

April 10, 1967
Minute Book 48 - Page 299

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, April 10, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman John H. Thrower.

INVOCATION.

The invocation was given by Reverend Charles L. McDonald, Minister of Pleasant Hill Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, the Minutes of the last meeting on April 3rd were approved as submitted.

HEARING ON AMENDMENT NO. 1 TO REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION 2, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C. R-24.

The scheduled hearing was held on Amendment No. 1 to Redevelopment Plan for Redevelopment Section 2, Brooklyn Urban Renewal Area, Project No. N.C. R-24, to incorporate the Governmental Center Plan designed by J. N. Pease Associates into the Redevelopment Plan.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, advised his office has supplied the City Manager with a copy of the changes that are being recommended in the Redevelopment Plan in considerable detail. They list the plan as it now exists and approved in November 1963 and then the changes recommended in order to incorporate the Governmental Center Plan as designed by the J. N. Pease Associates into the Redevelopment Plan.

Mr. Sawyer advised the first change as recommended is a boundary change and was recommended for three reasons. One, to include a piece of land now owned by Mecklenburg County. It is roughly half of the block on which the present county office building is located. The purpose of including this is so that an easement can be granted to the City by the County for the purpose of constructing a portion of the overhead pedestrian walkway and the transportation plaza beneath the walkway. The other changes were for technical reasons. The first is to change the boundary on the west side where it inadvertently overlapped with Project No. 1. This serves no purpose other than to put the boundary side by side. The same is true on Fourth Street where there was no overlap but they had to bring the boundary back to the south side of the street in order to attach the block on which the jail and law enforcement center will be built to Project No. 3, so there could be a physical connection.

Second, the change is in the types of renewal action that will take place. This is mainly to emphasize the governmental center plan of the designed concept and to strengthen the statement of intent to implement the governmental center plan for the City and County. This is for federal consumption to draw their attention immediately to what is to be accomplished and to serve the purpose of making a strong statement for local consumption.

The third change is in the regulations, controls and restrictions and under that the specific regulations. This is to permit several things, to permit greater or more than 45% lot coverage on parcels that contain enclosed parking structures having top floors developed as plazas. If there is no land where there is no parking structure developed that has a plaza as a top floor then the maximum land coverage will remain 45%; but where such a structure is provided, that would be eliminated because in theory it would merely be elevating the open space to second floor level. Also, to eliminate side yard requirements for any building adjacent to an enclosed parking structure with a plaza as a roof. This would permit separate ownership of land side by side and separate construction of building and parking facility to fit side by side rather than because it is under separate ownership have it set back ten feet on either side so there would be a gap in between. This is a special regulation assuming there will exist the situation where one owner may own one piece of property and another owner may wish to build a parking structure adjacent to it.

The third change provides that all off-street parking shall be enclosed in parking structures after January 1, 1972. This is a general regulation that would have the effect of calling a moratorium on structural parking for five years. But after January 1, 1972, parking in structures would be required by every purchaser of land in the governmental center.

The final change is to update the sign provision to conform to the same standards previously approved by the City Council for Projects No. 1 and No. 3. We started with Project No. 1 and updated the sign provisions to compare generally with the office institution zoning regulations. That was approved for Project No. 1 and when Council was asked for approval on Project No. 3, the same provisions were included. In the meantime, Project No. 2 had been approved with the old provisions and this is the first chance they have had to update the sign provision.

Mr. Sawyer stated under the general regulations they added a phrase to provide that any reduction in the required number of off-site parking spaces approved by the Commission must be based on a convenient location of publicly owned off-site spaces. Also to provide that enclosed parking structures with plazas as roofs may be permitted in any required front yard. That the Commission can use its judgment in the case where a redeveloper builds a theatre, auditorium or church and reduces the number of required parking spaces if the use of the church, theatre or auditorium is on weekends or at night, then the required number of spaces can be reduced by the number of spaces that are otherwise located within a convenient walking distance, provided those spaces are publicly owned and the owner agrees or gives permission for the use of it.

That the change in site design and landscaping is entirely a new requirement and was put in to properly implement the landscaping plan in the governmental center and provide for its maintenance in the future. This gives the Redevelopment Commission a design of the site as far as the landscaping is concerned and then requires that the owners not only provide it but maintain it.

The change in applicability of provisions to property not to be acquired is required in order that the provisions of the Redevelopment Plan apply to Block 1. That Block 1 is presently owned by Mecklenburg County and this could only work with the free consent of Mecklenburg County. They assume if the County approves the Plan that will be the voluntary acceptance of these controls which means that it will be developed in accordance with the Governmental Center Plan.

Mr. Sawyer stated under the old plan, and this requires no change, we had the school property that is owned by the School Board.

That the seventh change concerns the underground placement of utility lines and is a new provision added to the plan primarily to get the city credit for any money that is spent in putting the lines underground. The money that is going to be spent is the difference between the cost of the ordinary overhead placement of private utility lines and the cost of putting it underground.

The eighth change is the estimated cost and method of financing the project. The costs have gone up primarily because of the increase and number of the site improvements or supporting facilities. These are the streets, water and sewer, and the usual site improvements and added to that is the overhead walkways, the landscaping and the pools of water that are provided. This increases the net project cost by \$1,533,710. This is divided between 2/3 by federal capital grant and 1/3 by the city. In order to arrive at these figures they go through two forms (one is two pages furnished to them by the Federal Urban Renewal Division, and the other is four pages). This includes not only some of the cost of this project but brings into the project any excess credit that the city has already realized and any other project they can pool with this one. This is in a time sequence. Ahead of this particular amendment we have Projects 1, 3 and 4, so the money the City is putting into these projects is pooled on the forms. This is set up so that it runs through the regular federal formula for splitting up the cost 2/3 and 1/3. The cost to the city is \$716,983 as a required minimum local grant. What the City is actually putting in is \$1,460,575; so they subtract the \$716,983 that is required as a minimum from the total and the difference is \$743,592 and is the city's excess credit that can be used in helping pay some future project.

Mr. Sawyer advised there are certain costs that are not credible for one reason or another and the difference here - we also had some in the Plan as it is presently approved - is \$284,782 which is additional money the city will have to spend and not get credit for and is not a part of the \$743,592.00.

The final change recommended is to add two words "for lease" after the word "sale" in the method of changing the plan and is recommended by the Department of Housing and Urban Development in case project land in the future may be disposed of by long term lease. Under the present state law, we cannot dispose of land by a long term lease but the federal law provides for it and insisted that this be included in the plan in case something did happen.

Councilman Short asked if the joint commission is appointed to carry on and perpetuate and maintain the governmental plaza, will it have to operate within the bonds laid out? Mr. Sawyer replied that commission would have to recognize the provisions of the plan as approved by Council. Councilman Short asked to get around any such, would it require local or federal permission? Mr. Sawyer replied it would require local change, and the manner of change is provided in the plan. Any change after property is sold requires the concurrence of the purchasers of that property after the approval of the plan.

Request of Second Ward High School Local School Committee to exempt School Property from Pease Plan tabled for discussion later in the meeting.

Reverend James Ryans, Chairman of the local School Committee of Second Ward Senior High School, stated they are concerned about the welfare of all the children in Charlotte and they have been appointed by the School Board to make every contribution they can for the total welfare of their particular school. He stated they propose the following questions which they would like answered by anyone:

- (1) Is the area between East First Street and Independence Boulevard a part of the Governmental Plaza? Mayor Brookshire replied that it is.
- (2) Can the Second Ward Senior High School renovate or rebuild on its present site without complying with the Pease Plan? Mr. Sawyer replied for purposes of computing the credit the City will get they have to come up with a percentage based on area and they have omitted the area between the new East Second Street and Independence Boulevard, or the section where the school is located now. For purposes of the regulations that control it is still within the redevelopment plan boundary and therefore the controls do apply. Mr. Tom Creasy, Attorney for the Redevelopment Commission, stated they would have to comply with the Pease Plan.
- (3) Can the Board of Education use additional land under option from the Redevelopment Commission to expand Second Ward Senior High School without complying to the Pease Plan? Mr. Sawyer replied the answer is no, they would have to comply with the Redevelopment Plan.

Reverend Ryans stated they are concerned about a complete compliance with the 1964 Supreme Court Ruling and they are looking forward to the day they can make every possible contribution so there will be no repercussions in having the schools located where there will be possibilities for legitations on the bases of neighborhood schools. They are concerned about Second Ward remaining where it is because it adds so much to the type of school our School Board has worked so hard to achieve. He stated the Committee would like to go on record requesting that the area between East First Street and Independence Boulevard, Hutton Scott's east property line and McDowell Street be exempt from the Pease Plan as long as it is used for educational purposes.

April 10, 1967
Minute Book 48 - Page 303

Mr. Kiser, City Attorney, advised after the hearing Council can approve, amend or reject the Redevelopment Plan as submitted.

Councilman Alexander asked Reverend Ryans if the questions he brought to Council have been discussed with the School Board and if it fits in which their plans? Reverend Ryans replied as a School Committee they are permitted to make any suggestions, to use every influence or any plan for the betterment of our educational system. Councilman Alexander asked if the question has been submitted to the School Board or any officials of the Board? Mr. Ryans replied it is in the thinking of the School Board but they have not said what will be done; they are saying what they would like to see done because they were appointed as committeemen for the welfare of their particular school, and they are of the opinion that Second Ward can best serve the City of Charlotte where it is. Councilman Alexander stated then he does not know what the School Board's plans are regarding the school; they are just making the request.

Councilman Whittington moved that the question brought by Reverend Ryans and the Committee from Second Ward School be tabled and Mr. Sawyer, Mr. Rouzer and Mr. Creasy be asked to stay after the hearing so that Council can discuss the request with them before making a decision. The motion was seconded by Councilman Albea.

Councilman Whittington stated they have stated their position on the request and there are other people who would like to be heard on the subject also and Council will have to make notes as the hearing proceeds.

Councilman Tuttle asked if the property that Reverend Ryans is asking to be exempt is now designated to schools or is it some additional land? Mr. Sawyer advised it is now indicated for school.

The vote was taken on the motion and carried unanimously.

Report by Chairman of Special Study Group.

Mr. John Tate, Chairman of the Special Study Group for the Governmental Plaza, stated the Mayor wrote him on March 21st with the following charge - to make a quick study of relationships between the Governmental Plaza Plans as developed by J. N. Pease & Company and the Central City Master Plan with particular reference to structural parking and the proposed site of a new hospital, all in context with the development of the Government Plaza Plans. That the motion as passed by Council requested that a report be given to Council if possible by April 3rd so that it can be considered by Council before the hearing on the Governmental Center Plan scheduled for April 10th.

Mr. Tate stated the other members of the Committee are Mr. Elmer Rouser, Chairman of the Redevelopment Commission; Mr. W. E. Poe, Chairman School Board; Mr. George C. Snyder, Vice-Chairman of Charlotte Hospital Authority; Mr. William Mullis, Chairman of the Health and Hospital Committee; Mr. Marshal Pickens, Vice-Chairman of Board of Trustees of Duke Endowment; Mr. M.W. Peterson, County Board of Commissioners; Mr. George Sibley, Chairman of Planning Commission, and Mr. James B. Whittington, Mayor Pro Tem and Councilman and two alternates - Mr. Billy G. McCall with Duke Endowment and Mr. Zake Thomas, Executive Director of the Charlotte-Mecklenburg Hospital Authority. Mr. Tate stated they had 100% representations with the exception of one meeting.

April 10, 1967
Minte Book 48 - Page 304

As their first item of business they tried to decide to resolve the issues on which the Committee should take position. They came down to two basic issues which are as follows: (1) Hospitals. Does the Committee recommend that the proposed new central hospital, with or without relative teaching facilities, be located in the Governmental Plaza? and (2) School Administration Building. What does the Committee recommend as an adequate solution to the construction of the educational building and parking within the Governmental Center? These were the two issues they thought they should try to resolve.

Mr. Tate stated on the first issue - Does the Committee recommend that the proposed new central hospital, with or without relative teaching facilities be located in the Governmental Plaza? The report is no.

On the second issue - What does the Committee recommend as an adequate solution to the construction of the educational building and parking within the Governmental Center? The Committee recommends the following procedure: (a) That the Board of Education proceed with the construction of its educational center as soon as possible on the proposed 6.5 acre tract within the governmental plaza area using surface parking as long as this is adequate and permitted within the area. (b) That the concept of structural parking be retained throughout the governmental plaza area. (c) That the City and County undertake jointly to provide the necessary structural parking facility or facilities to serve the educational center within the period of time described by the Governmental Plaza Plan adopted by the City. Mr. Tate stated it is his understanding that the members of the City Council and the members of the County Board of Commissioners have been contacted about this and it is underway for consideration in a serious way and can be accomplished.

Mr. Tate stated by omission this Committee made no effort to resolve the following issue: (a) Approval or disapproval of the Pease Plan, Odell Plan or the Greer Plan. (b) Any reflection, direct or indirect, approving or disapproving the Master Plan. (c) Any specific recommendations as to the site of the new hospital. Mr. Tate stated he was given eight men who sat around a table whose viewpoints were just about as different as you can get, and this group was about as sincere and dedicated and conscientious a group of men trying to cope with some difficult problems that he has ever met with. He stated he would like to thank them and say they did a good job. Everyone made a conscientious effort to identify the problem, to figure out the alternatives, to look at the cold hard facts and to come up with some solutions. That each member made a contribution and the final report represents a little of each of them.

When the votes were taken on both the issues, the Chairman asked the prerogative of a vote and they were good enough to let him vote and the votes taken on the issues were 9 to 0. That they sincerely hope that these recommendations will be helpful to the City and the County and all government agencies and action will now proceed immediately.

Agreement between City and County to provide structural parking facility for Governmental Center approved by Council.

Councilman Whittington stated that Mr. Peterson of the County Commissioners is in the audience and he asked him to come forth and present to Council the documents that both the Board of County Commissioners and City Council have been informed of and have agreed to.

April 10, 1967
Minute Book 48 - Page 305

Mayor Brookshire stated this has to do with the proposed agreement between the City and County for providing structural parking.

Mr. Peterson advised the agreement is most informal on the County's part. The Commission did not meet this morning so they could take no official action. He has been in touch with all but one member of the Commission but he thinks he is in accord with it as he was in on the discussion. That the matter was discussed with the idea of trying to formulate a plan whereby the School Board would put the educational building in the governmental plaza and the Attorneys for the City and County drew the agreement up.

Mr. Peterson read the agreement in full and stated the dates discussed here today do not coincide with the dates they were given in the informal meeting as being 1974; that he heard the date 1972. Mayor Brookshire stated that is right but the date is a matter that can be handled by Council and use either 1972 or 1974. That the Redevelopment Commission has recommended in the amendment the date of 1972 for the end of surface parking. Mr. Kiser, City Attorney, advised if the agreement is approved by both bodies, an amendment to the plan could be made to clarify the dates. Mr. Peterson stated what they were doing, in principal, was accepting the responsibility of the structural parking facility for the educational center having in mind a need for structural parking for the next county building that is to be built and possibly some of the other buildings. Mayor Brookshire advised there are requirements for parking which the City would furnish in addition.

Councilman Whittington thanked Mr. Peterson for making the report and moved that the agreement be adopted. The motion was seconded by Councilman Tuttle.

Councilman Short asked if the dates should be reconciled? Mr. Rouser replied it is the attitude of the Redevelopment Commission that the date is not near as important as the idea of the agreement that everyone will construct parking. The importance of the date comes about if the City is to get credit for the money spent for the parking structure, it has to be built within a certain time after the project is closed. They had recommended 1972 but are willing to go with 1974 - they do not know whether either date would be acceptable to the federal government as far as credit goes. If it is possible to make it flexible and then work out the best date that would be preferable, although they are willing to try it with 1974 to see if they can get it approved.

Councilman Tuttle asked Mr. Rouser if the 1972 date is a more likely date for federal approval than 1974? Mr. Rouser replied the earlier the better. The reason is they are asking the federal government to give credit for something that is going to be built in the future. They want some assurance that it will be built within a reasonable time, so the earlier the date the more likely to be approved.

Mayor Brookshire asked Mr. Peterson if the date of 1974 is flexible? Mr. Peterson replied that he thinks it is. There are a number of things that have not been reconciled. That this was the date they were given and so they used it. Secondly, they hope the so-called Lake will not materialize because the spot they have looked at to put the structural parking will be right in the Lake. That they have not had any formal discussion on this on the Commission other

than over the telephone. That he would not want to commit the Commission to anything too binding; but they are agreed in principal that they would like to cooperate in any way they can. Mr. Peterson stated further this is more between the City and the Redevelopment Commission and the County is not going to get any credit anyway.

Mayor Brookshire asked Mr. Whittington if he would alter the motion to the extent of allowing a little leeway between the dates of 1972 and 1974, specifying 1974; preferably if the County agrees to the 1972 figure, that be the date used in the agreement? Councilman Whittington replied that is alright with him; that Mr. Rouser has answered the question.

The vote was taken on the motion and carried unanimously.

Mr. Tate stated the remarks he is making are of a personal nature and relate primarily to the Master Plan as it relates to the action Council has just taken, as it relates to the action of the Study Group. That he would like to emphasize that his comments are in no way derogative, they are in no way negative to any governmental official or to any governmental body. He complimented the Council for their strong and courageous stand about the Master Plan in the days when it was not a popular thing to do; that he has great admiration for the Council individually and collectively for the stand they have taken. He stated this is not a political speech. That at the moment he is not running for any political office.

Mr. Tate stated what we have just gone through is the classic example of why our City needs the Master Development Plan. If every decision to be reached by public and private development over the next decade has to go through this type of process, then we will spend more time in other waste than any of our competitors who are building while we talk. The decisions reached by the Committee which he Chaired on the governmental plaza were the only decisions that could be reached, and there comes a time when you must stop studying and start building. In relation to the Master Plan that Council has adopted and which took three years to prepare, there might appear to be some conflict. As Chairman of the Master Plan group he wants to set the record straight. The only question of conflict is one of density of land use within the central city. The loop expressway will create an area of maximum access, possibly the most accessible point in the southeast; probably the most accessible in the two Carolinas, and beyond question the most accessible in the Piedmont Carolinas and Charlotte market area. That it is imperative that major prime generated developers be encouraged, petitioned, begged and urged to locate within this areawhere public investment of access is being made. It is inconceivable that public dollars are in sight to create other equally accessible areas in our City, County or region. Any decision for prime generator location outside this expressway loop, should carry with it the notification to the public as to exactly what may be required as a future investment of their funds to enable that generator to exist. Charlotte can no longer afford the luxury of study. The studies have been made. This is a time to implement, a time for action. This is one of the most critical periods in our history - those lazy, quiet cities of the 1930's and 1940's are moving in the 1960's, faster than perhaps the proud Queen City.

Mr. Tate stated Columbia has high rise downtown apartments; has a municipal parking system and recently opened a high-rise multiple parking garage; is building a 31-story building, a coliseum and convention center downtown. Winston-Salem has approved its downtown urban renewal project - a total downtown rejuvenation. They are building a civic center and have adopted County-wide zoning.

Greensboro is building at an accelerated rate. A municipal parking garage is going up, new office buildings and other improvements are being made. Raleigh may move off and leave us all. Charlotte will not hold its position of leadership much longer unless we get together and move together and grow together and do the things that will make this City great. The answer to our basic sociological problems lies in solving our economic problems. We must create more jobs; must use our public dollars to generate private investment which will generate more public dollars. If the situation were hopeless, he would not be here today. It is far from that. We stand on the threshold of opportunity. We have every tool we need to do this job. We have the people of talents and ability to perform the work. The enemy is indecision, fragmentation and apathy. The stakes are a city of growth, opportunity and pride.

Mr. Tate stated he implored, begged, requested and beseeched that we marshall every force in the community into an army for action and that we move forward. He stated Charlotte is on the verge of manhood, and we must send it forth in the world of competition fully prepared, fully equipped and fully oriented to fulfill its destiny. That he will not settle for a Charlotte that is first in the region, or first in the Piedmont, or first in the Carolinas, or first in the South; that he will only settle for a Charlotte that is utilizing to the fullest its God given talents.

Mayor Brookshire replied that he heartily agrees with Mr. Tate's hopes, his ambitions for the City of Charlotte and his urging that we get on with the job to be done. That we do have a great challenge here; we have many resources. Our resources are somewhat limited as to the power of Council to control them. The State and Federal Governments have, for a long time, preempted our major sources of taxes, except ad valorem taxes. There is a growing resistance to any increase in ad valorem taxes. That Mr. Tate speaks of tools - we are seeking all of those tools that we can employ in the full development of our City in catching up with some years of neglect, represented by slums, obsolete buildings, narrow streets and all that sort of thing. That he is sure Council can count on Mr. Tate as a member of private enterprise in Charlotte to do his part with what he would hope would be several levels of government working cohesively towards a real master plan - not only for the Downtown, but for the whole city.

MEETING RECESSED AT 4:10 AND RECONVENED AT 4:25.

Mayor Brookshire called a recess at 4:10 P.M. and reconvened the meeting at 4:25 P.M.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 1, REDEVELOPMENT PLAN FOR PROJECT NO. N.C. R-24.

Mayor Brookshire stated Council will now consider action on Amendment No. 1 which has been presented by Mr. Sawyer, Director of Redevelopment Commission, and on which a hearing has been held this afternoon. He stated as he understands it Council does not have to take action this afternoon but a resolution has been prepared in case Council wants to take action upon it.

Mr. Kiser, City Attorney, advised that Council tabled a motion during the hearing which might be considered at this time. Mayor Brookshire stated Council would now consider the motion tabled which has to do with the request of the School Committee of Second Ward High School that the school property be eliminated from the Amendment.

Mr. Rouser, Chairman of the Redevelopment Commission, stated the school property is so closely situated to the government property and we do not know what the School Board plans to do with Second Ward School, that he thinks we should see some plans before a recommendation is made. That he would like to recommend that the School Board present plans of specifically what it would like to do with this property, and at that point decide whether they should recommend that it be exempted from the Governmental Plaza.

Mayor Brookshire asked if Council can adopt the Resolution approving the amendment as presented now, and amend it again later? Mr. Rouser replied it can be amended again at any time.

Councilman Albea moved the adoption of a resolution entitled: Resolution of City Council of the City of Charlotte, Charlotte, North Carolina, Approving Amendment No. 1, Redevelopment Plan for Project No.N.C. R-24. The motion was seconded by Councilman Tuttle.

Councilman Short asked Mr. Rouser if under the Redevelopment Plan Second Ward High School would be required to have structural parking, or would Myers Street School? He asked Mr. Rouser to describe the degree to which the school is exempted from the various details which were brought up during the hearing by Mr. Sawyer? Mr. Rouser replied the school as now situated is completely exempt. The situation that Reverend Ryans alluded to, as he understands it, was if the school was torn down and some other school purpose was made of it. At the point new construction is involved, it is his opinion that it should be in harmony with the rest of the plan. As presently drawn any addition would be subject to the plan, but the present property owner would not.

Mr. E. E. Waddell, Principal of Second Ward School, stated it was their understanding during the bond issue that Second Ward would be relocated or a major renovation would take place, and looking forward to this the School Board has taken option of Redevelopment land to be in the position to make a decision to relocate or make some major renovations. If this is adopted at this time, then they do not have a decision to make. Mayor Brookshire replied this does not close the door as the School Board can come before Council with a request for another amendment. Mr. Waddell stated then they would not be required to have structural parking by 1972 regardless of whether they stay there ten or fifteen years. Mayor Brookshire replied that is what Mr. Rouser has just said.

Reverend R. H. Leak stated what the Committee is saying is that having had experience with amendments that it is very easy for Council to say today they will pass this now and when some plans are seen, then we will amend it. That Second Ward and its constituents feel that if such a motion is passed today the possibility of an amendment is going to be very slight. Therefore, it is requesting, before Council passes this amendment, that it give time for the School Board to present the plans. That he would

not like to see Council pass this amendment as he feels that would be the end of it. That it is very easy to say they can come back and amend, but it is most difficult to get Council to change its mind sometime. They are requesting, imploring and pleading with Council not to pass this amendment at this time, but if any amendment is to be passed to consider exempting this school because they feel it has a historical place in that community. That the school is needed and they feel it will enhance the community.

Mayor Brookshire replied if the School Board came to City Council asking for a further amendment that Council would be inclined to go along with their request and recommendations for an amendment. Reverend Leak asked why it would be so difficult not to pass this amendment to exempt Second Ward until such time as Council has seen the plans. Then, if the plans did not concur with what they had in mind why could they not then take further action. Why is it necessary to do it this way and make the burden of proof upon the Committee and its constituents and the school.

Reverend Ryans stated the Committee was elected to work in harmony with the School Board, with the teachers and parents and to create the best possible atmosphere for the education of the children. They are also dedicated and sold on the idea that they want the best possible school for people. They are not here for a school for Negroes, but for a downtown school that should be up-to-date in every sense of the word and they believe that a downtown school located in the neighborhood where Second Ward is would be an asset to the City of Charlotte. They are so afraid that circumstances might reach the point where it would become another neighborhood school. They want to see a dignified downtown school for people, not for colored people or white people. Mayor Brookshire stated he is not debating the matter and he understands the points that are being made; but Council does want it understood from the Redevelopment Commission that they would entertain and consider recommending to Council amendments in the future - not only with respect to this school but for other things as the years progress.

Councilman Albea stated as the maker of the motion he had no intention of cutting anyone off, that he would receive the motion of Reverend Ryans when it comes up with the same open mind.

Councilman Short stated he believes the changes for which this hearing is held are to adapt Section 2 of Urban Renewal to the Governmental Center Plan, Section 2 of the Urban Renewal having been originally planned about four years ago and the Governmental Center Plan only having been implemented within the past year. That he believes Council has carefully reconciled the needs and considered the needs of the School Board with reference to their Center they propose to build and parking. That this was the point of contention and this was where the rub came in and he really would not feel that there is anything in this plan that would hamper the School Board or Reverend Ryans' Committee or anyone with anything they might want to do with the school property, and he thinks the plea really should be made by Reverend Leak and Reverend Ryans to the School Board rather than this Body. That he does not think it would be appropriate to delay these changes in Section 2 of Urban Renewal over a matter which he is sure they will have a good hearing for before the School Board.

Councilman Tuttle asked Mr. Rouser if there is anything in this overall plan that could permit, or would permit, the school to be closed or torn down by anyone other than the School Board? Mr. Rouser replied that is not. Councilman Tuttle stated he thinks if the School Board were here and they told Council that it should go ahead with the Resolution today, it would do that. On the other hand, after the Committee talks to the School Board and if they come back in two weeks and want to comply or agree with the Committee's recommendation, he does not think there is any question of the Council doing the same. That he sees their point of once a law is made it is hard to get it off the books, but that is not the case here. This Council has been criticized for not moving. We are moving but we are leaving the door wide open to do exactly what the Committee wants to do if it is the recommendation of the School Board.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 430.

Councilman Alexander asked Mr. Rouser if there is anything that would prevent the School Committee from meeting with the Redevelopment Commission and the School Board to resolve this matter? Mr. Rouser replied nothing; they would be glad to meet with them at any time.

Mayor Brookshire stated Council would be glad to have the School Board's recommendation at any time, or the Redevelopment Commission's recommendation for further changes or amendments.

REVISED AGREEMENT BETWEEN THE CITY OF CHARLOTTE, NORTH CAROLINA AND REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

Councilman Albea moved approval of the revision in agreement dated December 18, 1963, between the City and the Redevelopment Commission to reflect the various cash and non-cash grants-in-aid. The motion was seconded by Councilman Whittington and carried unanimously.

PETITION NO. 67-7 BY AMERICAN REALTY CORPORATION FOR A CHANGE IN ZONING FROM R-9 TO I-2 ON A 8.96 ACRE TRACT OF LAND AT THE DEAD-END OF MCDONALD ROAD, APPROXIMATELY 780 FEET NORTH OF THRIFT ROAD, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Albea, and carried unanimously.

CITY MANAGER AND FINANCE DIRECTOR INSTRUCTED TO MAKE PLANNING MONEY AVAILABLE FOR STUDY AND NEW PLANS OF THE DOWNTOWN AREA AND REDEVELOPMENT COMMISSION BE CHARGED WITH MAKING THESE PLANS AND STUDY IN ALL HASTE.

Councilman Whittington stated on December 17, 1966, the Citizens of this City approved a bond issue for the entire bond package except for the Civic Center. That he wants to talk specifically to the area known as the Charlotte Central Area Plan, or Downtown

April 10, 1967
Minute Book 48 - Page 311

Renewal Project. Since December very little has been done by the City except in the area of street widening, for which actual construction contracts are nearly ready.

He stated he has discussed the Downtown Area with Mr. Veeder, Mr. Rouser and Mr. Earl Crawford, Jr. The need to begin planning is now, to get this area on center and formulate a plan of action so that property owners in the area will know what plans to make and hopefully future developers can see what is before them for new development.

The City Government should make money available to develop the plans for the redevelopment of this area now. Our only gamble is that the agency of HUD of the Federal government might not give the City credit for this appropriation to be used for plans and study. Whether they approve or disapprove is not important. The important consideration should be the speed in which we get the planning done and the manner in which it is redeveloped by private enterprise.

The gamble of losing credit for planning money is negligible when you consider the return of millions in new development.

Councilman Whittington moved that Mr. Veeder and Mr. Fennell make the planning money available for study and new plans of the Downtown Area and that the Redevelopment Commission be charged with making these plans and studies in all haste. The motion was seconded by Councilman Tuttle.

Mayor Brookshire stated he visited with top officials of HUD in Washington last week and they would approved the city proceeding in this regard with the understanding when that particular project of the Downtown Area is approved and study money available under approval, they would make their approval retroactive - or reimburse the City for whatever engineering studies that have been made at its own expense. That they get requests like this from all over the country every week and they have adopted a policy of not making funds retroactive or reimburseable under such circumstances because to do so, in the first place, would actually be a commitment before they had reviewed our application. That such informal commitments might be making appropriations even ahead of and beyond congressional appropriations. Mayor Brookshire stated he thinks the City would proceed with our own monies in that regard so we could be several months ahead of the game by doing the preliminaries at our own expense before approval might be had. That we will not get approval until after July 1st or sometime in the next fiscal year because they do not have any funds for this sort of thing at this time.

The vote was taken on the motion and carried unanimously.

PETITION NO. 67-16 BY W. H. KEISTLER ET AL FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE WEST SIDE OF BELLHAVEN BOULEVARD NORTH OF DAKOTA STREET, FROM R-6MF TO I-1 DEFERRED UNTIL COUNCIL CONSIDERS CONDITIONAL INDUSTRIAL ZONE.

Councilman Short stated he has given the subject petition considerable study and he noted that along Bellhaven Boulevard, between I-85 and this property, there were about three islands of business that have been carved out of R-6MF zoning - there are now four such islands because just last week, this Council, on recommendation of the Planning Commission, put in another little island of B-1 zoning.

Some of these islands are used for filling stations which service the huge deisel trucks which use Highway 16 in great number, and he thinks this constitutes a disruption of the residential character of the neighborhood more than the rubber stamp manufacturing business that this petitioner has in mind to put there.

Councilman Short moved that the petition be deferred and that the City Manager be instructed to place it again on the Agenda after the Council has given further consideration to a conditional industrial zoning category which is now under discussion and consideration. The motion was seconded by Councilman Albea.

Councilman Short stated the only way Council could conscientiously turn down this request after allowing a series of deisel serving filling stations would be just because of other potential things they might put in industrial zoning like a metal shop or chemistry plant. That he does not like to see a businessman deprived of his opportunity just because of what his zoning is bracketed with in the zoning ordinance when he has no intention of ever getting into such thing as a sheet metal shop. That he believes this is an ideal case for conditional zoning.

The vote was taken on the motion and carried unanimously.

BILL TO BE ENTITLED: AN ACT AMENDING THE URBAN REDEVELOPMENT LAW TO PERMIT DISPOSITION OF LAND ON BASES OTHER THAN THE HIGHEST MONETARY BID, WHERE SUCH DISPOSITION IS FOUND TO SERVE THE BEST INTEREST OF THE MUNICIPALITY, APPROVED.

Councilman Whittington moved approved of the subject bill, which was seconded by Councilman Jordan.

Mr. Tom Creasy, Attorney for the Redevelopment Commission, stated in January when he was before Council to discuss some legislation, Mr. Short asked him to look into this. That he met with Mr. Phil Green of the Institute of Government and other attorneys in the state and they decided to do this on a local bill basis. That he and the attorney in Durham, with the help of Mr. Green, prepared the subject bill. That this bill along certain lines does allow the Commission to consider other very worthwhile considerations of the top three bidders and would not put it on just the cold cut basis of the highest bidder. They feel it is a very safe guarded bill but it does give some flexibility.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 606-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2620 PARK ROAD, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance.

The ordinance is recorded in full in Ordinance Book 15, at Page 5.

ORDINANCE NO. 607-X TO AMEND ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, ALLOCATING \$200,000 OF THE PROCEEDS OF THE SALE OF AIRPORT BOND ANTICIPATION NOTES, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted, allocating \$200,000 of the Proceeds of the Sale of \$2,900,000 Airport Bond Anticipation Notes to be used for land acquisition.

The ordinance is recorded in full in Ordinance Book 15, at Page 6.

STREET TAKEN OVER FOR MAINTENANCE BY THE CITY.

Councilman Whittington moved that Covecreek Drive, from 125 feet northeast of center line of Toano Road to 1,001 feet northeast of centerline of Toano Road be taken over for continuous maintenance by the City. The motion was seconded by Councilman Alexander, and carried unanimously.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Albae, seconded by Councilman Whittington, and unanimously carried, approved the following appraisal contracts:

- (a) Contract with Henry E. Bryant for appraisal of one parcel in connection with the Airport Clear Zone;
- (b) Contract with L. H. Griffith for appraisal of four parcels in connection with the Eastway Drive Widening;
- (c) Contract with Leo H. Phelan, Jr. for appraisal of one parcel in connection with the West Fourth Street Extension.

SANITARY SEWER CONSTRUCTION AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewer mains were authorized, as follows:

- (a) Construction of 1,085 feet of sanitary sewer trunk and mains to serve apartments on Elmhurst Road and Dorchester Place, inside the city, at the request of Marsh Realty Company, at an estimated cost of \$6,255.00. All cost of the construction will be borne by the Applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement;
- (b) Construction of 108 feet of sanitary sewer main in Denson Place, inside the city, at the request of Ed Griffin Construction Company, at an estimated cost of \$500.00. All cost of construction will be borne by the Applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement;

- (c) Construction of 320 feet of trunk and 610 feet of main to serve a portion of Garden Park Subdivision, inside the city, as requested by Howard Nance Company, at an estimated cost of \$6,250.00. All cost of the construction will be borne by the Applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement;
- (d) Construction of 1,335 feet of mains and 170 feet of trunk in Kentwood II, Phase H, inside the city, at the request of William Trotter Development Company, at an estimated cost of \$8,955.00. All cost of the construction will be borne by the Applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

PORTION OF CLAIM OF B. N. ANDREWS AUTHORIZED.

Councilman Tuttle moved that the portion of claim of Mr. B. N. Andrews, 4027 Abingdon Road, in the amount of \$25.20 for damages to property caused when sewage backed up into his house, be paid as recommended by the City Attorney. The motion was seconded by Councilman Whittington.

Councilman Alexander asked if the condition has been corrected? Mr. Kiser replied that it has.

The vote was taken on the motion and carried unanimously.

AIRPORT LEASE WITH WILMINGTON SHIPPING COMPANY, APPROVED.

Motion was made by Councilman Alexander approving lease with Wilmington Shipping Company for Room 114 in the new West Concourse at the Airport for a period of one year beginning April 1, 1967 at \$191.91 per month, seconded by Councilman Albea, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Joe L. Pleasants & wife, for Lot No. 474, Section 6, Evergreen Cemetery, at \$240.00;
- (b) Deed with Harry W. Burke and wife, for Lot No. 471, Section 6, Evergreen Cemetery, at \$240.00;
- (c) Deed with Harry W. Burke for Lot No. 470, Section 6, Evergreen Cemetery, at \$240.00;
- (d) Deed with William Edward Burke for Lot No. 469, Section 6, Evergreen Cemetery, at \$240.00;

April 10, 1967
Minute Book 48 - Page 315

- (e) Deed with Mrs. Madeline B. Burke for Graves No. 1, 2, 3 and 4, in lot No. 468, Section 6, Evergreen Cemetery, at \$240.00;
- (f) Deed with William Bersch and wife, for Graves No. 5 and 6, in Lot No. 468, Section 6, Evergreen Cemetery, at \$120.00;
- (g) Deed with Mrs. Evelyn Florence Vandiver for Lot No. 320, Section 6, Evergreen Cemetery, at \$120.00;
- (h) Deed with Mrs. Ruth DeMar for Graves No. 6 and 7, in Lot No. 158, Section 2, Evergreen Cemetery, at \$120.00;
- (i) Deed with Mrs. Ethel Grey Gray for Lot No. 315, Section 3, Evergreen Cemetery, at \$378.00.

ORDINANCE NO. 608-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE TO TRANSFER FUNDS WITHIN THE WATER AND SEWER FUND.

Councilman Short moved the adoption of the subject ordinance authorizing the transfer of \$400,000 water and sewer fund as follows: \$50,000 for continuing expenditure for expansion of service into developoing areas and \$350,000 for construction of water main from Owen Boulevard to the University of North Carolina. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 7.

CONTRACT AWARDED NOLL CONSTRUCTION COMPANY AND C. M. ALLEN & COMPANY, INC. FOR WATER MAIN INSTALLATION BETWEEN OWEN BOULEVARD AND THE UNIVERSITY OF N. C. AT CHARLOTTE.

Motion was made by Councilman Whittington awarding contract to the low bidder, Noll Construction Company and C. M. Allen & Company, Inc. operating on a joint venture, in the amount of \$321,825.00 on a unit price basis for construction of 20" Diameter Distribution System Water Main between Owen Boulevard and the University of North Carolina at Charlotte. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Noll Construction Co. & C. M. Allen & Co., Inc. A Joint Venture	\$321,825.00
Boyd & Goforth, Inc.	324,038.00
A. P. White & Associates	326,710.00
Blythe Brothers Co.	330,700.00

CONTRACT AWARDED DINNER BELL COMPANY FOR SANDWICHES.

Motion was made by Councilman Whittington, and seconded by Councilman Jordan, to award contract to the only bidder, The Dinner Bell Company, in the amount of \$6,615.00 on a unit price basis for 45,000 commercial counter type sandwiches for prisoners.

Councilman Tuttle asked when he reads in the bids that invitations were directed to different companies, does this mean that we know that six companies are aware of this and have actually seen the specifications? Mr. Bobo replied we know that six companies have been mailed invitations to bid. That the price at which the present supplier is supplying this to the City is one reason why there is only one bid - the City is getting this for less than 15 cents per sandwich. That one other bidder showed some interest but he indicated that if he had bid he would have bid 16 cents per sandwich.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED MORELAND CHEMICAL COMPANY, INC. FOR SODIUM SILCIOFLUORIDE.

Councilman Jordan moved award of contract to the low bidder, Morehead Chemical Company, Inc., in the amount of \$17,242.20, on a unit price basis for 90 tons of sodium Silciofluoride. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Moreland Chemical Co., Inc.	\$ 17,242.20
Continental Oil Company	17,687.16

ORDINANCE NO. 609-X AMENDING THE CAPITAL IMPROVEMENT BUDGET FOR 1966-67 AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE GENERAL FUND.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted, authorizing the transfer of \$25,000 from the appropriation designated as Reid Park Code Enforcement Program as follows: \$12,500 to the Parkwood Avenue Widening and Improvement in the General Fund, and \$12,500 to the North Davidson Street Widening and Improvement in the General Fund.

The ordinance is recorded in full in Ordinance Book 15, at Page 8.

LEASE WITH GARDEN CLUB COUNCIL OF CHARLOTTE FOR PORTION OF EVERGREEN CEMETERY PROPERTY.

Councilman Jordan moved approval of the subject lease with the Garden Club Council for use of surplus cemetery property located on Winterfield Place to build a community center to house the club activities, for a term of 20 years at \$1.00 per year rental. The motion was seconded by Councilman Tuttle and carried unanimously.

ORDINANCE NO. 610-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE AIRPORT FUND.

Councilman Tuttle moved approval of the subject ordinance authorizing the transfer of \$20,340 from Airport Unappropriated Funds to Airport Capital Improvements for installing underground electrical transmission trunk lines to the Terminal Building. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15 at Page 9.

CONTRACT WITH DUKE POWER COMPANY FOR POWER SERVICE TO AIRPORT TERMINAL BUILDING AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan and unanimously carried, authorizing the contract with Duke Power Company for the installation and furnishing of power service to the Airport Terminal Building.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of easement in Garden Park Subdivision from Thayer Realty Company, Inc., at \$1.00 for sanitary sewer to Garden Park Extension;
- (b) Acquisition of all the property at 301 South Summit Avenue, from Belle Clanton King (widow), at \$11,000.00 for West Fourth Street Project;
- (c) Acquisition of 6,530.65 sq. ft. of property at 400 Heathcliff Street from William C. Ward, Sr. and wife, at \$12,000.00 for West Fourth Street Project;
- (d) Acquisition of 880 sq. ft. of property at 221 Grandin Road, from Sarah R. Cleveland, at \$1,000.00 for West Fourth Street Extension;
- (e) Acquisition of 1,893 sq. ft. of property, plus 550 sq. ft. easement, at 306-08 North Pine Street, from J. E. Barrentine and Lee Kinney, at \$15,000.00 for Sixth Street Widening;
- (f) Acquisition of 0.78 acre tract of land at 3228 Horseshoe Lane, in Berryhill Township, from Fred O. Davis and wife, Doris B. Davis, at \$17,500.00 for Airport Clear Zone.

CITY MANAGER REQUESTED TO HAVE TRASH REMOVED FROM STREETS IN COLONIAL VILLAGE.

Councilman Jordan stated in the Colonial Village area on Hartford Avenue, Annlin Avenue and Reynolds Drive and in the whole section, trash has been on the streets for over three weeks and none has

been picked up in this section at all. He requested the City Manager to have this investigated.

STREET LIGHT REQUESTED IN THE 3600 BLOCK OF NORTHERLY ROAD.

Councilman Jordan requested an investigation on request for street lights in the 3600 block of Northerly Road. That the street is only three blocks long and there is only one light in the whole section.

TRAFFIC LIGHT REQUESTED AT INTERSECTION OF SHARON ROAD AND SHARON LANE.

Councilman Jordan stated he has a request for a stop light at the corner of Sharon Road and Sharon Lane. That Mr. Hoose has been making a traffic count at the location and the people would like to know if and when they will have some decision on it.

REQUEST FOR SEWER LINE TO SERVE 2116 ALMAR COURT TO BE INVESTIGATED BY ADMINISTRATIVE ASSISTANT.

Councilman Alexander stated at 2116 Almar Court, the owner of the property, Mr. Walter B. Taylor, has a sewer problem. The house is connected to a septic tank which is now defective and the Health Department has ordered that something be done about it immediately.

That Mr. Taylor has made the \$100 deposit for sewage and was told that he could connect to city sewage and now he has been told that he cannot. He states that at the time the land below him was developed and with the transfer of some land that he had, he had the understanding he would be permitted to connect to city sewer when he made this transfer so the development could be built there. He now finds this cannot be done. This is the only house on Almar Court that is not connected with sewer. He owns the property on Statesville Avenue, right above Almar Court, and he cannot connect this house onto the house he has facing Statesville Avenue, nor can he connect it to the sewer line that supplies the houses on Almar Court where he was told that he would be able to connect to the sewage, and that is because the fall of the land is such that he cannot and he would have to connect to the line at Statesville Avenue.

Councilman Alexander stated that Mr. Taylor cannot fix his septic tank and he feels it is not his responsibility to have to run a sewer line from Statesville Avenue back up to his house, which is about 50 feet. That the land on the other side of his house is vacant land.

Mr. Bobo, Administrative Assistant, advised Mr. Alexander that he would look into the matter and report back after he checked out the whole problem.

April 10, 1967
Minute Book 48 - Page 319

PERSONNEL PROCEDURE OF PROMOTING EMPLOYEES WITHIN THE CITY
COMPLIMENTED BY COUNCILMAN SHORT.

Councilman Short stated he noted in the personnel transactions that Mr. Samuel McCoy has been given a substantial raise and moved from the Engineering Department to the Planning Commission. That Planners have been very much at a premium and he thinks it is good that the City is growing its own. That he would like to compliment him and say that this is a good personnel procedure.

KEY IN IGNITION ORDINANCE PREPARED AND WILL BE PRESENTED TO
COUNCIL FOR CONSIDERATION.

Councilman Short asked the City Attorney if he is considering the preparation of a key in the ignition ordinance, which was discussed a while back? Mr. Kiser replied it is prepared and has been submitted to the Police Department for their review.

Mayor Brookshire remarked that the National League of Cities is tryin to promote such ordinances all over the country feeling that it will cut down substantially a lot of thefts.

SOUTHERN RAILROAD TO BE INSTRUCTED TO INSTALL GATE SYSTEM AT
SUMMIT AVENUE CROSSING IMMEDIATELY AND UPON FAILURE TO DO SO
THAT CITY INSTALL THE SYSTEM AT THE CITY'S EXPENSE UNDER PROTEST.

Councilman Tuttle stated on January 16th he brought before this Council and the City Manager the deplorable situation of the crossing at Summit Avenue by Southern Railroad. Since that time, the Mother of a good friend and neighbor of his has been killed. On January 18th, the Traffic Engineering Department wrote the Southern Railroad and they have communicated several times. In replying the Southern Railroad says the estimated cost of \$4300.00 to install the type gate system recommended is too expensive. Councilman Tuttle stated he does not think it is too expensive for the railroad, and he does not think it is too expensive for the City.

He moved that Council instruct the Traffic Engineering Department and City Attorney to tell the Southern Railroad to immediately install the system the City recommends and that upon their failure to do so, the City have the system installed at the City's expense under protest, and then take whatever action that may be necessary to obtain reimbursement to the extent that we can by the Railroad. The motion was seconded by Councilman Albea.

Councilman Short asked the City Attorney to review the nature of the law that gives the City this authority. Mr. Kiser advised the City has the authority to require the railroads to make crossings safe. So long as the requirements imposed upon the railroads are reasonable, this can be done. That the City could attempt to enforce it in this manner - adopt an ordinance requiring them to install certain safety devices at this crossing and if they fail to do so take them to court and see that it is done.

April 10, 1967
Minute Book 48 - Page 320

Councilman Short asked if the City has a legal foundation to install the system and require the railroad to reimburse the City? Mr. Kiser replied we can try. If the City spends the money, then it would be an attempt to collect on the basis of performing something which the railroad company has the legal obligation to do.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 611-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Alexander moved the adoption of the subject ordinance authorizing the transfer of \$800.00 of the General Fund Contingency Appropriation to Awards and Damages to be used for the purpose of estimated awards, court costs and damages. The motion was seconded by Councilman Albea, and carried unanimously.

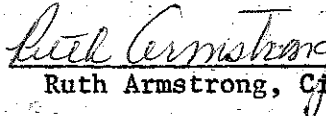
The ordinance is recorded in full in Ordinance Book 15, at Page 10.

MAYOR ADVISES HE HAS SENT NOTES PERTAINING TO NATIONAL CONFERENCE OF COUNCILS OF GOVERNMENT TO CHAIRMAN OF COUNTY COMMISSIONERS IN MECKLENBURG AND ADJOINING COUNTIES AND MAYORS OF MUNICIPALITIES WITHIN THE SAME COUNTIES FOR FURTHER INVESTIGATION RELATIVE TO MERITS OF SUCH LOCAL COUNCIL FOR CHARLOTTE AREA.

Mayor Brookshire stated last week he attended the first National Conference of Councils of Government in Washington. When he returned he made some notes, copies of which he gave to the Council members and stated that copies are being sent to the Chairman of County Boards of Commissioners in Mecklenburg County and adjoining counties and also the Mayors of those municipalities within these same counties to see if they will develop some interest in proceeding or investigating further relative merits of such local council for the Charlotte area.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk