in their opinion there had been no improvement, or little improvement, in the service since their last report. It was not their intent to attempt to document why the service we have now is not adequate; that is what they want Council to do. They recognize it as being inadequate. The thrust of this report is to ask Council, in cooperation with the County, to look into the matter, and come back with specific recommendation as to their findings and their recommendations for improvements.

Councilman Alexander asked why this Committee decided it could not touch on this if they were going to make this report. That Council appreciates what it has, but we still have to do as much and spend as much time now to get to the root of it before beginning to talk about some resolve.

Mr. Spivey replied they have some good information they can point this Council to, and he does not think that much time will be involved in documenting situations that will point toward the need of an improved service. They felt Council turned them down previously because of a negative approach, and they feel this time they have come with a report that is totally positive, and gives Council the opportunity to develop current status.

Councilman Short asked if Mr. Spivey recommends that the current committee, headed by Dr. Chalmers Carr, be ignored, or disbanded or what? Mr. Spivey replied no, that might be the nucleus of another committee or an expanded committee. That he believes additional input is needed to that committee. Mr. Burkhalter, City Manager, stated shortly after he came to the City, Dr. Carr asked that the committee be disbanded as it has made its report, and they do not consider themselves active.

Councilman Alexander stated he would not be willing to appoint any more committees unless they would come back with a report that includes all the facts so that council could make a decision based on a total ambulance service. He does not think Council can do that hearing reports that are partial. That he is saying this without any criticism of any committees' efforts.

Councilman McDuffie suggested that the Mayor talk with the Mr. Harris, County Commission Chairman, and give Council some idea of what the County would like to do.

Councilman Whittington moved that Council accept the report and thank Mr. Spivey and his Committee. The motion was seconded by Councilman Alexander, and carried unanimously.

PETITION REQUESTING ALLEVIATION OF TRAFFIC HAZARD AT NORFOLK-SOUTHERN RAILROAD CROSSING ON TIPPERARY ROAD.

Mrs F. Derek Jones, 711 Barrington Drive, Apt. 11, stated she is present in behalf of hundreds of residents of Charlotte who are concerned with the very dangerous situation that exists at the railroad crossing on Tipperary Road. On July 10, she and her husband were involved in a car-train accident at this crossing. Their new car was totally demolished, but fortunately they were not injured.

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She stated this is not the first accident at this crossing; there have been several accidents, and many more near accidents. That they find this menace to public safety intolerable. The precautions at this busy crossing are totally inadequate. The railroad tracks begin immediately after a curve in a road. After the last accident, a device was installed that indicated by flashing yellow light that the motorist is traveling too fast for the curve. This device does not alleviate the danger of the crossing. On both sides of the tracks, two circular railroad signs with flashing yellow lights were installed thanks to Mr. McDuffie. These lights when in operation flash 24 hours a day; they do not signal an oncoming train. She stated there is a desperate need for a device that would signal the presence of a train on the tracks.

Mrs. Jones stated the schedule of the train on the crossing is very sporadic. She learned that usually two trains cross daily; they may cross at any time of the day or night; but usually there is one that crosses between 10 P.M. and 1:00 A.M. at night. She stated the view down the track in both directions is obscured by trees and tall weeds and grass. Compounded with this is the fact that today most cars are equipped with modern conveniences of air conditioning and radios and that makes hearing the train whistle almost impossible. Another factor is the weather, or the elements. The last accident at this crossing occurred at night during a rain storm.

Mrs. Jones filed a petition signed by over 200 concerned individuals which was the result of one day of door to door campaign.

She stated she also has a petition which was written a year ago by Mr. Bill Richards whose wife was almost killed at this same crossing. It was also signed by more than 200 people. Unfortunately he was not able to follow up on his petition.

Councilman Short stated this matter has come up periodically now for five or six years, and everytime we take a little hack at it. It is time now to do what is necessary. What is necessary is just what Mrs. Jones states - a red flasher, and he would suggest that Council proceed with whatever is necessary to get a presence detector here.

Mr. Burkhalter, City Manager, stated he has instructed the Traffic Engineer to proceed with negotiations with the Norfolk-Southern Railroad to install a signal, and it will be before Council at its next meeting to approve the money for the contract; that he is going to recommend it to Council.

Councilman Whittington stated he agrees with what Mr. Short has said; something has to be done. He asked if the City cannot require Norfolk-Southern to put the cross arms in whenever a train is crossing? Mr. Burkhalter replied he does not think so. Mrs. Jones stated just a flasher indicating that a train is on the track will do.

Mayor Belk stated he hopes Council will be able to work something out to Mrs. Jones and others satisfaction.

Councilman Short stated the flasher there now makes someone less responsive rather than more responsive as it goes on 24 hours a day.

RECOMMENDATIONS AND COMMENTS ON BUS TRANSIT SYSTEM BY SEVERAL CITIZENS.

Mr. Dennis Dean, 1416 Green Oaks Lane, stated he is present on behalf of himself, friends and the Association for Better Transportation. He stated he did live one block past the end of the Midwood Bus line which is approximately 2 1/2 miles from the Square, and rode the bus every day. That he feels there should be some improvement to the Bus system. Whereupon missing his bus to the Square he could walk home faster than if he had waited for the next bus. It is generally felt that Council has waited long enough in putting words into action; we need physical signs of improvement for the everyday citizen who uses the transit system. This also should be an incentive for the non-users to jump on the bus. As of this date Council has had three studies and recommendations put before them - The Wilbur Smith Inc. report on Short Range

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Transit Needs, Mr. Braswell's Citizens Committee on Transit Needs, and Mr. Burkhalter with his report from city departments. All three had specific criteria for short range improvements; but these have been long in being put into effect. The citizens would like to see action on bus stop signs, shelters and other things as recommended by the three reports. All of these should be implemented immediately. They also feel that a Transportation Commission or department as recommended should be established immediately. In their opinion the Chairman should be a relatively young person with experience in the transportation field and not inhibited by responsible change. The Commission should consist of responsible members from all sectors of the urban area, both professional people and active in consumer service. This commission or department would act to establish needs to attract new users and improvements in furthering service to those who now use the service. The members should be appointed periodically. He stated too much emphasis is being placed on a new terminal building. The available monies should be spent on items that show results within the next three to six months, or as soon as federal assistance funds may be appropriated.

Mr. Joe Slechta stated Mr. Bill Lenfesty, 2112 Floral Avenue, was present but had to leave and he would like to present his statement to Council.

That Mr. Lenfesty wished to point out there are certain minority groups who would definitely benefit from a system of improved bus transportation. As a blind individual he can say that travel in Charlotte can be an expensive proposition. A blind person must rely on family or friends to perform in a charitable act by carting him around, or he must pay transportation for himself, often incurring the cost of a driver as well as the car payment and gas. As blind people they cannot feel truly independent as long as they are kept socially dependent upon friends or relations who are forced to pay twice the cost that an average driver has to pay. It is not just the blind who are faced with this. Members of other handicapped groups, senior citizens and domestic workers, all feel the same way and face the same kind of problem. That they can only be independent vocationally competent and active in community affairs if they have the proper resources. But they must be mobile. That Mr. Lenfesty says he cannot speak for other handicapped groups but he can say that the organized blind of Charlotte-Mecklenburg support this thrust for improved mass transportation.

Mrs. David Marrash, 1128 Queens Road, stated while she is a member of the Citizens Transit Committee and as such has a responsible interest in the transit affairs of this city, her appearance today is simply that of a private citizen who rides a bus. And a citizen who believes that action needs to be initiated now to make bus service available to every sector of this community. She believes the first step should be directed towards making the bus service effective and desirable for people to ride. That she realizes the present ownership is limited to what it can do; but there are federal funds available and more important the city and business leaders have a stake in people flow. New and widened streets soon fill up with smokey, polluting and dangerous traffic. We need to get more cars off the road than on.

She stated having stood on the Square in all weather, she can see a terminal away from the Square where people can sit and read and wait in comfort with proper police surveillance. Side benefits are many. Not only convenience but eliminating the number of vehicles on the road lessing the number of accident possibilities, more relaxed citizens who arrive at work or shopping areas without the feeling of total harrassment that happens when they drive. The proposal presented to Council two weeks ago, she believes, came at a very opportune time to get a great majority working toward our goal. She stated the need, the desirability and the benefits to this community from a revitalized bus service is obvious and clear. The next step is action, and she puts that challenge and opportunity to this Body.

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COMMENTS ON ESTABLISHMENT OF CITIZENS COMMITTEE ON URBAN RENEWAL.

Councilman Alexander stated he had planned to talk about the urban redevelopment in that the Redevelopment Commission has been abolished. That before a committee on urban renewal is established and begins moving, Council needs to get some facts about the present existence of the Redevelopment Commission, and how we can legally do some things it is now supposed to be doing; how we are to handle the personnel problems, and what it is we want urban redevelopment to do as the city has taken it over.

He stated he thinks Council needs some indepth discussion on all these things before establishing a citizens committee on urban redevelopment.

NOMINATION OF LEROY MILLER TO FILL UNEXPIRED TERM ON TREE COMMISSION.

Councilman Short stated one of the members of the Tree Commission has passed away, and he would like to place in nomination the name of Mr. Leroy Miller, Crestdale Drive, to fill this vacancy and to lie on the table until the next meeting.

CITY MANAGER REQUESTED TO SET UP MEETING NEXT WEEK TO HELP COUNCIL DETERMINE WHAT CAN BE DONE ABOUT PUBLIC TRANSPORTATION IN THE INTERIM PERIOD PRIOR TO THE REPORT IN SEPTEMBER.

Councilman Whittington moved that Mr. Burkhalter and Staff have a breakfast or luncheon meeting or afternoon session next week to help Council determine what it can do in an interim way to begin to gear up for what we know we have to do as it relates to transportation in the City of Charlotte in anticipation of the final report in September. The motion was seconded by Councilman Short.

Councilman Short stated he does not think it is real wise to wait until September and say nothing on the subject of transportation until then.

Mr. Burkhalter stated the Chairman of the Board and President of the bus company are in town today and will be here tomorrow and will be meeting with some of the people. He stated he has on his desk now a drawing of plans for a proposed shelter. Crews have been working for weeks trying to locate sites, and he would like to have something concrete to discuss with Council, and he will not have it until next week.

Councilman Whittington stated the public should know that Council is trying to work with these programs. These turnouts are something that we have been working on for a good while. But Council has to do more than that, and it cannot do it unless it gets down to the nitty-gritty and make decisions step by step on what it can do and how it will be paid for, and what the bus company is going to do.

Mr. Burkhalter then reviewed all the things that Council has done in the way of transportation since 1960. He stated some of these things are just the beginning but staff will have something for Council in a week and will set up a meeting.

Councilman Short stated of the six or eight things suggested that Council do for the bus system, not a one of them addresses what is the greatest problem - response time is what it is all about. We have not done anything that would result in quicker bus service; nor have we proposed anything that would curtail these two hour trips.

Councilman McDuffie stated he thinks Council wants to get to the marking of the bus stops, the schedules and some shelters. We should be able to do those before September, and they will still be there.

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

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Councilman Withrow stated he hopes the City Manager will write to the federal government about money for mass transit. Mr. Burkhalter stated before we can get any money, Council will have to authorize the money here to match it. We have to go out and identify the places for the signs and such before coming to Council with recommendations.

AMENDMENT TO TREE ORDINANCE REQUESTED PLACED ON COUNCIL AGENDA FOR NEXT MEETING.

Councilman Withrow passed around copies of the amendment to the Tree Ordinance and requested it be placed on the agenda for the next Council Meeting.

NOMINATION OF JOHN J. ROGERS TO FILL UNEXPIRED TERM ON TREE COMMISSION.

Councilman Withrow stated Mrs Henry James has said she would like to be replaced on the Tree Commission, and he placed in nomination the name of Mr. John J. Rogers to fill the unexpired term of Mrs. James.

REQUEST THAT MEETINGS BE SET UP WITH COUNTY COMMISSION TO DISCUSS CONSOLIDATION OF MORE DEPARTMENTS.

Councilman Withrow stated everything that has been discussed today points to consolidation of more departments for more efficiency. He asked how much work is being done with the County Commissioners about consolidation. Are we still talking and who is supposed to be talking. The two Managers need to be getting together and do some talking and see what can be consolidated.

He asked that some meetings be set up with the county commission to talk about consolidation.

Councilman Whittington stated he thinks everyone is concerned about consolidation but he thinks when Council meets with the Commission to discuss flooding and cooperation and money from both bodies to do something about the creeks that it should not discuss consolidation. This has to be done in an organized fashion.

Councilman Withrow stated all he is asking is that some efforts be made. That he is saying this at this time because the city is talking about building a new city hall and the county is talking about a new county building. It is time we talk about consolidation so there will be one building for both governments.

TRAFFIC ENGINEER REQUESTED TO DO NOTHING ABOUT THE MEDIAN ON THIRD STREET AT INDEPENDENCE UNTIL HE BRINGS IT TO COUNCIL.

Councilman Whittington moved that the City Manager ask Mr. Hoose, Traffic Engineer Director, to do nothing about the median on Third Street at Independence Boulevard until he presents this to the Council. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT

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


Ruth Armstrong, City Clerk