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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, June 7, 1971, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan.

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INVOCATION.

The invocation was given by Reverend W. A. Wallace, Minister of Woodlawn Baptist Church.

MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Calhoun, and unanimously carried, approving the minutes of the last meeting, on Monday, May 31, 1971, as submitted.

RESOLUTION CLOSING A PORTION OF RIDGE STREET, PEARL STREET, BROWN STREET, EAST HILL STREET, EAST VANCE STREET, CONGO STREET, STANTON STREET, COBBWAY STREET, PLUM STREET, BOUNDARY STREET, WATTS STREET AND KINN STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The public hearing was held on petition of the Redevelopment Commission to close portions of the subject street in Section No. R-43 of the Brooklyn Urban Renewal Area.

No one spoke for or against the petition.

Councilman Whittington moved adoption of the resolution closing a portion of Ridge Street, Pearl Street, Brown Street, East Hill Street, East Vance Street, Congo Street, Stanton Street, Cobbway Street, Plum Street, Boundary Street, Watts Street and Kinn Street in the City of Charlotte, North Carolina. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 357.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF CRAIG ALLEN KITCHENS FOR THE ISSUANCE OF ONE CERTIFICATE FORMERLY HELD BY EDGAR R. BAKER.

The scheduled hearing was held on the petition of Craig Allen Kitchens for transfer of one certificate of public convenience and necessity from Edgar R. Baker for operation of a taxicab. Council was advised that the request has been investigated by the Taxicab Inspector who recommends approval of the transfer.

Mr. John Ingle stated he is attorney representing the petitioner and is present to answer any questions.

No opposition was expressed to the petition.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Craig Allen Kitchens for the issuance of one certificate formerly held by Edgar R. Baker, was adopted and is recorded in full in Resolutions Book 7, beginning on Page 359.

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CITY MANAGER INSTRUCTED TO OBTAIN INFORMATION FROM VARIOUS DEPARTMENT HEADS TO ACQUIRE THE NECESSARY INFORMATION FROM A COST STANDPOINT FOR CONSIDERATION OF ANNEXING ALL ELEVEN AREAS DETAILED IN THE 1969 ANNEXATION REPORT.

Mayor Belk stated Councilman Whittington has asked to make a motion on the study of Area I, Sharon-Carmel Section of the City, with reference to annexation.

Councilman Whittington moved that the City Manager obtain the information from the various department heads - water and sewer, public works, fire, police, sanitation and others - to acquire the necessary information from a cost standpoint for consideration of annexing Area I as described by Mr. McIntyre, Planning Director, in the Conference Session. The motion was seconded by Councilman Alexander.

Councilman Short asked the City Manager if it is out of order or over difficult to get this information with reference to the eleven areas. That Council started discussing annexation more than two years ago, and when Council first got into it one of the first presentations made involved eleven areas that were being considered that might be eligible. He asked if there is any reason why these areas cannot be listed and the information about providing city services be given as to each of these areas? Mr. Burkhalter replied it would be a little difficult; that this one area might be easier as it is confined to a small area. That as he looked at these private systems of sewers and water in connection with all of this, he thinks it might take considerably more time to give Council any good judgement on the acquisition of some of those systems.

Councilman Short stated he is as eager as anyone to proceed with annexation for a number of reasons. That he believes, however, it is in order for Council to take the time necessary and get this information from all these eleven areas.

Councilman Short made a substitute motion asking that the information mentioned by Mr. Whittington be supplied to Council for all eleven areas as detailed in the 1969 Report. The motion was seconded by Councilman Withrow.

Councilman Calhoun asked how long it will take if you attempt to do all at the same time? Mr. Bobo, Assistant City Manager, replied it would take two or three months to study the cost of providing services to be extended into these areas. Councilman Withrow asked what difference it makes if Council waits to get the reports all at one time; what difference does three months make. That really Council cannot even do the first area by July 1. Mr. Bobo stated to annex in the next two or three months, that area would not be taxable until the following year; it would not be listed until January, 1972 and it would be taxable the following July.

Councilman Short stated this morning at the hearing in the Educational Building on Oakdale, some of the people made the point that Charlotte wants to control and dominate this area and prevent annexations in the perimeter and yet never pay a bit of attention to them; that they have not heard a word from the City about what can be done for them; that the City just wants them to sit there and do nothing waiting. He stated it seems to him Council has a strong necessity here to consider all these areas as if they were equal until it finds out otherwise. Not zero into one area and say the City is going to give you the benefits of annexation. That the City must consider all the eleven areas as a group before narrowing it down.

Councilman Alexander asked if Mr. Whittington's motion is calling for the necessary facts to determine whether or not the city wants to annex the area which has been discussed today? That the motion does not mean that we will proceed to annex? Councilman Whittington replied that is right; he is asking for the information that Council needs before it can make any determination about annexing this area, or any other area. That he is sympathetic to what Mr. Short is saying and suggesting; but he is saying that takes longer; it has been pointed out by Mr. McIntyre again in the Conference Session today that whatever Council does as it relates to annexation must be done by steps and by sections; that he said under the law, the City can annex Area I now, provided

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the City can support it financially, and the other area with the four different utility companies in there and the many water systems, that his recommendation is that would be studied by sections; that this information will eventually come to Council too. That Mr. McDuffie said earlier if the City could take a section per fiscal year, those people out there would know when this was going to take place. That this is not picking on one particular section; it is the one that staff says is ready now for annexation, and he is only asking for information from which Council can make a determination.

Councilman Short asked if Council should not have all the areas before it and decide which should be first, rather than without having them all before it say that this one is going to be first. Councilman Alexander stated he makes his decision based on the fact that Council is not approving the annexation of any area today; the only thing is Council will have before it the information regarding the area. That he does not object to having this information before Council; that he is not supporting a motion to say whether he is going to vote to annex after the facts are submitted or not. Councilman Short stated he does not see any reason to get the information on one area at a time; that Council should ask for all the information as it is needed to make a decision.

Mayor Belk asked what kind of work load will be involved? Mr. Bobo, Assistant City Manager, replied if the general study is stopped to do the study of one area in particular, it will preclude the time to be given to the general study. That we do not have the staff to do the general study and the study of one particular area at the same time. Mayor Belk stated it might be wise to have all the general area so that Council will know the ones that will be better to annex.

Councilman Alexander stated when he seconded the original motion, he did not have any idea that it would impede the general study, and he withdrew his second to the motion.

Councilman Whittington stated Mr. McIntyre did not say the same things that Mr. Bobo has said. That Mr. McIntyre said Area I is ready for annexation now, and that it would take some study to find out what private utilities were in this area; but Area I met the qualifications of annexation at this time. Now Mr. Bobo says if the work is done on Area I, it will delay the studies that Mr. Short refers to? Mr. McIntyre replied he expects Mr. Bobo is referring to the work of other agencies and departments; that the Planning staff does not go into police protection, garbage collection and this type of thing. Mayor Belk stated it will all take a certain amount of work; it depends on where you are going to put your emphasis.

Councilman Short stated that Mr. McIntyre said Sharon-Carmel area is ready. He asked if he knows but where there may not be others ready also? Mr. McIntyre replied he expects there are; that they hope to proceed so that Council will know these other areas as fast as they can develop the information. Councilman Whittington asked if his motion passed today would it delay other areas that have been mentioned? Mr. McIntyre replied his staff has begun and will continue the study of the other areas. Councilman Alexander asked why Council cannot have all these areas before it at the same time? Mr. McIntyre replied it is not just the work of the Planning Department; it is the work of a lot of other city agencies involved before you have a total picture. That the Planning staff will tell Council whether the area qualifies under the state statutes; then if it qualifies and Council decides that it wants to move ahead, then it becomes a matter of the departments of government that are involved developing all the facts for Council in terms of utility systems, what the investment costs will be and garbage collection cost. Councilman Alexander stated he would like to know how many areas there are that qualify under state regulations. Mr. McIntyre replied all he can tell Council is at the moment there is one area that qualifies and that is the one identified today in the Conference Session. That he can say he expects there will be others that will qualify. Councilman Calhoun stated the supplementary information will take another couple of weeks, and it will take about three months to get the supplementary information on the whole deal. It is a question of whether you want one area to look at or wait three months and look at the whole thing. Councilman Withrow stated if you were running a business in front of you and you would want to take the area that is most

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feasible and the area that you could bring in that would bring more money into the city. That this cannot be done until you have the whole picture and study it.

Mr. Burkhalter stated we have already delineated one area which Council has looked at today as Area I; that the study has been started which it was thought Council asked for originally on the whole thing. That the staff might begin its studies with the department heads on the one that has been delineated, as you have to start some place.

Councilman Alexander stated if we stop right where we are today, the staff is working on plans for the total area that is being discussed. If Council does not do anything today, he asked how quickly will the staff come back to Council with an estimate? Mr. Burkhalter replied if Council does nothing today, staff will continue with the study that Council is interested in. That he is curious enough now that he expects he will ask the department heads to give him some information on this one area from a service viewpoint.

Councilman Withrow stated he is surprised that this is not already going on. If there are people to put on it why are they not working on it now? Mr. Burkhalter replied staff did not know until today where the line would be set; that no work could be done until Council decided on the line.

Councilman Withrow stated you have to start somewhere, and he is willing for staff to start with that area, but he is not willing to vote to annex one area until Council receives the same picture from all the other areas. That he has no objections to starting with that one area.

Councilman Short stated what we are talking about may seem to be procedural, but the implications are somewhat stronger than that. That if he were a member of the legislative delegation and had before him the question of incorporating Oakdale and saw 1,400 names on a petition, and spokesman coming to a public hearing saying that all they ever do in Charlotte is just let us sit there, and they try to provide the services to the southeast, then, three hours later after the Mayor gets up and tries to deny all this, Council passes a motion in effect providing the services or seeming to go in the direction of giving the service, spotlighting the southeast for the spending of the money for the future municipal services. If he were a member of the legislative delegation, he would be inclined to think they must be right; that those people in Charlotte do not care a thing about any other area around the perimeter. Councilman Short stated he does not think it is timely at all for Council to take an attitude of jumping faster toward annexation in the southeast.

Councilman Withrow asked Mr. Short if he will incorporate his motion with Mr. Whittington's, asking the staff to start on this one area so that Council can eventually get the whole study? Councilman Short stated he wants to leave his motion just as it is.

Councilman McDuffie stated Mr. Short keeps implying that doubling a man's taxes and bringing him into the city is somehow detrimental. That if we are wasting the taxpayer's money that we already have in the city, we need to define those areas and eliminate those taxes. The people in Oakdale said they had never asked for any services from the City of Charlotte. They have never asked for a water line collectively or a sewage line. If there is anything Council can do today, it is to define what our policy is in a booklet form so that anyone who wants to get water or sewage from the city can pick up this booklet and know exactly what they have to do. That those people out Idlewild Road who have contaminated water cannot get water any quicker, and they are not in the southeast, than the people in Oakdale. Only by paying whatever it costs to run the line, will they get it.

Councilman Short replied he thinks we are helping them; that he favors municipalization. However, he is sure there are some who would love to avoid this; that he thinks they would dislike feeling they had been singled out to have their taxes doubled. On the other hand, obviously there are some, such as the people in Oakdale, who would like to have this. That he thinks they would dislike being singled out for being bypassed. Whatever your feelings are, just singling out one area and saying we choose you is not the proper approach.

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Councilman McDuffie stated when you have eleven areas that are defined as this one is today, then what are you going to do? Then which one will you pick up when they all qualify? Councilman Short replied there are ways to decide this. Councilman Calhoun stated the people of Oakdale were told this morning, in no uncertain terms, that they are not prospects for annexation until 1995.

Councilman McDuffie seconded the original motion after Councilman Alexander withdrew his second.

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

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

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

The City Attorney stated the substitute motion carries and there is no vote on the main motion.

PERMISSION GRANTED TO CLOSE PARK DRIVE, FROM FIFTH STREET DOWN TO THE BACK END OF HAWTHORNE HOUSE ON JUNE 27, 1971 BETWEEN THE HOURS OF 9:30 A.M. AND 4:00 P.M.

Reverend Charles L. Kirby of Caldwell Memorial Presbyterian Church stated on June 27, 1971, they plan a Homecoming Exercise at the Church; that they are located on the corner of Fifth Street and Park Drive. He requested permission to have Park Drive closed from Fifth Street down to the back end of Hawthorne House between the hours of 9:30 o'clock a.m. and 4:00 o'clock p.m.

Councilman Whittington moved approval of the request, which motion was seconded by Councilman Short, and carried unanimously.

PETITION REGARDING CONSTRUCTION OF FALLSDALE ROAD TO SERVE VALLEYDALE SCHOOL IN COULWOOD AREA, REFERRED TO PLANNING COMMISSION FOR RECOMMENDATION.

Mr. William L. Griffin, 699 Belmorrow Drive, passed around maps of the area which he would like to discuss, and stated he has a petition from the Coulwood neighborhood requesting relief from a road being constructed on their property lines to the Valleydale School. That they have no objections to the school, as such, but object to a violation of zoning principle that will put their property between the paved street in front, and a heavily traveled gravel road in back; that property values and the safety of their children are their prime concern; that the extension of Fallsdale, which now dead-ends on the back line of their property for a full lot depth of 175 feet in accordance with normal subdivision zoning, would resolve the problem.

Mr. Griffin stated they are at the very far edge of the Coulwood Subdivision, and because the City of Charlotte insisted on Fallsdale, which is in the perimeter area, being extended to the edge of the Coulwood Subdivision, they are left with the problem. He stated they have consulted with a number of various people within the city government, and it has been suggested that they come to the City Council with their problem in the form of a petition.

Mr. Griffin filed the petition with the City Clerk.

Councilman Withrow stated he does not know exactly what the city can do; but he thinks Council should have the Planning Commission study the problem and come back to Council with a recommendation.

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Mr. Underhill, City Attorney, stated this has to do with whether or not Valleydale School can qualify for a building permit; that this access road was put in so they would have access to some existing dedicated streets in order to qualify for a building permit. As to where the access road was to be placed to serve the school, he has no knowledge. That the initial request was directed to him from the zoning inspector for an interpretation of the city's zoning ordinance. That the Planning Commission is the proper department to refer the request to.

Mayor Belk asked if a week's delay will hurt the petitions? Mr. Griffin replied assuming the present clearing of timber and construction of the road would cease, a week would not bother them at all. Mr. Griffin stated they have talked to the County Commissioners and to Planning Commissioners, but they have not been before the Planning Commission.

Councilman Alexander requested that Council accept the petition as submitted, and refer it to the Planning Commission for recommendation to the Council.

Mayor Belk requested the City Manager to get this information for Council at the next meeting.

#### STATEMENT BY CITIZENS ON VARIOUS SUBJECTS.

Mr. Albert Pearson stated he would like to mention a few things he has read in the paper in the past few days.

One was an article in the Charlotte News by a reporter who suddenly found out we have an Oaklawn Avenue. The reporter suggested that a lot of people would not know where it is, and possibly he just discovered it; he indicted the whole neighborhood because of a few gangs that hang around. The implication of the article is that this is all happening and the people are helpless and no one is doing anything about it.

Another article in the opposition paper mentioned the fact about a trial when a policeman was killed. The implications were that people were beaten and the solicitor had to apologize for it, and nothing was done about it. Mr. Pearson stated our Police Department is a good police department; but for Council to sit here and let these things go on without giving the Police Department the proper aid (that he is throwing in the West Trade Street article, too), as if to say nothing is being done about it, and then you see in the paper where the Police Department says they are doing all they can. That it is time that Council went into it and found out and got some answers to the people as to what it is all about.

Another one is that we have seen the urgent need, according to the Council Members, for downtown parking. Then, all at once, no parking is necessary at the present time. He stated the people are out on the limb again. Council talks about why they do not get cooperation from anyone; he asked how can they cooperate with people who do not know where they are going? Parking is needed downtown, and the last survey was incomplete, except for the fact that it said 50% of the parking downtown was for the people who work there. If you have a traffic department or a planning department worthy of its name, then they should be called upon to find out where suitable parking in the downtown area for employees would be; where suitable parking downtown would be for retail, if it is needed. That there is an obligation to the people who are out on a limb. One man bought a place in Salisbury because he had to go out of business in a certain area. The only parking plan that came out of the Traffic Department was to take parking off the street.

Mr. Pearson stated another is water and it ties in with Oakdale. The past Council alone and the County Commissioners are to blame alone for what has happened in Oakdale today. The lack of planning by the city and county; the lack of hope for developing any area in this town intelligently is Council's responsibility if it does not go into it. A crash program is needed to find out where water is needed in the county and how to get it there.

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Mr. Pearson stated Council should go on record as opposing the single shot vote in Raleigh. That he is against the single shot vote; that it is wrong; that no one would do it and ask for it that was not a little bit discouraged of the fact that he could be accepted for what he was and needed it to help him. He stated we have seen the single shot in this county and in this city tied in with the Mayor's race in the last four elections so that the Mayor candidate elected was elected because of this single shot vote in certain areas. He stated he is opposed to the single shot law because he thinks it is wrong to deny anyone the right to vote; that he also thinks it is wrong to make them vote for people they do not think they should vote for.

Mr. Pearson stated another is the statement made by the Mayor about asking some preachers to find the Soul of Charlotte. That he thinks this group here could show they had a little bit of soul; that they should get in touch with the delegation in Raleigh and endorse Governor Scott's proposal for tax exemptions for people who make less than \$3,500 in the City of Charlotte and Mecklenburg County and in this State. Now is a good time to do it.

He stated do not expect someone else to find the Soul of Charlotte.

REQUEST OF PUBLIC SERVICE AND INFORMATION OFFICE TO USE PUBLIC ADDRESS SYSTEM IN CONJUNCTION WITH MOBILE CITY HALL UNIT IN MODEL CITIES AREA, APPROVED.

Councilman Whittington moved approval of the request of the Public Service and Information Office to use a public address system in conjunction with the Mobile City Hall Unit from June 7 to July 16, 1971, in the Model Cities area to inform the residents of the Model Neighborhood-Wide Clean-Up Campaign. The motion was seconded by Councilman Alexander, and carried unanimously.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE SHARON LANE WIDENING PROJECT, ADOPTED.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to William W. Gotherman and wife, Barbara J. Gotherman, located at 2317 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$50.00. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 360.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert D. Noble and wife, Sylvia A. Noble, located at 2000 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$100.00.

The resolution is recorded in full in Resolutions Book 7, at Page 361.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Floyd M. Furr and wife, Evelyn H. Furr, located at 2010 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$645.00.

The resolution is recorded in full in Resolutions Book 7, at Page 362.

Motion was made by Councilman Whittington to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Franklin Leroy Wilson and wife, Eleanor G. Wilson, located at 1908 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$50.00. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 363.

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Councilman Withrow moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Stanley Woodard Westerfield and wife, Ruby C. Westerfield, located at 2300 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$50.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 364.

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR URBAN BEAUTIFICATION GRANT FOR 1971-72.**

Motion was made by Councilman Whittington, seconded by Councilman McDuffie, and unanimously carried, adopting the subject resolution authorizing the Mayor to file an application for Urban Beautification Grant for 1971-72 at a total estimated sharing cost of \$469,280, with the federal share \$229,615, and the local share \$239,665.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 365.

**CONTRACT WITH ROBERT B. MCDONALD, LANDSCAPE ARCHITECT, FOR THE INITIAL PLANNING OF THE CHARLOTTE BIBLICAL GARDEN'S SITE, APPROVED.**

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract was approved with Robert B. McDonald, in the amount of \$2,400.00, for the initial planning of the Charlotte Biblical Garden's Site.

**CONTRACT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES NEIGHBORHOOD AGENT PROGRAM AND MANAGEMENT MANPOWER ASSOCIATES FOR CONSULTATION, PLANNING AND TECHNICAL ASSISTANCE SERVICES FOR THE 1971 CALENDAR YEAR, APPROVED.**

Councilman Alexander moved approval of subject contract between the City of Charlotte Model Cities Neighborhood Agent Program and Management Manpower Associates for consultation, planning and technical assistance services for the 1971 calendar year, in the amount of \$24,336.00. The motion was seconded by Councilman Whittington, and carried unanimously.

**PROPOSAL FROM PEAT, MARWICK, MITCHELL AND COMPANY TO UPDATE THE 1969 AIRPORT FINANCIAL FEASIBILITY STUDY IN CONNECTION WITH THE PROPOSED PLANS TO INITIATE REVENUE BOND FINANCING FOR DEVELOPMENT OF THE MASTER PLAN, APPROVED.**

Motion was made by Councilman Calhoun, seconded by Councilman Whittington, and unanimously carried, approving the subject proposal from Peat, Marwick, Mitchell and Company to update the 1969 Airport Financial Feasibility Study, at a cost not to exceed \$15,000.00.

**RENEWAL OF LEASE BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION FOR SPACE IN THE AIRPORT TERMINAL BUILDING FOR A PERIOD OF ONE YEAR, APPROVED.**

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject lease was approved for 4,664 square feet of space in the Airport Terminal Building, for a period of one year, at an annual rate of \$2,332.00, with four one-year options.

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ORDINANCE NO. 127-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE, AUTHORIZING THE ESTABLISHMENT OF TWO CRIMINALIST I POSITIONS IN THE CHARLOTTE POLICE CRIME LAB.

Councilman Alexander moved adoption of the subject ordinance amending the 1970-71 Budget Ordinance, authorizing the establishment of two Criminalist I positions in the Charlotte Police Department Crime Lab to be funded under the provisions of LEAA Project 71-A-262, subject to the condition that when federal funding stops, the positions will be abolished. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 203.

ORDINANCES AMENDING 1970-71 BUDGET ORDINANCE TO TRANSFER FUNDS TO REFLECT ACTUAL DEPARTMENTAL EXPENDITURES.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, adopting the subject ordinances, as follows:

- (a) Ordinance No. 128-X amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$179,000 within the General Fund.

The ordinance is recorded in full in Ordinance Book 18, at Page 204.

- (b) Ordinance No. 129-X amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$2,000 within the Water Fund.

The ordinance is recorded in full in Ordinance Book 18, at Page 205.

ORDINANCE NO. 130-X APPROPRIATING FUNDS FOR PAYING THE USUAL EXPENSES OF THE CITY PENDING THE ADOPTION OF THE 1971-72 BUDGET ORDINANCE.

Councilman Whittington moved adoption of subject ordinance appropriating funds for paying the usual expenses of the City pending adoption of the 1971-72 Budget Ordinance. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 206.

ORDINANCE RE-ADOPTING AND CONTINUING IN FORCE CHAPTER 11 "LICENSE" OF THE CODE OF THE CITY OF CHARLOTTE FOR FISCAL YEAR 1971-72, DEFERRED FOR ONE WEEK.

Councilman McDuffie asked if the City Manager can look at the privilege license ordinance and see if it needs to be updated. That his profession - Insurance Men - does not pay any license in the city. That he has always had mixed emotions about this. That he knows in the past, people in the audience have discussed the possibility of increasing licenses fees.

Mr. Tom Sykes stated he has made a study of this, and he will be glad to furnish this information to the City Manager for his study.

Councilman McDuffie asked if decision on the ordinance can be delayed one week? Mr. Underhill, City Attorney, replied it will prevent the city from printing the license booklet that is put out by the Department. The license tax people generally make a study each year prior to the end of the fiscal year, and recommend certain changes in the license fees that they determine have gotten out of line or if new classifications are needed. This particular year, their study indicates insofar as those business classifications are eligible for taxation at this level that there be no changes in the present licensing structure, and for that reason they are simply asking for the re-adopting of what constitutes this year's current license schedule.

Councilman McDuffie moved that decision on the ordinance be delayed one week. The motion was seconded by Councilman Whittington, and carried unanimously.

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ORDINANCE NO. 131-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE ON THE PREMISES AT 2311 ABELWOOD DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CITY CODE, AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted ordering the removal of an abandoned motor vehicle on the premises at 2311 Abelwood Drive pursuant to Article 13-1.2 of the City Code and Chapter 160-200(43) of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 18, at Page 207.

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, ADOPTED.

Councilman Withrow moved adoption of the following 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 which motion was seconded by Councilman Whittington, and carried unanimously.

- (a) Ordinance No. 132-X ordering the removal of weeds and grass adjacent to 2107 Roslyn Avenue (left).
- (b) Ordinance No. 133-X ordering the removal of weeds and grass adjacent to 2107 Roslyn Avenue (right).

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 208.

ACQUISITION OF EASEMENT AT 4009 COMMONWEALTH AVENUE, FROM LINDSAY A. HORNE, JR. AND WIFE, MARY Z., FOR THE INDEPENDENCE BOULEVARD-EASTWAY DRIVE INTERCHANGE SANITARY SEWER, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving subject acquisition of easement 24.90' x 31.43' x 10.53' at 4009 Commonwealth Avenue, from Lindsay A. Horne, Jr. and wife, Mary Z., at \$32.00, for the Independence Boulevard-Eastway Drive Interchange sanitary sewer.

Mayor Belk asked how much more is to be bought for this project, and Mr. Hopson, Public Works Director, replied two or three more lots plus the church itself.

MR. JAMES R. SHERIDAN APPOINTED TO THE COMMUNITY FACILITIES COMMITTEE FOR UNEXPIRED TERM TO END SEPTEMBER 1, 1971.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, Mr. James R. Sheridan was appointed to the Community Facilities Committee for an unexpired term to end September 1, 1971.

RESOLUTION APPROVING MUNICIPAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE NORTH CAROLINA STATE HIGHWAY DEPARTMENT FOR THE INNER BELT LOOP.

Councilman Whittington moved adoption of a resolution approving a municipal agreement between the City and the North Carolina State Highway Department for the Inner Belt Loop at a total cost of the right of way estimated at \$1,800,000.00. The motion was seconded by Councilman McDuffie.

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Mr. Bobo, Assistant City Manager, stated on the right of way from Goodwin Avenue to Independence Boulevard, the city pays 100%, and from Independence Boulevard to the railroad the city pays 20% of the cost.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 367.

CLAIM FILED BY MARIE F. WORTHEN FOR PERSONAL INJURIES, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, denying subject claim filed by Marie F. Worthen for personal injuries allegedly received when she stepped on an improperly fitted meter plate, as recommended by the City Attorney.

DIRECT STATEMENT FROM FEDERAL COORDINATOR REGARDING THE HOUSING PLAN FOR THE CITY OF CHARLOTTE, REQUESTED.

Councilman Alexander stated we are aware that we have problems with our workable program. As far as he can determine, the problem is we do not have a sufficient housing plan for the city acceptable by HUD. Some four years ago he brought to the attention of Council that we needed to come up with a defined housing plan or else we would be in trouble. That it looks as though we have run into that trouble.

Councilman Alexander stated he would like for our federal coordinator, and whoever else would be involved, to give Council a direct statement as it regards the housing plan, if we have one in the making, so we can attempt to satisfy HUD and get on with our program. He stated we will be in difficult circumstances if we let time run out, and have not had the workable program approved in light of the use of federal funding. That he does not think we can afford to be caught in this jam at this stage of the game when so much of what we are doing in the city is based on federal funding. He asked that Council be given this report immediately and that we begin whatever steps are necessary. It may not be that we can even come up with a complete housing plan in such a limited time, but we need to begin to turn as much of our forces as we can to it in order to come up with a workable plan so it can be submitted and we can get out of the dilemma we are in.

Councilman Whittington stated he agrees that we cannot afford to lose these federal funds. He asked if Mr. Alexander and Mr. Carstarphen conclude that the statement from Mr. Carstarphen in the workable program recertification which Mr. Selden sent to Mr. Baxter is a step in the right direction? Councilman Alexander replied if it does not carry with it a recommended housing plan, we are not anywhere in the ball game; this is what they are holding up on; the fact that we do not have and have not submitted a housing plan for the city. What they want is a comprehensive housing plan for the city. If they have done that, we are all right; but if they have not, then we still are not in the ball game.

Councilman Whittington asked the Mayor if he has received any response from Senators Erwin and Jordan or Congressman Jonas? Mayor Belk replied he has not.

Mr. Burkhalter, City Manager stated everything known is being done in order to bring all the people together who are involved in this program. It is a serious problem in our workable program in getting a housing plan. Right now, through the chairman, the City is trying to get them to accept the plan as proposed to them. Nothing is being left unturned in trying to get this resolved.

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Councilman Alexander stated even if we get by this time, we need to proceed immediately to develop a housing plan for Charlotte. Just getting by will not save us for the future. That we have just skimmed by for four years, and each time they have drawn the noose closer and closer until we have run out. This is our dilemma and we cannot blame HUD. He stated wherever we are, even if we do get approval, we need to start whatever procedure is necessary to come up with an overall housing plan for the City of Charlotte. Mr. Burkhalter replied if the workable program is approved, we will be on the way to a housing plan. Councilman Alexander asked if there is anything before HUD now that we are waiting on for an answer? Is there any type of plan before them in reply to what they require we have? Mr. Carstarphen, Assistant City Manager, replied the information is before them that is included in the package which the Councilmembers have from Mr. George Selden, outlining the several steps his committee is permitted to take to produce a comprehensive housing plan.

Councilman Alexander stated he hopes it will be acceptable. Even if they do accept it, he hopes the city will get down immediately and come up with a workable housing plan. Year after year, we have been saying let us by and we will come up with a plan and we just have not done it. That he is saying from this day forward, we need to begin to start working on a housing plan for the City of Charlotte.

**STAFF INSTRUCTED TO SEEK ENABLING LEGISLATION TO EXTEND GROUP LIFE INSURANCE FOR RETIRED CITY EMPLOYEES.**

Councilman Short stated about a week ago Council was given a report pointing out the desirability of obtaining enabling legislation from our local delegation to extend the group life insurance for retired city employees. The report pointed out that the City does not have this authority now, and it would be permissive legislation so that Council could take action if it so desired. He stated he thinks the City should seek this enabling. The present situation of removing the life insurance when a person retires is a little like taking away the umbrella when it starts raining.

Councilman Short moved that the City staff proceed to seek this enabling. The motion was seconded by Councilman Whittington, and carried unanimously.

**CITY MANAGER REQUESTED TO GIVE VIEW ON THE CIVIL DEFENSE OPERATION AS SOON AS POSSIBLE IN ADVANCE OF THE BUDGET.**

Councilman Short stated last year at budget time some question was raised in a rather limited time context about whether we should continue our civil defense operation. He requested the City Manager to give him his views on this matter as quickly as possible and in advance of the budget. He stated it was not eliminated last year, but he has discussed it with some people since, and the public seems to be divided on whether or not we still have a cold war or whether or not there is any possibility of nuclear fallout in this part of the world. He stated he would like to have some thoughts and staff opinions on this in advance of the budget.

**STATEMENT REGARDING PERIMETER AREA BY COUNCILMAN SHORT.**

Councilman Short stated all of us know about a lot of things that have been occurring around Charlotte in the perimeter and on beyond. Mint Hill has been incorporated and Oakdale has asked for incorporation. Consolidation has been defeated which would have joined together the city and the county and the perimeter, and locked together all of the advantages and disadvantages. Two years ago we started perhaps the most ambitious water and sewer extension plan ever started anywhere in this State with both the city and county seeking

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to make extensions as rapidly and as extensively as they could. We had very liberal county-wide extension policies for which he thinks we can certainly thank Mr. Calhoun and those on the Community Facilities Committee. Now, on this matter, the County is running into some difficulties according to reports from them, and citizens are dissatisfied with what is being done; those who do not get extensions feel a little sensitive about those that do.

Councilman Short stated twelve years ago our legislature enacted what was considered the most enlightened annexation law in the United States. This was designed to aid growing cities, and larger cities like Charlotte. Now there is an effort within our own delegation to change the essential and critical feature of this law. Today the County Commission passed a resolution approving taking away the zoning authority of the City Council; Home Builders have adopted the opposite type of resolution. He stated he feels we need stronger rather than weaker ties with the perimeter if we are going to have orderly growth. We are administering in the perimeter the subdivision ordinance, the building code, the plumbing code and carrying on the necessary building inspection operation to enforce these ordinances.

He stated because of all these many things that have occurred in recent time concerning the perimeter, he feels that some new form or new concept is needed for organizing the perimeters of larger cities. He thinks this should be some concept which would provide for officials to give voice to the people of the perimeter. In all of the things he has mentioned, there is no one designated actually to speak for perimeter folks. You have to listen instead to County Commissioners, most of whom are actually from Charlotte, or the members of the Board of Realtors or the Charlotte Chamber of Commerce. If you really want to talk to someone from the perimeter, you have to come by someone who just happens to be there to speak for the perimeter. That he thinks the old form of having a county government, and then as of a given date adding a municipal government on top of this by either annexation or incorporation is just too simple for the complex situation that prevails in an area that is in the process of urbanization and municipalization. There are just special needs in subdivision planning, building ordinances, zoning, traffic controls, street improvements, fire alarm systems, water and sewer that are not met by the present form we have.

Councilman Short stated last week he mentioned this same matter in a resolution which included some of this sort of thinking, and he appreciates Council passing it. Included was the suggestion that the perimeter needs to be formalized into some sort of organization so that its representatives can deal with the city, or anyone else concerning their needs and problems. Yet he is sure this must be different from any other type of animal called for in North Carolina law. It has to be some sort of district that cannot be set up like concrete in a 40 year bond issue. It needs to be effective during the period in which it is supposed to function, but then it should have some features that would make it possible to phase it out as it became a part of the municipality.

He stated he is making this statement by way of suggesting that he feels our legislature should do nothing about the Charlotte perimeter during this session, and that the entire matter of perimeters, including areas like Oakdale, be turned over to a legislative commission, like the local government study commission, for intensive study between the period of this legislature and the next one - approximately an 18 months period. Anything we do now is going to be done from a feeling of lack of total assurance that it really is the best thing. That an intensive study and a certain amount of pioneering by the proper commission with the help of the Institute of Government and all others who are expert in this area is very needed.

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TRAFFIC ENGINEER REQUESTED TO CONTACT RAILROAD ABOUT CONDITION OF CROSSINGS AT WALNUT AVENUE AND SUMMIT AVENUE.

Councilman Whittington stated there was an article in the paper last week about the condition of some of our railroad crossings. That the one on Walnut Avenue and the one on Summit Avenue are both in bad shape again. He asked that Mr. Hoose, Traffic Engineer, contact the railroad to have something done about these crossings.

PROGRESS REPORT REQUESTED ON CENTRAL AVENUE WIDENING AT KILBORNE AVENUE.

Councilman Whittington stated some three weeks ago, he asked for a progress report on when the City was going out to contract on the Central Avenue widening which would include Kilborne Avenue. That it is in the street program to be let this summer. It is summer now and no one has told Council when this is going to be done. He requested a report to Council next week on when construction will begin.

MAYOR REQUESTED TO WRITE HIGHWAY DEPARTMENT ABOUT THE DELAY IN WORK ON SUGAR CREEK ROAD.

Councilman Whittington requested the Mayor to write the Highway Department about the lack of no work taking place on Sugar Creek Road. Apparently there is a typographical error in the contract for Sugar Creek Road that they would allow this to take 19 months to finish. That he thinks they must have meant nine months. That if the contract said 19 months, he can understand why they are not doing any work. He stated he would appreciate it if the Mayor would contact the Highway Commission and Mr. Faircloth tomorrow and see if this work cannot be updated and ask them for some date when the work will be finished, other than the 19 months.

Councilman Whittington stated Council should make an appeal to the State Highway Commission and to the contractor. The City Manager stated contacting the contractor has not been thought of; that Mr. Hoose, Mr. Hopson and he have made every plea with the contract department of the State to see if they can do anything to get this done because of the problems it is causing. They indicated that as long as it is completed within the given time, they could not do anything; they gave no encouragement.

Mr. Tom Sykes stated the Highway Department has cut off the parking lot for the Sugar Creek Presbyterian Church, and there is no work progressing at all within site of that block. That he would like to have that barricade moved back some distance so the church can utilize its parking facilities. If they are not going to begin construction up to the business area, then that section should be open to traffic.

Councilman Whittington stated these are some of the problems he is trying to address to Council now; that he thinks Mr. Sykes is right, and somewhere someone has goofed. Councilman McDuffie stated those people out there have been done a wrong; he asked what departments get involved in protecting the public when the State and the contractor takes as long as they want to; that the City is the one who hears from the small business people?

Mayor Belk stated the contractor will be contacted to see if something can be worked out.

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SUGGESTION THAT COUNCIL COMMITTEE BE APPOINTED TO ASSIST MAYOR AND ANY ORGANIZATION IN AN ATTEMPT TO GET YOUTH PROGRAMS STARTED.

Councilman Whittington asked if there is any merit in the Mayor appointing a committee of Council to help him and any other organization to attempt to get some youth programs going on the basis of what was proposed either last year or the year before where the City would go to the Air National Guard for a youth day. In some cities the airlines fly the children over the city. Sections of the city are blocked off and the fire department turns the hydrants on the children; street dances are held, and a multitude of things can be done if we had some committees to zero in on them. That it would be well for this to come from the Council, and they could involve all the citizens to help with such programs. He stated it is being done in other sections. That in Boston, then Vice President, Humphries talked about the national guards being brought in to carry the children to the country for outings. He stated someone has to ask for these projects.

Mayor Belk stated he thinks this is an excellent suggestion. That the city should write a letter to the Boy Scouts and commend them on their clean-up campaign. They not only did the clean-up but they brought this to the attention of everyone else.

Mayor Belk requested the City Manager to write the Scouts and thank them for their clean-up campaign.

TRAFFIC ENGINEER REQUESTED TO LOOK AT PLANS FOR MEDIAN AT SHARON AMITY AND ARBORWAY WITH THE IDEA OF DELETING THE MEDIAN AT THIS POINT.

Councilman Withrow stated he has been approached by two or three people about the median that is planned on Sharon Amity at Arborway. That this median will prevent the people at that location from backing out into the road, and that is the only way they have to get out.

Councilman Withrow requested Mr. Hoose, Traffic Engineer, to take another look at the median strip with the idea of dropping that strip out all together. He stated the people live right at the corner.

PARK & RECREATION COMMISSION REQUESTED TO INVESTIGATE USING PROPERTY ALONG WILMONT ROAD AND RAILROAD AND PROPERTY IN CLANTON PARK AS PARK PROPERTY.

Councilman Withrow stated on West Boulevard, the City owns 825 acres of property along Wilmont Road along the railroad tracks. He cannot see why the City cannot put a park somewhere in that 825 acres. The property is adjacent to Reid Park. He asked that this location be looked at by the Park and Recreation Commission.

Councilman Withrow stated in Clanton Park there is 59 acres of property where there is a swing or some small play equipment on the property. He requested that the Park and Recreation Commission to contact Mr. Dave Blevins and talk to him about this property and the possibility of enlarging the park.

Mr. Blevins stated for the past four years, the Park Commission has counted Clanton Park, which is along one of the small creeks that run from Barringer Drive back up behind Barringer Woods into Dalton Village, as a park. Two years ago a mini-park was developed with two swing sets. He stated with 59 acres of city owned land, it seems it would be a good use to be developed immediately without having to purchase park land.

Councilman Whittington asked what property Mr. Withrow is referring to as the 825 acres? Councilman Withrow stated the railroad crosses Wilmont Road, and the property he is talking about is to the southeast of Wilmont Road, which is past the Wilmont Baptist Church. Councilman Whittington stated then that is the Irwin Creek Disposal plant property.

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NOMINATION OF WILSON BRYAN TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Withrow placed in nomination the name of Mr. Wilson Bryan to serve on the Charlotte-Mecklenburg Planning Commission to replace Mr. Walter Toy whose term expires June 30, 1971. He stated he is nominating him with the idea of broadening the representation of the Planning Commission. That Mr. Bryan lives in the Coulwood area, on Whitehall Drive.

Councilman Calhoun asked if Mr. Toy has indicated he does not wish to serve again, and Councilman Withrow stated he understands that Mr. Toy will not accept re-appointment.

REPORT ON SUGGESTION OF PRECINCT IN OAKLAWN AVENUE COMMUNITY.

Councilman McDuffie stated he has received a lot of calls about the possibility of a precinct in the Oaklawn section. About two out of 30 were unfavorable; the other 28 were very much in favor of doing whatever is necessary to include some more tax money. He stated he feels the people are willing to make this kind of expenditure, and he hopes Council will receive a report in the next week or so of the possible cost of a storefront operation; not a new building or new equipment but just some people in the neighborhood. He stated he hopes the other Council Members will be making some analysis in their own circles as to what can be done, and whether or not it is desirable.

MAYOR ANNOUNCES APPOINTMENT OF MR. ROBERT ANDERSON TO THE HOUSING AUTHORITY.

Mayor Belk stated he has appointed Mr. Robert Anderson to the Housing Authority; that he is the Dean of the Architectural School at the University of North Carolina at Charlotte; that this will bring about a better balance. That Mr. Anderson lives in the area of the University, and no one can say all the appointments are from the southeast. Mr. Anderson will be able to contact the various architects and will not have a conflict of interest in wanting to design any of the housing.

Councilman Whittington stated this is good to have someone from the University and also someone who is an architect.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk