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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, May 31, 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, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman James B. Whittington.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on Monday, May 24, 1971 were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO RETIRING EMPLOYEES.

Mayor Belk recognized Mr. Clarence Lee Robinson, Equipment Operator II, Public Works Department, and Mr. James Henry White, Laborer I, Sanitation Department, and presented each with the City of Charlotte Employee Plaque. Mayor Belk stated Mr. Robinson was employed on December 15, 1935, and retired May 25, 1971; that Mr. White was employed July 6, 1959 and retired May 3, 1971. He thanked each for their services to the city and wished them well in their retirement.

CITY OF CHARLOTTE CITIZENSHIP AWARD PRESENTED JAMES (JIM) MORTON, NATIONAL DIRECTOR OF THE NORTH CAROLINA JAYCEES.

Mayor Belk recognized Mr. James (Jim) Morton and stated he has won the Charles Hutchins Memorial Award as the outstanding local president of the North Carolina Jaycees for the year 1970-71.

Mayor Belk stated Mr. Morton is going to higher and better things; that he has been installed as the National Director of the North Carolina Jaycees. He stated he would like to thank him for representing the city in such a fine way and presented him with the City of Charlotte Citizenship Award.

HEARING ON AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 4, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-43, CONTINUED TO MONDAY, JUNE 14, 1971, AT 3:00 O'CLOCK P.M.

Councilman Alexander moved that the subject hearing advertised to be heard at this time be postponed and continued to Monday, June 14, 1971, at 3:00 o'clock p.m., as requested by the Redevelopment Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRES THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF VICTORY CAB COMPANY FOR THE ISSUANCE OF TWENTY (20) ADDITIONAL CERTIFICATES TO OPERATE TAXICABS IN THE CITY OF CHARLOTTE, ADOPTED.

The public hearing was held on the application of Victory Cab Company, Inc. for the issuance of twenty (20) additional certificates of public convenience and necessity for the operation of taxicabs in the City of Charlotte. Council was advised the request has been investigated by the Taxicab Inspector who recommends approval of the application.

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Mr. Henry Strickland, Attorney for Victory Cab Company, stated the petition calls for 20 more taxicab franchises; that the taxicabs are needed and the company has part of the cabs now and has the money to purchase the ones he does not have.

Councilman Jordan stated some years ago Mr. Isenhour, President of the Victory Cab Company, had these twenty permits which were used for leased drivers; that he gave these up at that time so that another company might be formed. That this was brought to the attention of the City Council and at <sup>that</sup> time it was agreed that these permits would be issued to Mr. Isenhour at a future date when he felt he needed them.

Motion was made by Councilman Jordan, and seconded by Councilman Short to adopt the resolution declaring that public convenience and necessity requires the taxicab service proposed by the application of Victory Cab Company for the issuance of twenty (20) additional certificates to operate taxicabs in the City of Charlotte.

No opposition was expressed to the granting of the additional certificates.

Councilman Alexander asked if Mr. Isenhour proposed to put all twenty of the cabs into operation immediately, and Mr. Strickland replied he does.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 345.

RESOLUTION EXPRESSING THE CONSENT OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO THE ASSIGNMENT OF THE CATV FRANCHISE PREVIOUSLY GRANTED TO COX-COSMOS, INC. TO CHARLOTTE CABLEVISION COMPANY, A NORTH CAROLINA LIMITED PARTNERSHIP APPROVED AND ADOPTED ON THE SECOND AND FINAL READING.

A hearing was held on the request of Cox-Cosmos, Inc. to assign its CATV Franchise to the Charlotte Cablevision Company.

Councilman Short requested the record to show the information that Mr. Underhill, City Attorney, has from representatives of the Charlotte Cablevision Company in which they agreed not to use the word "Charlotte" or "Cablevision" in the title under which they will operate.

Mr. Carlton Fleming, Attorney for Cox-Cosmos, Inc. stated there is a letter dated May 21, 1971, from Samuel S. Street, President of Cable Corporation of America to the President of Jefferson-Carolina Corporation on this subject; that the letter is on file with the City Attorney.

Motion was made by Councilman Jordan, seconded by Councilman McDuffie and unanimously carried, adopting on the second and final reading, the resolution expressing the consent of the City Council of the City of Charlotte to the assignment of the CATV Franchise previously granted to Cox-Cosmos, Inc. to Charlotte Cablevision Company, a North Carolina Limited Partnership.

The resolution is recorded in full in Resolutions Book 7, at Page 322.

PROPOSED PARK IMPROVEMENTS PROGRAM, APPROVED.

Mr. Clarence (Ace) Walker, Chairman of the Park and Recreation Commission, stated he is appearing before Council today to present four sites which have been selected by the Charlotte Park and Recreation Commission for the development of new parks and park facilities. On two of the proposed sites, they propose to build new community centers. They now have ten and propose to run that total to twelve.

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Mr. Walker stated in the audience with him are Mr. Bill Bridgewater and Mr. Gene Warren, two members of the Commission; two members of the Staff, Mr. Marion Diehl and Mr. Hamp Ott. Also present, at his request, is Mr. Bill McIntyre, Planning Director, who figured so prominently in the work the Park Commission has done; also present is Mr. Jack Starnes of Starnes Realty who has worked diligently and hard, day and night with the Commission for the past several months.

Mr. Walker reviewed the process which they have followed to get to the specific site locations which he will present. The starting point was the bond issue held in December, 1969 in which issue there was \$1,650,000 allocated for park and recreation development. That \$200,000 was to be used for existing parks, \$25,000 for additions to the existing maintenance facility; \$500,000 for the construction of two new community centers; and \$925,000 for acquisition of land and hopefully some development in new parks. In 1969, the Urban Renewal and Community Improvement Committee, Chaired by Mr. George Selden, at the request of the Park and Recreation Commission after consultation with the City Council and its administration, sent out some 70,000 questionnaires all over this community and perimeter area in the water bills asking for return of information relating to park usages and park desires on behalf of the population of the city. The questionnaires were returned and analyzed and collated. In March 1970, there was a slight change of policy direction in that the Charlotte Park and Recreation Commission and the City Council agreed that the initial planning process for new parks would be placed in the City-County Planning Commission which had access to all the information. At that time, the Planning Commission was requested to prepare two studies. One of community center site locations and another of new parks site locations having particular reference to the expenditures of the \$1,325,000 out of the bond money which was allocated for these two purposes.

In the late summer of 1970, Mr. McIntyre and the staff of the Planning Commission presented to the Park and Recreation Commission their report on community center site locations. Prior to that they had considered six possible areas for its use in community center locations; this study narrowed that down and its recommendation was that the two new community centers be put in two or three recommended areas. One was the southeast area of Charlotte in the general vicinity of Griertown; another was in the northwest quadrant of the city in the general vicinity of Hoskins-Thomasboro; the third was in the northeast section of the city in the general vicinity of the Methodist Home and the Methodist Home Park. At that time, the Planning Commission recommended that the Park & Recreation Commission defer the final determination of locations for these two community centers until they were able to locate the new parks in the hope they could save money by locating the community center in the new or existing park and avoid the additional land acquisition costs. Mr. Walker stated the Commission agreed with the report of the Planning Commission staff and with its recommendations, and implemented it by deferring decision with one exception when they made a tentative decision that one of the community centers should definitely be in the southeast section in the general vicinity of Grier Heights.

In December, 1970, the Planning Commission completed its park study and presented it to the Park and Recreation Commission and to the City Council in January, 1971. The study collected and utilized all the available information on zoning, population, income distribution, existing recreational facilities and those proposed by other agencies, public and private, and it very carefully analyzed and examined the results of the questionnaire which had been sent out to the citizens as <sup>to</sup> their desires and utilization of existing parks.

He stated the park study report recommended first, that two new large, or community, parks in excess of 100 acres be acquired; one in the northerly section of town and one to be located in the easterly section of the city. The report also recommended that the remaining funds be devoted to the acquisition of smaller parks which the Planning Commission defined as district parks ranging from 20 to 50 acres each in size; and three or four smaller parks if the money lasted. The highest priority for the small

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district park was in the western section of the city in the Thomasboro-Hoskins area generally. The second priority was for a district park generally in the southeastern area of the city somewhere in the vicinity of Grier Heights and Cotswold. The third area was in the Methodist Home area or the northeast quadrant of the city. This area would include the Methodist Home area and the Hidden Valley area. If the money holds out the fourth area was for a second district park within the first area on the west side of town.

Mr. Walker stated the Planning Commission recommended that applications be made to the Department of Housing and Urban Development for matching funds if possible so as to stretch our dollars as far as we can make them go in acquiring as much land and doing as much development as we can with the \$925,000 available.

He stated the Park and Recreation Commission procedure has been to determine and settle on the general areas in which they wanted the parks to be located. That they have followed generally the recommendations of the Planning Commission. They looked at several possible locations within those areas that were located by their real estate agent. In all cases the members of the Commission went to the sites; looked at aerial photographs; tax maps; consulted with Mr. McIntyre and his staff; heard continual reports from Mr. Starnes as to the feasibility of acquisition and preliminary estimates as to the cost of the acquisitions. Once they settled on a site, they had appraisals made. After the appraisals were made, they worked with Mr. Connerat and his staff in the preparation of three of these locations of an application to HUD for the purpose of obtaining federal matching funds.

Mr. Walker stated they have selected four sites, and the first of the large parks they call the Beatties Ford Road site. This is a site of from 120 to 150 acres; it is on the west side of Beatties Ford Road; approximately seven miles from the Square; approximately 3-1/2 miles north of I-85; approximately 2.3 miles outside the city limits; about 1/2 mile from I-77 location. It is partially cleared and partially wooded and has a good location on it for a lake as it has a creek running through it. It is rolling terrain and a considerable portion of it which is nearer to Beatties Ford Road is flat and suitable for the development of ball fields and play areas. It is 2.3 miles from the YMCA and 1.1 miles beyond Sunset Road. That it has the possibility of being named Hornet's Nest Park as part of it is on the farm which was the farm at which Lord Cornwallis was so thoroughly routed that he decided he would name the area the hornet's nest. The appraised value of all these parcels are in the neighborhood of from \$300,000 to \$320,000. They have option on 122 acres of the property and are negotiating for options on the remainder.

He stated the second of the large parks is the Plaza Road Park. It is a site of a maximum of about 170 acres on the north side of Plaza Road Extension, opposite the end of Plott Road. It is very near the Hickory Grove-Newell Road; it is about seven miles from the Square; about two miles outside the city limits; the land is gently rolling and heavily wooded land; Reedy Creek runs through the north part of the property and provides a good site for a possible lake at some point in the future. The north-south access is good through Plott Road which ultimately will be extended to Harris Boulevard, and at Hickory Grove-Newell Road; the access into the city is good on the Plaza Road Extension into Plaza Road. The property lies north of the center of the area recommended by the Planning Commission staff as the area for a large park in the eastern section of the community. The appraised value of the property is in the neighborhood of \$250,000 and they are still in the process of negotiating and do not have options for the property.

Mr. Walker stated the district parks should fall somewhere between 20 and 50 acres. The first one is the Tuckaseegee Park; it is 22-1/2 acres on the north side of Tuckaseegee Road, about 1/2 mile west of I-85 and lies less than four miles from the Square. This is inside the city limits. It is just south of Thomasboro; it is adjacent to a tract of about 45 acres owned by the Charlotte Mecklenburg Board of Education. He stated they have discussed

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this in a meeting they had with the Board of Education in discussing the various possibilities of joint utilization of property with them, and both see real potential if the Park and Recreation acquire this property and some future usage of property be on the 45 acres that they own. The land is slightly above the grade of Tuckaseegee Road; it is relatively flat land; partially wooded; partially cleared. The appraised value of the property is in the neighborhood of \$80,000; they have acquired an option to purchase it. He stated they also propose to construct one of the two community centers on this site which will serve the Thomasboro-Hoskins area very nicely with good access, and at the same time, not have to acquire separate property on which to build the community center.

He stated the final of the four sites is the Randolph Road Site; this is for a small park and a community center. The Planning Commission recommended that a community center be located in this area and it is also recommended that a district park be located. That they looked for land in the area that would be between 20 and 50 acres, and they have been unsuccessful at this point. This site is 11 acres and is on the east side of Randolph Road; it is adjacent on Randolph Road to the Alcoholic Rehabilitation Center which is under construction; on the town side of Billingsley is a fairly large tract of land which was purchased as the possible site for a hospital. This is generally slopping property and is wooded. It is suited and well situated in terms of topography for a community center. It is easily accessible to both Grier Heights and the Cotswold area. It has about 680 feet of frontage on Randolph Road. The appraised value of this property is in the neighborhood of \$130,000 and they have an option to purchase it. They are negotiating right now about the possibility of getting access to Billingsley Road.

Mr. Walker stated in addition to these four, they are still considering the acquisition of land in the northeast area for a district park in the vicinity of Hidden Valley. That they have nothing to report at this time; they have feelers out and will be back to Council to report on that; that they think the money will hold out for that. Also they are negotiating for a small parcel that will enlarge the Methodist Home Park which needs enlarging. That this is about 9/10 of an acre.

Mr. Walker stated in summary he is reporting to Council today on proposed sites for two large parks - Beatties Ford Road and Plaza Road Extension; and two small parks - Tuckaseegee Road and Randolph Road and the small park locations will serve as sites for proposed community center construction. He stated the estimated acquisition cost on the four parks is around \$86,000; the Hidden Valley estimated cost is around \$175,000 which is a broad preliminary estimate; the little addition to the Methodist Home Park is \$13,500 estimate for a total estimated acquisition cost if they are completed of \$1,050,000.00. He stated if there are no matching federal funds, they will not be able to do it all, and will not be able to do anything more than acquire land. There is good indications that they will get federal funds to match and can hopefully run the total to about \$1,850,000 and will be able in addition to acquiring the land to begin the development.

Councilman Whittington moved approval of the report as recommended by the Planning Commission and the Park and Recreation Commission. The motion was seconded by Councilman Short.

Councilman Withrow asked if they have investigated the area on West Boulevard where all the low income houses have been constructed? Mr. Walker replied they do have plans which are not included in this report. In the 1971-72 beautification application, they have a total of \$60,000 for development of land which they already own out there on the other side of Boulevard Homes. It is land that was given to the Commission some years ago by Mr. Withrow, and they plan to develop it; it is about ten acres; it is not enough but it is all they can get at that location.

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Councilman Withrow asked if they have looked at the area at the end of the airport runway where all the grading has been done; that it cannot be used for anything else; it belongs to the city and it must have about 25 acres? Mr. Walker replied they will look into this. One of the points in the Planning Commission staff report was the very strong advisability of someday devoting part of the property at Irwin Creek for park purposes; that he understands the sewage treatment plant is not phased out but it will be, and they are in favor of having a good deal of that property devoted for park use. That may be one reason they have not looked any more carefully at the land mentioned by Mr. Withrow. Councilman Withrow stated there is more need for a park along West Boulevard than any place he knows. Mr. Walker replied they agree and they are looking at the area; that they have several other things they are not ready to report at this time which they hope will enable them to develop more property in that area without using the bond funds.

Councilman Short asked why the Plaza Road property is not included in the federal application, and Mr. Walker replied timing; they took the sites up in sequence and the Plaza Road area was the last of the areas they took up in detail and they assigned these appraisals last, and the appraisal work is not completed at this point so that it can be in the application. As far as the decision making of the Commission is concerned, it is as far along as any of the others. There is no intention to omit it permanently; that is the reason it is included in his report.

Mr. Walker stated they have met with the School Board within the past six weeks for the purpose of firming up specific plans to proceed with the more effective use of existing properties; at present, there are 21 playgrounds on school property; 17 of the 21 are supervised summer playgrounds and seven of the 21 were jointly developed with funds of the Park and Recreation Commission and the School Board, and they propose to continue that plan. That they want to consider getting into long range planning jointly so they can buy land at the same time and develop the school in such a way it can double.

Councilman McDuffie asked if we will be applying for funds for the Plaza Road park? Mr. Walker replied his report includes the Plaza Road extension park; it does not include at this time the Hidden Valley area park or the little piece of land at Methodist Home. That they are far enough along to report to Council that they want to locate a park on Plaza Road Extension. That they hope the Hidden Valley site will include a community center in the future.

The vote was taken on the motion and carried unanimously.

#### DISCUSSION OF PARK & RECREATION FACILITIES FOR HANDICAPPED.

Councilman Whittington asked the Chairman of the Park and Recreation Commission if he is going to come back to Council in the near future about the program for the handicapped in the parks? Mr. Walker replied he will come back at any time Council wishes. That this is in the budget which has been delivered to the City Manager's office; it will provide one director whose sole job will be director of recreation for the mentally retarded and handicapped.

Councilman McDuffie asked what chance there is to get some money out of the county? Mr. Walker replied they do not provide for that in their budget; but he agrees and the Mecklenburg Association for the Mentally Retarded feels the county is logically involved and probably will participate in it, and they think so, too. That the statistics he has is there are 11,000 mentally retarded children in the county. That they are a little embarrassed when they consider up until this time they have not done anything specifically for them, and they are going to do it now. If their budget is cut, they will cut somewhere else.

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RESOLUTION AUTHORIZING MAYOR JOHN M. BELK TO FILE AN APPLICATION WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT IN THE AMOUNT OF \$361,363 TO BE USED IN THE ACQUISITION AND DEVELOPMENT OF THREE NEW URBAN PARKS BY THE CITY OF CHARLOTTE PARK AND RECREATION COMMISSION.

Councilman Whittington moved adoption of the subject resolution authorizing Mayor John M. Belk to file an application with the U. S. Department of Housing and Urban Development for a grant in the amount of \$361,363 to be used in the acquisition and development of the following three new urban parks by the City of Charlotte Park and Recreation Commission, which motion was seconded by Councilman Withrow and carried unanimously:

1. A community park of approximately 100 acres located adjacent to Beatties Ford Road.
2. A district park of approximately 11 acres located off Randolph Road.
3. A district park of approximately 48 acres located off Tuckaseegee Road.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 346.

ORDINANCE NO. 114-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FRONTING ABOUT 294 FEET ON RAMA ROAD AND 314 FEET ON FLORENCE AVENUE, ADOPTED.

Councilman Short stated he thinks this O-15 zoning may not be the best zoning in the ideal sense because it does run rather deep down Rama Road, but it is probably the best zoning that this land will ever be developed for.

Councilman Short moved that the subject ordinance changing the zoning from R-9 and R-9MF to O-15 be adopted. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 190.

ORDINANCE NO. 115-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting subject ordinance for a change in zoning from O-15 to B-2 of a strip of land 750 feet in depth on the southwest side of Independence Boulevard extending from State Road 1009 to Wallace Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 191.

ORDINANCE NO. 116-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD ABOUT 510 FEET WEST OF COMMONWEALTH AVENUE.

Councilman Withrow moved adoption of subject ordinance changing the zoning from R-9MF to B-1 of property fronting 338 feet on the north side of Monroe Road beginning about 510 feet west of Commonwealth Avenue, as recommended by the Planning Commission. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 192.

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ORDINANCE NO. 117-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE WEST SIDE OF SHARON AMITY ROAD BEGINNING APPROXIMATELY 440 FEET SOUTH OF CENTRAL AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to B-1 of a 2.2824 acre tract of land on the west side of Sharon Amity Road beginning approximately 440 feet south of Central Avenue, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 193.

PETITION NO. 71-39 BY HICKORY WOODS, INC. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT AT 2212 THE PLAZA, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, denying subject petition as recommended by the Planning Commission.

ORDINANCE NO. 118-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHWEST CORNER OF LASALLE STREET AND NEWCASTLE STREET.

Councilman Alexander moved adoption of the subject ordinance changing the zoning from R-6 and R-6MF to B-1 of property at the northwest corner of LaSalle Street and Newcastle Street, as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 194.

ORDINANCE NO. 119 AMENDING CHAPTER 23, SECTION 71(b) AND 74 OF THE ZONING ORDINANCE TO RECOGNIZE PROPOSED OFF-STREET LOADING REGULATIONS FOR THE CENTRAL BUSINESS DISTRICT TO BE CONTAINED IN CHAPTER 20 OF THE CITY CODE.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted amending Sections 71(b) and 74 of the Zoning Ordinance to recognize proposed off-street loading regulations for the Central Business District to be contained in Chapter 20 of the City Code, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 195.

ORDINANCE NO. 120 AMENDING CHAPTER 20, SECTION 29 OF THE CODE BY ADDING A SUBSECTION ENTITLED (e) RELATIVE TO LOADING AND UNLOADING IN THE CENTRAL BUSINESS DISTRICT.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting subject ordinance amending Chapter 20, Section 29, of the Code by adding a new subsection entitled (e) relative to loading and unloading in the Central Business District.

The ordinance is recorded in full in Ordinance Book 18, at Page 196.

RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER, TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWAGE WORKS IMPROVEMENTS FOR MCALPINE CREEK AND IRWIN CREEK WASTEWATER TREATMENT PLANT ADDITIONS.

Councilman Jordan moved adoption of subject resolution authorizing the City Manager to file application for federal grant for sewage works improvements. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 348.

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RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER, TO EXECUTE AND FILE ALL DOCUMENTS PERTAINING TO SANITARY SEWER CONSTRUCTION GRANTS UNDER P. L. 660.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted, authorizing the City Manager to execute and file all documents pertaining to Sanitary Sewer Construction Grants under P. L. 660.

The resolution is recorded in full in Resolutions Book 7, at Page 349.

RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER, TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWER WORKS IMPROVEMENT AT LOWER BRIAR CREEK INTERCEPTOR AND UPPER BRIAR CREEK INTERCEPTOR.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution authorizing the City Manager to file application for federal grant for sewer works improvements.

The resolution is recorded in full in Resolutions Book 7, at Page 350.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTIES FOR THE SOUTH MCDOWELL STREET WIDENING.

Council was advised there are two resolutions before Council authorizing condemnation proceedings for the acquisition of property for the McDowell Street Widening. One is the property of William S. Gordon and wife, and the other is the property of W. M. Butler and wife.

Councilman Whittington asked if the Redevelopment Commission has offered any land for the Gordon Motor Company to relocate in this vicinity? Mr. Sawyer, Executive Director of the Redevelopment Commission, replied they have not been approached. Even if they had, they could not on urban renewal land - the repair garage would not fit either the zoning or the permitted uses within the project area. Councilman Whittington asked what the property is zoned from Mr. Gordon's side property line to the creek? Mr. Sawyer replied within the project area, it is zoned B-2; outside the area to Morehead Street, he is not sure. That the Gordon Motor Company property is the next property below the project line, and Butler Seafood owns the remaining property out to East Morehead Street. The land in Project 43 is zoned B-2; in addition to the zoning there is a list of permitted uses and only those uses can be permitted within the project area, and a repair garage of this nature is not one of the uses.

Councilman Whittington stated Gordon is just outside the boundary of Blue Heaven project, and asked if there is no property between where they are now located and the boundary of Blue Heaven that Gordon Motor Company could move into? Mr. Sawyer replied there is a ten foot alley which separates their property from the project, and there would not be any property. Councilman Whittington asked who owns the land between where they are now located and the creek, and Mr. Sawyer replied the Redevelopment Commission. Councilman Whittington asked what this would do to the plan under permitted uses in Project 4; he asked if there is such a thing as including one lot or one parcel of land for a repair garage? Mr. Sawyer replied he believes this can be done; the usual procedure is to add the use to the list of uses and that would permit it anywhere within the project area. Under the law, he believes a specific purpose can be designated for a given lot, and advertise it and sell it just for that purpose. That under the law, we could not guarantee they would be the successful bidders. The land would have to be offered for sale at public bidding. Also, you have to have a public hearing in order to change the permitted uses. That there is a public hearing scheduled for June 14 and this might be a proper item for that public hearing.

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Councilman Short stated if he has ever seen a case where the utmost in relocation effort and help ought to be made, federal, local and any other kind, and where the technicalities and the red tape should be swept aside, that this is one. He suggested that Mr. Sawyer and Mr. Henry Harkey, Attorney for Mr. Gordon, meet and come back next week to let Council know if this cannot be worked out.

Councilman Jordan stated in meetings these parties have had with Council in the years past, all parties were in agreement that portions of this property would be taken off both sides, and then something happens and they decide to take it off one side and put a little curve in and he does not follow this procedure. Mr. Sawyer replied that is a decision that was made by the City Engineering Department, and the Redevelopment Commission was just offering the land on any basis the final decision was made on. When the decision was made to take it off one side then they planned accordingly and since have contracted to sell parcels fronting on McDowell Street on the west side.

Councilman Whittington stated he does not want to do anything that would cause Section 4 to be complicated again because for two years we have been trying to get it resolved to where it can be developed. At the same time, these people are there under the grandfather clause under zoning. Anything Council does in a taking from them, it will take so much property they cannot redevelop as they will not have enough land. Under the grandfather clause, they cannot alter their building anyway and this is the position they are left in. He stated he thinks the Planning Commission, the Redevelopment Commission, the Department of Public Works and City Council need to do all they can to help Gordon Motor Company before making any decision on the widening of the road. The road has to be widened and we have to resolve Section 4 at the same time as Mr. Short says we need to brush aside the red tape and all the technical aspects of this in order to take care of Gordon Motor Company. If we do not, we are not doing justice to that concern. That this is happening to them through no fault of theirs.

Councilman Alexander stated if this is made one of the uses, does it mean that a similar type business can be put in any of the other sections? Mr. Sawyer replied yes, under that route; but the City Attorney will confirm that it is possible to designate a specific lot that would be platted out. Councilman Alexander stated that is what he wants clear that it will be for this lot only; that we would not want to open up the whole area to this type of use. Mr. Sawyer replied that use would have to be added to the list of uses and with that being added, a particular lot could be designated for that purpose. Councilman Alexander asked if that means it would exclude any other parcels being used for that same or similar purpose? Mr. Sawyer replied under that route, it would.

Councilman Alexander stated under this route he still would be open to public bidding for that particular site? Mr. Sawyer replied he would; that anyone who wished to build a repair garage could bid on the property.

Councilman Withrow asked what effect this would have on the property already sold across the road? Mr. Sawyer replied he is sure it is known now that this is not one of the permitted uses; on the other hand, the purchasers of the property knew this garage was located at its present site and there is little difference between it being located there and here.

Councilman Withrow asked who made the decision that the road could not run through straight; he asked if we are positive this would affect the Addison Building if the road was run straight? Mr. Bobo, Assistant City Manager, replied if it went straight it would be right up next to the Addison Building. Councilman Withrow asked what if they missed Gordon's Building so he could leave the front on it, and then take the old dilapidated buildings across the street and make a dent in it, what would this hurt? Mr. Bobo replied any change in alignment now you would have to go back to the properties bought in the redevelopment area and change the right of way with them.

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Mr. Henry Harkey, Attorney for Butler Seafood and Bill Gordon Motor, stated he appeared here first in 1954; then the Council was considering a setback line of some nine feet all on the eastern side. After several councilmen came down and visited the premises the matter was continued several times, and it was then voted to make the setback line five feet on each side. The present proposed setback line which was 40 feet now is 50 feet, taking five feet from each side. Both Gordon and Butler established their businesses in late 1947 or 1948 when they came back from the war. Butler has two buildings; he has the former Pure Oil building on the corner and he has the fish retail outlet the second building from the corner, coming this way from Morehead Street. The third building, a very substantial, heavy brick building, is the Gordon building. For the last two years, they have been up in the air. Several years ago, on October 21, 1967, the then City Engineer denied a building permit to Butler or to Gordon. Butler wanted to make a change and he was denied a permit then because the street was going to be widened. That he has the letter before him in which it stated "we find your plans in conflict with proposed widening." The City Engineer then drew a sketch of what he thought they should do instead of what they wanted to build. He let it ride. Last September, 1970, McDowell Street was barricaded and closed at Independence. It was closed for four months without any work going on, and then in December, construction started. From the time it has been closed off, both of these businesses have had no business and in law, there is no compensation. They have had no traffic come to them from the north. Mr. Corbett of the Traffic Engineering Department very kindly put up a sign in the middle of the intersection of McDowell and Morehead with a directional arrow to Gordon and to Butler, so that traffic could come in. He stated Butler may be able to continue under this proposed plan.

Mr. Harkey stated seventeen years ago they were talking about 5 feet on each side, now there are talking about taking 40 more feet from Gordon and Butler. He pointed out on an aerial photograph coming from Independence Boulevard a more or less straight curb line until it gets to the point now being discussed. At that point, for no reason he can observe, the curb line has been shifted sharply to the left. That curb was put down six weeks to two months ago. When it was put down, the City had appraisers knocking on the doors of Gordon and Butler saying they were going to measure the property and were going to take 20 feet. Another set of appraisers came out and said they were going to take 40 feet. Both Gordon and Butler told them to go over and look at the Addison and to go back and refresh their memories on taking equally from both sides. That some three plans were brought to them. He stated Mr. Poley, Right of Way Agent, brought him a map this last week, taking the entire 40 feet off of Butler and Gordon and said it is the only feasible plan.

Mr. Harkey stated Butler may be able to continue his business if the 40 feet is taken; he would have to build another building under very trying conditions. Butler might survive but he would have considerable damage as he is losing 40 feet of a 120-foot lot facing on Morehead. Mr. Harkey stated the City will pay for that either here or in Court, no doubt. He stated if the 40 feet is taken, Gordon will be killed as the 40 feet will take not only all his parking spaces across the front which he now has, it would also take his office space, all his bathrooms and 15 feet of the inside of his garage. It will bi-sect his heavy brick constructed building. After this is done, he could put a new face on the building, but to do this, he would have to set back 20 feet from the new curb so that, in effect, when you take 40 feet, due to the setback ordinance, you are really taking 60 feet. His building would be too small to operate and additional ground would be necessary for him to stay in business. If you take 20 feet from his side, he could hang on.

Mr. Harkey stated the Addison Apartment is big, is heavy and is well-built and has a basement. The street level to the side of the Addison Apartment is only four or five feet below the side door and it has a basement inside the side door so that foundation goes down another five or six feet below that street level. This was built by J. A. Jones for his personal keeping forty years ago. That he understands they now propose to revamp that building and make a first class office building out of it. That he understands it has been structurally checked and found to be desirable to keep it in the future and that First Union National Bank controls it under a trust.

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Mr. Harkey stated this morning Mr. Gordon went out and measured from the curb line to the side door of the Addison Apartment and it is 30 feet. He stated he proposes that all of that land on the edge of the Addison Apartment is vacant; there is nothing but a few shrubs there. If you would take the 20 feet from the Addison Apartment side, and the 20 feet from their side, it would save money, contrary to what the Public Works Department based on appraisals says. A foot of land on either side of the corner will have the same value. Instead of it costing more to take 20 feet on the Addison Apartment side and 20 feet on the other side, it will cost more to take all from one side. When you take the 40 feet from one side, you not only pay for 40 feet of land but you have to pay substantially for destroying three buildings.

Councilman Alexander asked if an equal amount of footage is taken from both sides, would it enable Mr. Gordon to continue where he is now operating? Mr. Harkey replied he could continue in a crippled fashion; that he would desire to stay there and they would try to operate and it would not require that any portion of his building be torn down as the front walls of his building are more than 20 feet back; there would be enough room to have a sidewalk even if you took 20 feet as it is about 27 feet back. Councilman Alexander asked what it would do to the Addison Apartment side? Mr. Harkey replied he would think it would not do a thing if you put the sidewalk next to that apartment just as you find them in New York, Washington, Atlanta and other places. In uptown areas, you find most of the apartments on the sidewalk; and it would still leave a comfortable sidewalk between the side door of the Addison and McDowell Street. Mr. Harkey stated it was hard for him to see a 40-foot street with 40 feet added to it without winding up with an 80 foot street; but 40 and 40 does not make 80 feet on that corner. You will wind up with three lanes on the southbound traffic, 34 feet wide traveled and you will wind up with 24 feet on the northbound lane, and if you add the two together that is only 58 feet. The villain is the median strip. When has McDowell become an Independence Boulevard and you need a median strip?

Councilman Calhoun asked if Butler would be able to continue if you take 20 from each side, and Mr. Harkey replied he would survive.

Councilman Short asked if Gordon has a mortgage on this property? Mr. Harkey replied he understands that Mr. Gordon, Sr. more or less had a nervous breakdown and went to the beach because of this and his son, Bill, took over the business and runs it on a lease from his father. Mr. Butler is an independent operator and is the sole owner and he and his wife run the seafood place. Both maintain their livelihood in these businesses. The damages offered have not been adequate. He stated both parties intend to stay at these locations if the City agrees to take 20 feet even though they were told several years ago that only five would be taken. They can stay and survive. Councilman Short stated they are operating there now on the basis of an outright ownership with no mortgage; that they are not having to pay rent. That their continued operation would be crippled? Mr. Harkey replied they would be crippled and they might have to work a little harder in a little closer space. He stated the property across the street is not high class. There is the Addison Apartment garage which has been vacant, 90% of it, for the last 15 years; it is falling down; the service station is sagging now and it is dangerous to walk under. The land which has been sold in the renewal area was sold to Duncan Printmakers; that Mr. Parnell came out in the paper and said he wants his money back as he does not like the property as you would have to sink 30 foot pillings in it. That it is not impossible to get a little more ground back from the renewal area.

Mr. Hopson, Public Works Director, stated he agrees in substance with what Mr. Harkey says that this is purely a case of judgement, and they have decided to use their best judgement on the whole situation. It goes back over many years so that we are into the picture rather late, but our engineers and our right of way people still feel we are right. He pointed

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out on a drawing the location of the Duncan Printmakers Building which is planned, and stated the concentric widening comes in and each of these is 20 feet; the present street is 40 feet wide all the way from Morehead to Independence and is an 80-foot street at the present time. That we have met this requirement due to the fact that through the years in our best judgement and the Engineering Department's best judgement, was that the line should be on an eccentric basis. When we got our appraisals in they showed we were close on it, and that the construction cost itself would be slightly less. He pointed out the Addison Apartments and indicated how close it would come if we went to concentric widening. That Mr. Harkey says 10 feet, but they feel it is somewhere in the neighborhood of 6 or 8 feet. He stated as they see it, it is a question of cost. If the cost is outweighed by trying to keep these people in business, that he is the last to suggest that we put anyone out of business. But the right of way, and engineering, feels it would be considerably cheaper to go the eccentric way and take 40 feet on this side and add it to the 40 feet of the present right of way and to come on through to Morehead Street. He stated there will be five lanes; three going one way and two going another way. You do have verible widths; a raised median is proposed. The last time he looked at it a few days ago, about \$5,000 worth of work has been completed which would have to be removed if we went to the concentric widening. He stated our people feel we are getting awfully close to the foundations in here. That they would be happy to try to work with Mr. Sawyer and the owners to see if we can do anything better.

Mr. Hopson stated the median curves to the shadow lane so that the people can turn coming down from Independence Boulevard to the left and to the right, and there are two lanes coming in. Councilman Whittington asked if you take the median strip out, would you still have to take the same amount from the Butler and Gordon side? Mr. Readling, City Engineer, stated the median is only four feet in this area and if you eliminate the median, you only save four feet of right of way width, and this is a five lane section. Councilman Withrow asked if you took ten feet off the Addison side, instead of twenty, what would this do on the other side of the street? Mr. Readling replied they need a total of 80 feet and the existing right of way is 40. Councilman Withrow asked if they only took 30 feet, would it leave Gordon's building? Mr. Hopson replied it would eliminate his much needed parking, even if it goes the eccentric way because they are taking away parking in front of the building, and if he has to rebuild on any circumstances, he still has the zoning problem.

Mr. Harkey asked the difference in cost of taking 40 feet on their side and taking 20 feet on each side? Mr. Hopson replied the appraised cost eccentrically is \$115,000 and concentrically is \$87,000. That the difference is about \$28,000.

Councilman Short stated he thinks there is more than money involved; that he can understand the feelings of Gordon. That his own family was involved in a family business out on North Tryon Street. The State Highway decided to change that highway out there and they had no mortgage on the property and were operating without paying rent; that they finally decided it would be better to go somewhere else and to wind up with a mortgage, which they did. That it was the best thing they ever did. If they had stayed there, they would have been crippled. You sure hate to move in a type of situation they had, but basically, it was by far the best thing for them as they wound up with much better uncrippled situation. Judgement it seems to him is related not only to the money and not only to the traffic situation but a personal judgement that he thinks the Gordons should make as to whether they really want to continue in a crippled situation when they really do not have to. That perhaps Mr. Sawyer can help them and the repayment and condemnation money and the removal money will put them in very good business shape for many years to come, uncrippled. Mr. Harkey replied he brought up the same question to them, and Mr. Gordon has told him that he has been looking but has been unable to find another location. Councilman Short stated he has

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a suspicion that with the help of the Redevelopment people, that an arrangement can be evolved that would only move them a few hundred feet and everyone would smell like a rose. Mr. Harkey stated they would like to work that out if it can be done within the city's time schedule.

Councilman Whittington stated he thinks it has been pointed out here that the Council and various departments are trying to cooperate with Mr. Harkey and his clients; that we are in a situation where the City Council has to make a decision; that he is going to move that Council approve the recommendations of the Departments involved under Item 16 (a) and (b), and that Mr. Sawyer and Mr. Underhill take every action that they can take to allow Mr. Gordon to be able to use this property between his present property and the creek, realizing that he has to bid on it. Councilman Short stated he is inclined to second the motion for the simple reason that it cuts out some of the variables and pinpoints the type of discussion that would have to occur between Mr. Harkey, Mr. Sawyer and Mr. Gordon.

Councilman Whittington stated Mr. Underhill and Mr. Sawyer are to do everything they can to get Mr. Gordon in the renewal area.

Mr. Harkey asked if it is possible for the city to exchange property? Can the city buy from urban redevelopment and then the city trade with his clients? Mr. Sawyer replied the Commission's attorney has allowed them to trade property within a project area, but not from outside to inside. Mr. Underhill stated the Gordon property would be outside the project area; if the city acquired the urban renewal property under discussion, the only way the city could sell it would be at public auction; the city could not exchange it.

Councilman Whittington stated he has enough confidence in Mr. Sawyer and Mr. Underhill that they can work this problem out with Mr. Harkey, and he does not think there is a problem.

Councilman Whittington moved adoption of a Resolution authorizing condemnation proceedings for the acquisition of property of William S. Gordon and wife, Hattie P., at 915 South McDowell Street, for the South McDowell Street Widening, at a condemnation price of \$47,500.00. The motion was seconded by Councilman Short, and carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 7, at Page 351.

Motion was made by Councilman Whittington and seconded by Councilman Short, adopting a resolution authorizing condemnation proceedings for the acquisition of two tracts of land of W. M. Butler and wife, Louise, at 919 South McDowell Street and 901 East Morehead Street, for the South McDowell Street widening, at a condemnation price of \$50,000.00. The vote was taken on the motion and carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 7, at Page 352.

RESOLUTION AUTHORIZING MAYOR JOHN M. BELK TO ACCEPT SEVEN 1971-72 ACTION GRANTS FROM THE CENTRAL PIEDMONT CRIMINAL JUSTICE PLANNING AGENCY AND THE DIVISION OF LAW AND ORDER OF THE NORTH CAROLINA DEPARTMENT OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PROVISION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Motion was made by Councilman Jordan, seconded by Councilman Calhoun, and unanimously carried, adopting subject resolution authorizing the Mayor to accept the following seven (7) 1971-72 Action Grants from the Central Piedmont Criminal Justice Planning Agency and the Division of Law and Order of the North Carolina Department of Local Affairs:

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1. Police Film Library	\$ 11,000.00
2. Police Resource Allocation Study	40,000.00
3. Police Athletic League	46,547.00
4. Drug Abuse Study	4,805.00
5. Family Crisis Intervention Unit	30,000.00
6. Model Cities Police Community Relations Project	57,907.00
7. Regional Crime Lab	<u>50,000.00</u>
TOTAL GRANTS	
	\$240,259.00

The resolution is recorded in full in Resolutions Book 7, at Page 353.

**CHIEF GOODMAN CONGRATULATED ON APPOINTMENT AS GRAND STEWARD OF THE MASONRY IN NORTH CAROLINA.**

Councilman Jordan stated our Fire Chief, Walter Black, is the incoming potentate of the Shrine of North Carolina of Oasis Temple of about 10,000 members. That while Chief Goodman of the Police Department is here, he would like for Council to know that he has been appointed the New Grand Steward of Masonry in North Carolina. There are about 68,000 Masons in North Carolina, and in about seven years, Chief Goodman will be the Grand Master of all Masons in North Carolina.

That he understands this is the first time that a law enforcement officer has held this position. He stated he would like to congratulate the Chief on this honor. It is quite an honor to have the Chief of Police and the Fire Chief in these very important positions.

Councilman Jordan moved that Council congratulate Chief Goodman on this honor. The motion was seconded by Councilman Alexander, and carried unanimously.

**RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR AGAINST THREE TAX ACCOUNTS.**

Councilman Short moved adoption of subject resolution authorizing the refund of certain taxes in the amount of \$111.98 which were levied and collected through clerical error against three tax accounts. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 354.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION OF SCHWARTZ AND SON, INC. TO CLOSE A PORTION OF SOUTH JOHNSTON STREET, LYING SOUTH OF INTERSECTION OF SOUTH JOHNSTON STREET AND WEST THIRD STREET.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted fixing date of public hearing on Monday, June 28, on petition of Schwartz and Son, Inc. to close a portion of South Johnson Street, lying south of intersection of South Johnston Street and West Third Street.

The resolution is recorded in full in Resolutions Book 7, at Page 355.

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ORDINANCES AUTHORIZING TRANSFERS OF FUNDS.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun and unanimously carried, adopting the following ordinances authorizing the transfer of funds:

- (a) Ordinance No. 121-X authorizing the transfer of \$300,000 from the Public Building Bond Fund to Fire Station No. 4 Project Account to be used to cover the cost of land acquisition of construction of Fire Station No. 4.

The ordinance is recorded in full in Ordinance Book 18, at Page 197.

- (b) Ordinance No. 122-X authorizing the transfer of \$99,000 from the 1966 Urban Renewal Bond Fund to the Central Business District Coordination and Development Project to pay for professional services to be rendered by Ponte-Travers Associates and Wolfe Associates for a comprehensive study of the Central Business District, as approved by City Council on February 1, 1971.

The ordinance is recorded in full in Ordinance Book 18, at Page 198.

- (c) Ordinance No. 123-X authorizing the transfer of \$50,000 from the Unappropriated Balance of the Airport Fund to the Runway Strengthening Project Account to be used to cover the preliminary engineering services on the Runway Strengthening Project.

The ordinance is recorded in full in Ordinance Book 18, at Page 199.

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 Jordan, seconded by Councilman Calhoun, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass:

- (a) Ordinance No. 124-X ordering the removal of weeds and grass adjacent to 1400 East Independence Boulevard.  
(b) Ordinance No. 125-X ordering the removal of weeds and grass across from 1919 Purser Drive.  
(c) Ordinance No. 126-X ordering the removal of weeds and grass adjacent to 2525 Knollwood Drive.

The ordinances are recorded in full in Ordinance Book 18, at Page 200.

CONTRACTS BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND SPECIALIZED EDUCATIONAL CONSULTANT SERVICES AND CITY COACH LINES, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the following contracts were approved:

- |   |             |
|---|-------------|
| (a) Specialized Educational Consultant Services | \$37,847.77 |
| (b) City Coach Lines, extension to 6/30/71      | 9,500.00    |

Councilman Withrow stated he would like to go over to Model Cities; that we keep spending money and he would like to learn what it is all about, and find out where all the money is going.

Councilman Short stated Mr. Withrow's suggestion is a good one; that he had suggested that Council have a conference session where Councilmembers could ask questions about this program. Councilman Withrow suggested that Council get a good briefing from Model Cities; that he would like to learn more about it.

Mayor Belk stated about a year ago Council went around to the various departments and viewed them on the site; that this is very educational and it might be well to do this again especially for the new Councilmembers.

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#### DISCUSSION OF CONFERENCE SESSIONS.

Councilman Short asked if the conference sessions have been discontinued? Councilman Jordan replied they have not; that his motion was to hold the sessions in the Council Chamber rather than the conference room to give more room.

Mr. Bobo, Assistant City Manager, stated the suggestion that the conference sessions were to be moved into the Council Chamber was interpreted as the Council wanting to make these reports a part of the Council formal session. Councilman Jordan stated his motion was rather than holding the conference session in the conference room that it be moved into the Council Chamber so that the public, if they wanted to come in, could come in; that he did not intend to eliminate the conference session. Councilman Alexander stated if we are going to have the conference sessions, it is alright to set the meeting an hour earlier so that Council will have time to hear the presentation, and then take the necessary action. All that is done in the conference session is to sit and hear and discuss it and end up making an informal motion or decision of some sort and then come to the formal meeting and have to legislate it. Why cannot the time be set and have a regular council session and discuss it at length.

Mayor Belk stated he thinks the report of the Park and Recreation Commission should have been made in their quarters; that it would give emphasis to the public as well as emphasis to the Park and Recreation. That he thinks this should be done with the Coliseum Authority and with the others. That you do not need to take action but you could better understand the problems.

Mr. Bobo stated the conference sessions are to keep the Council informed as to what is going on and to explain the programs; it is to brief Council on a program and then sometimes it is necessary to take formal action at the Council Meeting.

Councilman Jordan stated nothing has been changed except to move the Conference Sessions into the Council Chamber. Councilman Short stated he does not care where Council meets and he does not care if Council has to vote twice, but he thinks these informal sessions are invaluable; that this is the City Manager's and the City Staff's chance to talk; that what they are going to say it probably a lot more valuable than what Council is going to say; that he thinks it would be a mistake to cut these out.

Councilman McDuffie stated the Council Chamber needs to be changed. When he sat in the audience he resented looking at the back of the maps. That he thought the closed circuit television would have been a good investment. That it is being left out for the people in the back of the room and in the hall to have to look at the back of the maps. He suggested that the maps be placed on the side wall or back in the corner. He stated Mr. Short told him he had an outline of a redesign of how to present things in the Council Chamber. Councilman Short stated he did suggest to the former manager an arrangement over on the wall and he will take it up again with Mr. Burkhalter, City Manager.

Mr. Burkhalter stated he understands that Council meetings will be scheduled at the regular hour of 3:00 o'clock and when there is a particular subject, such as the Park Report today, or the Model Cities, that Council would be called together at 2:00 o'clock in the Council Chamber.

Councilman Calhoun stated it is an excellent idea to hold these meetings at the Coliseum and the Park and Recreation Commission facilities. If that can be worked out it would be very beneficial especially to the newcomers.

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REQUEST THAT SCHEDULE OF MEETINGS OF ALL CITY AGENCIES BE INCLUDED AS INFORMATION ON THE WEEKLY AGENDA.

Councilman McDuffie asked if the weekly agenda can include the meetings of the various agencies, such as Model Cities. He asked if on the last page all the events and meetings scheduled for that week can be included so that Council can attend them. That there are a couple of agencies he does not ever recall reading that they would have a meeting. Park and Recreation is one of them and he would like to attend some of those meetings and sit in and learn something about them. Mr. Bobo, Assistant City Manager, stated the Public Information Office is preparing calendars of all public meetings to be furnished to the Council and to the public, and it will show the meetings scheduled a month in advance. Councilman McDuffie stated he believes Council can stay on top of it better if it is included in the agenda weekly.

CHANGE ORDER NO. G-7 IN CONTRACT WITH LAXTON CONSTRUCTION COMPANY FOR RENOVATION TO THE AUDITORIUM-COLISEUM APPROVED.

Councilman Withrow approval of the following change order increasing the contract price of \$434,191.29 by \$2,034.00, which motion was seconded by Councilman Calhoun:

- |   |            |
|---|------------|
| (a) Panel Wall and ceiling to cover new air handling units....                              | \$1,092.00 |
| (b) Cylinder dead locks and flush bolts for locking exterior doors to new ticket lobby..... | 942.00     |
| TOTAL ADDITIONS.....  | \$2,034.00 |

Councilman Alexander stated he hopes these are the proper kind of locks and that they are workable locks and the flush bolts fit, and it will not be like some things he ran across in the Law Enforcement Center about locks. That he wants to make that comment so that we will not find that these locks are unworkable locks and the bolts do not even have a place to catch.

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

CONTRACT WITH BERKSHIRE REALTY CORPORATION FOR CONSTRUCTION OF WATER MAINS AND FIRE HYDRANTS IN DEERING OAKS SUBDIVISION, SECTION 2.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving subject contract with Berkshire Realty Corporation for the construction of 3,240 feet of water mains and three fire hydrants in Deering Oaks Subdivision, Section 2, inside the city, at an estimated cost of \$13,100.00, with the applicant to advance the full cost of the mains and to be reimbursed 50% of the sum over a period of time according to the revenue yield, all in compliance with the Partnership Plan.

RIGHT OF WAY EASEMENT AT 3045 SHAKER DRIVE, FROM A. GARY SEIGLER AND WIFE, PEGGY C., FOR THE MCMULLEN CREEK OUTFALL, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, approval was given to the acquisition of 30' x 248.40' of easement at 3045 Shaker Drive, from A. Gary Seigler and wife, Peggy C., at \$550.00, for the McMullen Creek Outfall.

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TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Rex N. and Lalla M. Gribble for Lot No. 437, Section 6, Evergreen Cemetery, at \$480.00.
- (b) Deed with Joseph Erwin Moore and wife, Dorothy Powell Moore, for Lot No. 252, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with Mary G. Covington and Ellen J. Covington for Lot No. 195, Section 3, Evergreen Cemetery, at \$982.00
- (d) Deed with John E. Spratt and wife, Jean Ray Spratt for Graves No. 2 and 3, in Lot No. 23, Section 3, Evergreen Cemetery, transferred from Ernest Spratt at \$3.00 for transfer deed.
- (e) Deed with J. H. Blackburn for Lot No. Q, Section U, Elmwood Cemetery, transferred from Mrs. Ploma P. Blackburn, at \$3.00, for transfer deed.

NOMINATION OF JAMES R. SHERIDAN TO THE COMMUNITY FACILITIES COMMITTEE FOR UNEXPIRED TERM.

Councilman Calhoun stated several weeks ago he submitted his resignation from the Community Facilities Committee to the Mayor. That he understands the Committee will meet tomorrow and the Chairman has written the Mayor asking, if possible, that the replacement be obtained so that the Committee will be at full strength beginning with the meeting tomorrow.

Later in the meeting, Councilman Whittington placed in nomination the name of Mr. James R. Sheridan, Executive Vice President of the North Carolina National Bank, with the nomination to remain open one week.

SUGGESTION OF POLICE PRECINCT IN OAKLAWN COMMUNITY.

Councilman McDuffie stated in the Saturday afternoon paper there was an article about the Oaklawn Avenue Community with its drug problems, and that people are afraid to assist the police department; that the people are intimidated and fearful to go out of the house. He stated this disturbs him as this is a growing problem. The only solution he can think of right now is whether the city needs to establish a police precinct station in the Oaklawn Community with the idea that the police officers are friends of the citizens rather than oppressors. The article implied if you put police force in the neighborhood then the problem moves somewhere else. That he suggests we are going to have to do that, and are going to have to move this kind of people out of the community and if they go somewhere else then move the police force there also. He stated the city is large enough that police precincts are something we have to consider. That this particular areas needs one right now. He stated with the budget coming up, he hopes it can be considered in the next few weeks. That he plans to talk to the police department to see if they have any suggestions or objections. The other Councilmembers need to decide if they are going to be in favor of it. It seems bad not to be able to get a warrant in time to go back and arrest people in the drug traffic or whatever the crime is. That is not a valid reason. If we need justices of peace, or magistrates, out there and police out there 24 hours a day, then we need to move in this direction. If this were happening in other communities of the city, people would be up in arms, and demanding that we do something. We need to do something in this neighborhood.

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Councilman Jordan stated some years ago he tried to get sub-stations in the four quadrants of the city, and he feels sure the Chief still has this information and Mr. McDuffie can get it.

Councilman McDuffie stated in a weeks time or two weeks, he is going to make a motion that Council make some effort in that direction, and right away.

Councilman Jordan stated it would be good to have Chief Goodman discuss this with Council. Councilman McDuffie stated Council can direct the City Manager to contact the police department and see what their feeling is on the suggestion and see if some definite steps can be made in this area.

REPORT REQUESTED ON AREA TO BE CONSIDERED FOR ANNEXATION.

Councilman McDuffie asked Mr. Whittington if he has received a report on annexation? Mayor Belk replied it is impossible to bring it back in a week; that too much is involved. That he talked with Mr. McIntyre, Planning Director, and he says it is humanly impossible to get this information together at such short notice. Mr. Burkhalter, City Manager, stated just prior to this meeting, Mr. McIntyre told him that they were making an attempt to get the basic information on population density which is required by law of the entire peripheral area of the city. As soon as that is received, then they will put in the water and sewer estimates. When this information is compiled, then they will break it down into the areas which they will recommend. That all of this will take a little more time.

Councilman Whittington stated he thinks Council should tell Mr. Burkhalter today that it wants a report from the Planning Commission, Sanitation Department, Police Department, Fire Department and Water and Sewer Departments on an area or areas Council can consider in the budget. There is no reason why Mr. Burkhalter cannot go to these department heads and say Council wants a report on what it will cost to put these services in an area to be annexed. As an example the area out Independence Boulevard, Rama Road, and Stonehaven. There is no reason why at Budget time Council cannot be told how much it will cost to put a crew of sanitation trucks out there, fire alarm system, what Chief Black needs in a way of a fire truck at No. 16 station, and then Council has something to consider. That he is talking about the area where there is a utility facility off Rama Road and in that vicinity. That he thinks this is what Council should do, and then Council has something at budget time to say whether it can be annexed or whether it cannot be annexed in 1972.

Mr. Bobo, Assistant City Manager, stated first you have to decide what area you will consider for annexation, and this is what the Planning Commission staff is doing now. Councilman Whittington stated they know right now which area will qualify.

Mr. Burkhalter stated he understood Council wanted to know what areas could be annexed, and then how much the city could do; that this is the way the Planning Office is proceeding. That he understands the City is prohibited by law from just going out and annexing whatever it wants to annex. First it has to qualify under certain density of population. If you already know these, then you can say what area you want to annex.

Councilman Whittington stated Step No. 3 of Mr. McIntyre's letter to Mr. Bobo, on May 3, is to complete the planning required for the areas judged to be acceptable. He stated the area Council has been talking about all the time is out Independence Boulevard to Idlewild Road, down Idlewild Road to Rama, and then that area to the left and right of Rama Road until you get to Sardis Road. This is the first area considered and there were two reason for that. Just beyond the city limits there is all this commercial property that has been out there free of any city ad valorem tax all these years. Secondly, this is the area served by this utility plant, not Ervin's and not Idlewild Utility, but another one. That this is the area he is talking about, and is the one the majority of Council has been thinking about over the years. There is a utility there and the city can acquire it; but the city cannot acquire it

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until we know how much it costs, and neither can we make any other consideration until all of these things are submitted to Mr. Burkhalter. Someone has to draw this boundary so that Mr. Burkhalter and the Department Heads can get this information to Council and then Council would have something to consider at budget time.

Mr. Burkhalter asked if Council would like to pick this particular area, and ask the Planning Commission to concentrate on this first? Councilman Whittington replied this would be his suggestion to the City Council. Councilman McDuffie stated with the new census figures out he does not see that it is a problem on them determining where there is enough people to annex. That he thinks Mr. Whittington is right and they know which area is qualified, or at least they have access to the information. The urgency is that in the next six weeks, this should be compiled.

Councilman Short stated to annex fairly, we need a comprehensive understanding of the entire area within the outreach of the outfalls, and that will be a tremendous undertaking.

Councilman Alexander stated the Planning Commission is working on an overall program so that they can have some facts on which Council can make some judgements. Mayor Belk stated even if you had it right now you cannot put it into next year's budget. Councilman McDuffie stated the law says you have two years to provide certain of these services. Mr. Underhill, City Attorney, stated it is one year on certain services and immediately on others. Councilman McDuffie stated in a lot of cases these people already have water and some private sewer system, and if necessary, the city might contract the sewage service. Councilman Short stated the Council's authority to annex by reaching out and voting 4 or 7 votes to take in an area is a power to have, and Council must use this with the utmost of fairness; that he does not see how Council could ever explain taking anything other than the entire area that these outfalls would set up for us to take. That this will be a tremendous undertaking and it will take a lot of planning and report before it comes about; also a whole lot of money.

Councilman McDuffie stated he wants in black and white the exact areas and what they need sometime in the next two months. If we cannot take them in, we will know why they are not in. The City has talked in circles for five or six years about where it is going to do these things. Now there needs to be a time schedule on McAlpine Creek Outfall and the McMullen Creek Outfall. If the Planning Commission tells Council, in black and white, exactly what is needed and what the schedule is, the staff can put that schedule for 1976 or whenever it is. That he knows we contract with Ervin and he takes some of the city sewage and the city takes some of his sewage because of the lay of the land. That the City could contract the sewage if that is all that is holding up annexation all the way to Idlewild Road.

(COUNCILMAN JORDAN LEFT THE MEETING DURING THE DISCUSSION AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

Mr. Bobo stated the plant Mr. McDuffie is speaking of does not have capacity to take care of the whole area.

Mayor Belk stated this is the reason Council was asking the Local Delegation to not get carried away on the perimeter zoning. If we do not work in conjunction with the county and we do not have a sayso in the zoning of the perimeter area, we will never get our plans lined up so that we can go into the areas.

Later in the meeting, Councilman Whittington stated he had not received an answer on what would be done about the annexation reports. Mr. Burkhalter replied if Council will narrow it down to one area, a report can be given sooner, but he thinks that both he and Mr. McIntyre misunderstood and thought it was the entire peripheral and this would take considerable more time. Mayor Belk stated he thinks we should do the entire area; and it should be kept current and brought up to date as you go along.

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Councilman Whittington stated he is convinced as long as you hit at it, we are not going to get any annexation. That you are talking about four or five million dollars and going all the way to the McAlpine Creek on Independence Boulevard; that is ten years away; you have to do it in pieces, particularly as it conforms to the law and you can provide the facilities. That he does not see how we can reach out as we did in 1960 and take in 30 square miles as was done when Montclair and Starmount and a part of Huntingtowne Farms was taken in. Mayor Belk replied he is sure they will be glad to get any information he wants.

Councilman Whittington moved that the area he delineated to Mr. McIntyre be studied with a report for annexation. The motion was seconded by Councilman McDuffie.

Councilman Alexander stated suppose when Council gets this general report, would going into one particular section throw anything out of line in the overall plan? Councilman Whittington replied when you get this overall picture you would exclude this area because, hopefully, by then Council would be ready to make some decision on whether or not the area would be annexed; that he is talking about an area that is served by a utility that according to Mr. Tate and according to Mr. McIntyre would be the logical place to go first. Councilman Alexander stated there are a lot of angles that should be before Council before making this decision. Councilman Calhoun stated that point is good but he does not think that consideration of one area is prejudicial at all to the Master Plan for total annexation. That he would not view it in that light.

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

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

#### COUNCIL MEETINGS TO BE SCHEDULED FOR WTVI, CHANNEL 42.

Councilman Withrow stated he has been approached by Channel 42, WTVI about having a council meeting at night, in the Educational Building, so that this Council could be brought closer to the people. That he would suggest that Council have one meeting a month or set aside some period when this can be brought to the people on this station. That the station will be furnished free of charge.

Councilman Withrow moved that Council set these meetings for once a month. The motion was seconded by Councilman Alexander.

Councilman Short stated he told them he was very much in favor of this and gave them several reasons. That it was his understanding they would come back to Council with some specific plan and would key in with the City Manager.

Councilman Withrow amended his motion that representatives of WTVI proceed with their plans and Council will abide by meeting once a month or once every two months at a designated place. The motion was seconded by Councilman Alexander, and carried unanimously.

#### SUGGESTION THAT COUNCIL MEET WITH COUNTY COMMISSION TO COORDINATE PLANS.

Councilman Withrow stated Council should have more meetings with the County Commission to coordinate plans. That he thinks there are certain departments of the city and county that can be consolidated. That Council should meet with the County Commission and decide which departments might be consolidated.

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#### DISCUSSION OF CHARGE FOR FIRE SPRINKLER SYSTEMS.

Councilman Withrow stated sometime ago Council passed an ordinance setting a charge for fire sprinkler systems. He stated these people paid for the meters when they received the sprinkler system, and now there is a charge on these people for the use of these meters. That at the time he voted on it, he did not realize what he was voting on. That he thinks this should be studied. If water goes through this meter, then you should pay for it. But if no water goes through, he does not see why these people should pay for the privilege of having a fire meter for the sprinkler system. Councilman Withrow stated he has just received a bill for \$100, and he has received a lot of calls about this. That this is a yearly charge. That he called the Water Department about the charge and they said they had received numerous calls.

Councilman Short stated the City has to have a tremendous quantity of water on standby to service these hundreds of systems around the city, and it is a tremendous expense, and this charge was intended to help defray this expense. Mr. Bobo stated this requires additional money by the City as larger lines are required to provide this service. Councilman Withrow asked why the individual has to buy the meter if the charge is on the water? Mr. Bobo replied the city had to lay the larger lines to provide this service and this is one way to defray the cost.

Councilman Withrow stated he would like to know how many calls the city is receiving on this.

#### MAYOR REPORTS ON MEETING WITH THE HIGHWAY COMMISSION.

Mayor Belk stated he meet with the Highway Commission in Raleigh on Friday morning. That Mr. Maxwell called in and said he was behind the city a hundred percent, but he could not attend the meeting. That they met with Mr. Billy Rose, Mr. Lauch Faircloth, and Mr. Ingram and they were very interested. He stated one of the main things was the Belt Road as it goes over Independence Boulevard, and he thinks this was straightened out up to the railroad. That they requested the tie-in of the Expressway with Seventh Street, through Charlottetown Mall, to help the downtown traffic and they agreed with this. They okayed all the priorities the city had a year ago; there is no change in that, and they agreed with this. That Mr. Maxwell did the same thing. The main study which the city wanted and he was encouraged about was the study on Independence Boulevard.

Mr. Burkhalter stated he learned after this conference that they were going to submit to the City the right of way final proposal for the Independence, Commonwealth, Eastway intersection. That they said the city could have this right of way, but he has not received it as yet.

Councilman Whittington asked if Mr. Billy Rose is planning to come and make his presentation on behalf of the Highway Commission to the City as he asked for in his motion? Mayor Belk replied no date was set with him while he was there. Councilman Whittington stated he is supposed to come and go over the city's priorities and tell Council where the city stood on them in a public meeting.

#### FORMAL REPORT REQUESTED ON WORKABLE PROGRAM AT NEXT COUNCIL MEETING.

Councilman Whittington asked where we are on the workable program? We were supposed to send telegrams to Mr. Baxter, Secretary Romney and Congressman Jonas and the two Senators, asking for their help in getting the workable program approved. Mayor Belk replied he has not heard anything on that. The City Manager stated the Chairman of the Redevelopment Commission wrote a letter to Mr. Baxter trying to explain the one thing that seems to be the problem about the location of housing, and a program for such. That we are now waiting to see whether or not they will accept that. That the long range program for housing is holding it up.

Councilman Alexander asked that a formal report on this particular matter be given at the next Council Meeting.

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RESOLUTION REQUESTING MECKLENBURG DELEGATION TO CONSIDER LEGISLATION ESTABLISHING THE CHARLOTTE PERIMETER AS AN URBANIZING DISTRICT.

Councilman Short stated in reference to the Bills concerning zoning which have been introduced into the legislature and the matter about which there was the most heated discussion and the greatest difference of opinion at Council's visit to Raleigh last week concerned whether the Charlotte Perimeter will be eliminated or the Council's zoning jurisdiction eliminated. That Council told the legislators in person in an informal way what six members thought on this proposal which was that we opposed it. He stated he thinks this situation on this particular proposal is such that Council should adopt a formal resolution on the matter and send it to the members of the Delegation.

Councilman Short read the following resolution:

"WHEREAS, Charlotte City government now has jurisdiction in the Charlotte perimeter to administer the Zoning Ordinance, Building Code and Subdivision Ordinances, and

WHEREAS, this has greatly benefitted the greater Charlotte community by making possible orderly growth of the city with proper continuity of streets, width and lay-out of streets and intersection, drainage, structural quality of buildings, fire prevention, and safety of residents and public, and

WHEREAS, the perimeter will be in close relationship to Charlotte over a period of many years as urbanization and annexation continue in this rapidly growing community, so that closer ties between city and perimeter will be increasingly needed, and

WHEREAS, the Delegation is presently considering legislation that would repeal and abolish the Charlotte Perimeter area so as to destroy the proper continuity and orderly growth of Charlotte;

NOW, THEREFORE, be it resolved that Charlotte City Council requests the Mecklenburg Legislative Delegation to give careful consideration to continuing the laws relating to the perimeter as they now are; or as an alternative to consider formalizing the Charlotte perimeter into an Urbanizing District with representatives from same, having voice along with Charlotte City government in matters affecting the mutual interests of both, including zoning; building, electrical, mechanical, and plumbing codes; street planning; subdivision approval; drainage; and traffic control; or other alternatives that will preserve the community benefits of close relationship between Charlotte and the perimeter."

Councilman Short moved adoption of the resolution and that it be sent immediately to all members of the Delegation. The motion was seconded by Councilman Whittington.

Councilman Calhoun stated he questions whether Paragraph 4 of the resolution is proper, and whether or not this will antagonize the Legislative Delegation by having it in, and what does it accomplish. That it is not his understanding that they are eliminating the perimeter area. Councilman Calhoun suggested that this paragraph be left out.

Councilman Short amended his motion to exclude the paragraph reading:

"WHEREAS, the Delegation is presently considering legislation that would repeal and abolish the Charlotte perimeter area so as to destroy the proper continuity and orderly growth of Charlotte;"

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Councilman Whittington agreed to the amendment. The vote was taken on the motion, and carried by the following vote:

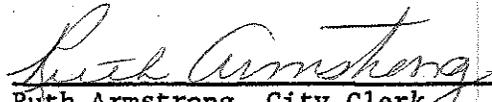
YEAS: Councilmen Short, Whittington, Alexander, Calhoun and Withrow.  
NAYS: Councilman McDuffie.

CITY MANAGER INSTRUCTED TO CONTACT INTERNATIONAL FIRE CHIEF'S ASSOCIATION TO INITIATE A RECRUITMENT PROGRAM FOR A NEW FIRE CHIEF.

Councilman Short moved that Mr. Burkhalter, City Manager, be instructed to confer with the International Association of Fire Chiefs to initiate a recruitment campaign for a new fire chief, and that he keep a file of letters received and personal statements and materials received from any interested persons, including local and non-local who express an interest in this job. The motion was seconded by Councilman Alexander, and carried unanimously.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk