

December 2, 1968
Minute Book 51 - Page 167

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 2, 1968, at 7:30 o'clock p.m., in the Harding High School Auditorium, with Mayor Stan R. Brookshire presiding, and Councilmen Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Fred D. Alexander.

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INVOCATION.

The invocation was given by Councilman Sandy R. Jordan.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the minutes of the last meeting on Monday, November 25, were approved as submitted.

ORDINANCE NO. 104-X EXTENDING THE CITY LIMITS OF THE CITY OF CHARLOTTE, NORTH CAROLINA, BY ANNEXING 84.59 ACRES OF PROPERTY LOCATED IN BERRYHILL TOWNSHIP.

The public hearing was held on the petition of Pines of Charlotte, Inc., requesting the annexation of 84.59 acres of property located in Berryhill Township on West Boulevard beginning at the Southern Railroad Crossline and running in a westerly direction approximately 3,000 feet, which property is contiguous to the present city limits.

Mr. J. W. Rosebro, of Vinson Realty Company, stated ten days ago he met in Atlanta with HUD Officials and they assured him due to the fast action of Council two weeks ago on the matter of zoning they will expedite this as much as possible; they have assured them that a letter of commitment will be given by January 15th rather than the previously stated February 15th. He stated Mr. Harold Dillehay of the Housing Authority is to go to Atlanta this week for a final conference and hopefully final approval of the total planning. Barring some unforeseen problem, they anticipate the matter being closed out by January 15th, and they hope construction can start by January 15th to March 1st depending on the weather.

Councilman Tuttle moved adoption of an ordinance extending the city limits by annexing the 84.59 acres of property. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 58.

ORDINANCES AUTHORIZING THE CLEARING OF A STORM DRAIN PIPE ON PRIVATE PROPERTY AND TO CHARGE THE COST THEREOF TO THE PROPERTY OWNERS, ADOPTED.

The public hearing was held on the request of the City Engineering Department to alleviate the drainage problem on private property at 704 and 708 Ranch Road under the provisions of the City Charter, Article VI, Sections 6.101 and 6.104, assessing the probable cost of \$300.00, to be shared equally, to Mr. Jerry W. Hudson, 704 Ranch Road, and Mr. Larry D. Helms, 708 Ranch Road.

December 2, 1968
Minute Book 51 - Page 168

Mr. John Newitt, Attorney representing Mr. and Mrs. Larry D. Helms, stated they are the owners of a house and lot located at 708 Ranch Road; the street has been taken over and operated by the City; at the far end of the street is a cul-de-sac; their house is not at the bottom of the cul-de-sac but at the left hand top and is about eight feet above the level of the lots at the lower end; the natural flow of water comes from other streets and drains down to the bottom of the cul-de-sac where there are two drains. He stated the two drains should take the water off; if not then there is something wrong with the system.

Mr. Newitt stated Mr. and Mrs. Helms take the position their property should not be assessed for the improvements as they will receive no benefit from the proposed work; there will be no gain for them to have something done to take care of the drain from the streets above them to the cul-de-sac; it is the duty of the City of Charlotte to maintain all drains. When there is a drain and the water runs into the drain then the problem is a City problem as to how the water will be taken off. When they bought this property they were supposed to have purchased it free and clear but the developer reserved an easement across the land for drainage purposes.

Mr. Newitt stated Section 18-21 of the City Charter provides that when a subdivision is permitted, the developer must construct a catch basin at the lowest point on a cul-de-sac, and this would be several lots below these owners. Also that the developer must provide a system to carry the surface water by drain which must be laid on grade that will not be less than 0.20%. He stated the Helm's property is not the lowest point but the lots on the cul-de-sac are below the Helm's lot and the water proceeding down the street does not run to the Helm's lot but to the lower lots at the end of the cul-de-sac. That it is apparent that the developer failed to build and construct the storm drain in accordance with the city's specifications. The developer, Ervin Company put in the storm drain and there are certain laws that provide that the storm drains be put in properly. The City, having taken over the street, failed to require the developer to comply with the city ordinance and the city has failed to maintain and carry off the surface water which is a general duty of the city in regard to the removal of surface water. If the city has failed to maintain and carry off the surface water, it has failed in the general duty that the city imposes on itself to have the engineer check and see that it is done right.

He stated the city and the developer were under the duty which arose within the last two years to provide the proper means of carrying off the surface water and for that reason the expense should be borne by them at no obligations to these owners.

Mr. Newitt stated the city should pick up its own obligations, and if not, then it should call on Mr. Ervin and have him pick up the obligation because he did not install this properly, or if the obligation is going to be imposed on anyone, it should be imposed on the owners of property situated on the adjoining three or four streets from which water runs to the bottom of the cul-de-sac. For the water to go from the bottom of the cul-de-sac up through the Helms lot, it would have to run up hill.

Mr. Newitt stated if the city wants to change the drain in any manner on his clients property, since they bought subject to an easement, then go in and do what it wants to do - they do not want any money out of it. That the city should carry some of the responsibility as it approved the plans in the beginning.

December 2, 1968
Minute Book 51 - Page 169

Mr. Josh Birmingham, Assistant City Engineer, stated a rod was inserted to a certain distance and it would not go any further so they assume the stop-up is in this general area; they will not know until the pipe is dug up; the pipe meanders the property line.

He presented a map of the area showing how the water runs to the drains and stated they have looked into this at some length. That it is their position the city does not maintain drains or structures on private property; the city has an obligation to do that which is necessary to keep the drains open in the street which they acknowledge they do maintain; the drains were installed in accordance with specifications some few years ago; they do not know what is causing the stop-up; it is on private property and it is the obligation of the property owner to maintain that which is on his property. Mr. Birmingham stated he has discussed this with Mr. Michael, Ervin's attorney, and he did not indicate that they would accept any responsibility. He stated they have known about this problem about one year and the houses appear to have been built about four years ago; the drain functions properly during light rains, but floods during heavy rains.

Councilman Stegall asked if it is evident that the pipe is on an elevation so that the water will run through the pipe, and Mr. Birmingham replied it is.

Mr. Birmingham advised they propose to dig this up and if there is any obstruction in the pipe they will remove it and will probably put in one or two joints of new pipe.

Mr. Watts, Assistant City Attorney, stated it is the opinion of his office that the owner does have responsibility to keep the drains open whether closed or open type drains to allow the natural flow of water. That under Section 6.104 of the City Charter, the city may require that the owner pay for the cost of the opening.

Mr. Newitt read Section 6.101 of the Charter and asked where it has been shown that they have standing water on their premises; if they have no standing water on the property there is no reason to proceed under Section 6.101. Mr. Watts replied they understand this is not higher land and this is not the reason that the water does not flow off; this is the natural drain through this low area and if the obstruction is found to be one of these people's premises then he feels that the owner should be willing to pay.

Councilman Whittington stated the Council is confronted several times each year with the natural flow of surface water; there is nothing that Council can do to help as long as the stoppage is on private property, and he moved the adoption of the two subject ordinances authorizing the clearing of a storm drain on private property and to charge the costs thereof to the property owner if the stop-up is on his property. The motion was seconded by Councilman Smith.

Councilman Jordan made a substitute motion that the Engineering Department contact Mr. Ervin or his attorney, Mr. Michael and see if they will bear a portion of the cost and defer this matter until the next Council Meeting. The motion was seconded by Councilman Short.

Councilman Smith stated if the obstruction is not there, then the property owner will not have to pay.

December 2, 1968
Minute Book 51 - Page 170

After further discussion, the vote was taken on the substitute motion and failed to carry by the following vote:

YEAS: Councilmen Jordan and Short.
NAYS: Councilmen Whittington, Smith, Stegall and Tuttle.

The vote was then taken on the main motion to adopt the ordinances, and carried by the following vote:

YEAS: Councilmen Whittington, Smith, Stegall and Tuttle.
NAYS: Councilmen Jordan and Short.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 60.

RESOLUTION AUTHORIZING THE EXECUTION OF A REVISED SUPPLEMENTAL MUNICIPAL AGREEMENT WITH STATE HIGHWAY COMMISSION FOR THE NORTHWEST EXPRESSWAY RESULTING FROM THE REDESIGN OF MAJOR PORTIONS OF THE EXPRESSWAY.

Councilman Whittington moved adoption of the subject resolution authorizing the execution of the agreement covering adjustments in the right of way, the relocation of railroad grade crossings, and other items related to surface street construction and utility relocations. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Pages 224-227.

FEDERAL GRANT TO AID IN THE CONSTRUCTION OF THE TAGGART AND EDWARDS BRANCH OUTFALLS, APPROVED AND RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A FEDERAL GRANT, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, a federal grant in the amount of \$113,280 to aid in the construction of the Taggart and Edwards Branch Outfall, Project No. WPC-NC-253 was approved, and a resolution authorizing the City Manager to accept a federal grant extended for sewerage work improvements was adopted.

The resolution is recorded in full in Resolutions Book 6, at page 228.

DECISION ON PETITION NO. 68-63 BY DELTA REALTY CORPORATION AND AMERICAN LEGION POST 400 FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE EAST SIDE OF DELTA ROAD, BETWEEN ALBEMARLE ROAD AND HICKORY GROVE ROAD, DEFERRED UNTIL SEVEN MEMBERS OF COUNCIL ARE PRESENT.

Mr. Fred Bryant, Assistant Planning Director, presented a map of the subject property showing Council the area requested rezoned to B-2 and subsequently to R-12MF by the petitioners, and stated it extends approximately 2200 feet along Delta Road and extends a depth of 350 feet away from Delta Road. He stated the remainder of the Delta Realty Corporation is zoned R-12. He stated the actual property occupied by the petitioner's operation at the present time is predominately not included in the rezoning request. The area they have requested is vacant land lying between Delta Road and their existing operations.

Councilman Smith stated if this is developed with apartments would it not deny them the use of the area as an airport? They could not fly directly over the property and it would effectively change the use of the property as an airport? Mr. Bryant replied not particularly; the runway is located to the rear and instead of flying over, they would be landing parallel to it; it is a dangerous situation.

December 2, 1968
Minute Book 51 - Page 171

Councilman Smith stated his main interest is in getting the airport out of there and if we provide them with the economics to convert this land from airport use to residential it would be a good move. Councilman Whittington stated he went out there and you get an entirely different picture of the whole area; that he would not vote to make it B-2, but on both sides of Delta Road to the airport property, you will not find over six houses; there is a trailer park at the intersection and a motor grader business across the street just before you reach the airport and most of the land is vacant or has old homes on it; that he is interested in trying to prevent the future of the airport in that location.

Councilman Whittington moved that the property on the east side of Delta Road, as requested, be change to R-12MF and that the property in between be set up for a hearing in the near future to coincide with what has been proposed tonight.

The motion was seconded by Councilman Stegall.

Councilman Short asked to what extent the other apartment land is used and Mr. Bryant replied to his knowledge there is not a single apartment in the area.

Councilman Short reminded Council that the petition has a protest filed which invokes the 3/4 Rule and one Council member is absent.

Councilman Whittington stated with Mr. Stegall's permission he would then withdraw his motion. Councilman Stegall stated this is agreeable with him. Councilman Whittington moved that the petition be deferred until seven members of Council are present. The motion was seconded by Councilman Jordan, and carried unanimously.

DECISION ON PETITION NO. 68-73 BY JOEL B. LAYTON FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A LOT AT 4114 ATMORE STREET.

Councilman Whittington stated he has a letter from Mrs. Lucille Duncan, the owner of the subject property, in which she states this property was purchased in good faith after the zoning office confirmed that the property was zoned industrial on two different calls. That she understands now the maps used in the zoning office are not current and show Atmore Street as industrial.

Mr. Fred Bryant, Assistant Planning Director, stated these calls were made to the zoning administration office in the Inspection Department and he understands these people were told it was zoned industrial; the explanation that he got was that originally Atmore lay entirely on the west side of Sugar Creek Road and was at one time known as Sugar Creek Road, and was changed to Atmore Street. That the person who discussed this had in mind the portion of Atmore Street west of Sugar Creek Road and this was the reason it was given as industrial.

Councilman Whittington moved that decision on the subject petition be deferred. The motion was seconded by Councilman Short, and carried unanimously.

Mr. Layton, the petitioner, stated after the hearing on October 21 at the suggestion of Council he circulated a petition in the block and with the exception of two people, everyone signed the petition for the change in zoning; that this petition was filed with Mr. Bryant in the Planning Office. Mr. Bryant advised they received the petition and this was a part of the consideration when the Commission made its recommendation.

December 2, 1968
Minute Book 51 - Page 172

PETITION NO. 68-89 BY PRICE WELDING, INC., FOR A CHANGE IN ZONING FROM B-2 TO I-2 OF FOUR LOTS AT THE SOUTHWEST CORNER OF STATESVILLE ROAD AND NEVIN ROAD, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning from B-2 to I-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

ORDINANCE NO. 107-X AMENDING THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF UNAPPROPRIATED FUND BALANCE TO THE BUDGET OF THE POLICE DEPARTMENT TO BE USED TO ESTABLISH A VIOLATIONS BUREAU.

Mr. William Carstarphen, Administrative Assistant, advised that the collections in this Bureau will probably run to \$71,000 in the coming year; that the City had assumed incorrectly that the State through the new court system would accept the responsibility of the collection of parking fines and dog waivers; that the state will not collect for the city and the funds will be City of Charlotte revenue.

Councilman Stegall stated in looking over this proposal it shows that 47½% of all citations issued have not been collected; for the Police Department to go out and issue these citations and have 47½% to lie uncollected is a miscarriage of justice. That they propose three people will be assigned to this Bureau. He asked if these three will be sufficient to collect all these citations along with the dog waivers. That he would like for Council to increase this amount by \$5,000, and have enough employees to do the job.

Councilman Whittington asked the annual salary of the Clerk and the salaries of a Major or Assistant Chief in the Police Department? Mr. Robert Earle, Personnel Director, replied that Mr. York, the Clerk, has an annual salary of \$11,160 at present and it would continue at this same level without reduction; that this is above that of a Lieutenant in the Police Department and some \$900 below that of a Police Captain who will be the immediate supervisor in the Police Department.

Councilman Whittington stated he agrees with Mr. Stegall and it is appalling to him that 47½% of these citations were not collected. Mayor Brookshire stated the point is well taken, but it is not 47½% uncollected; that it is 47½% that were collected; and Councilman Stegall stated that means 52½% are uncollected.

Mr. Carstarphen stated concerning the past performance, the Violations Bureau was under the supervision of the Clerk of Recorder's Court and the load of the Court has been very heavy to the extent that the work load has detracted from the follow-up in collecting these citations; with the burden lifted, these three employees will be able to make major improvements in the collections.

Councilman Stegall moved approval of the establishment of the Violations Bureau within the Police Department and the adoption of an ordinance transferring \$14,406 to be used for this purpose. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Stegall stated he hopes the City Manager and Personnel Director will take a close look at the program during the three months and come back to Council with a progress report on the uncollected funds.

The ordinance is recorded in full in Ordinance Book 16, at page 62.

December 2, 1968
Minute Book 51 - Page 173

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Jordan, and seconded by Councilman Whittington to approve the following property transactions:

- (a) Acquisition of 16,900 square feet of property on Old Dowd Road, RFD 4, Box 559-C, Berryhill Township, from Clinton G. Stacey and wife, Lucille C. Stacey at \$11,500, for the airport expansion project.
- (b) Negotiated settlement with F. J. Kennedy and wife, Thelma A., in the amount of \$1,800, for 57.35 square feet at 1020 Westbrook Avenue, for the West Fourth Street Extension.
- (c) Acquisition of 1,185 square feet of property at 6568 Covecreek Drive, from William Ritchey Byrum and wife, Sydney K. Byrum, at \$114.00 for sanitary sewer easement to serve Eastbrook Woods.
- (d) Acquisition of 799.5 square feet of property at 6600 Covecreek Drive, from Donald D. Harvey and wife, Joanne M. Harvey, at \$153.30 for sanitary sewer easement to serve Hampshire Hills.
- (e) Consent judgment for 24,510 square feet of property at 2939 The Plaza and 1236 Matheson Avenue, from Charles E. Griffin and wife, Lillian M. Griffin, in the amount of \$32,750.00, in connection with the East Thirtieth Street Project.

Mr. W. H. Carstarphen, Administrative Assistant, stated in connection with Item (e) that sometime ago Council authorized a condemnation on this property at \$17,000. Since that time the owner has asked for and received a Commissioner's hearing where he brought forth evidence that he had been offered a sum substantially higher than this; the Commission recommends that the City settle for the amount recommended.

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

SUBROGATION CLAIM OF LIBERTY MUTUAL INSURANCE COMPANY ON BEHALF OF INSURED SIDNEY GARWOOD, SR. DENIED.

Councilman Tuttle moved that the subject claim in the amount of \$1,414.09 be denied due to failure to give proper notice. The motion was seconded by Councilman Stegall, and carried unanimously.

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.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject ordinances were adopted as follows:

- (a) Ordinance No. 108-X ordering the removal of weeds and grass on property located adjacent to 3621 Morris Field Drive.
- (b) Ordinance No. 109-X ordering the removal of weeds and grass on property at the corner of Central Avenue and Morningside Drive.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 63.

December 2, 1968
Minute Book 51 - Page 174

ORDINANCE NO. 110-X ORDERING THE REMOVAL OF TWO ABANDONED MOTOR VEHICLES AT 1912 LYNHURST DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 16, at page 65.

CONSTRUCTION OF SANITARY SEWER MAIN IN HEDGEMORE DRIVE, AUTHORIZED.

Councilman Jordan moved approval of the request of Park Seneca Building, Incorporation for the construction of 75 feet of 8-inch sanitary sewer main in Hedgemore Drive, inside the city, at an estimated cost of \$1,085.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Tuttle, and carried unanimously.

J. H. CARSON GIVEN PERMISSION TO REPAIR THREE BUILDINGS ON CHURCH STREET AND MANSON STREET.

Council was advised that nine buildings are recommended for demolition among which are the following owned by Mr. J. H. Carson:

- (a) 1432-34 South Church Street
- (b) 1436-38 South Church Street
- (c) 1439-39A Manson Street

Mr. Glenn of Brown-Glenn Realty Company, stated his company represents Mr. Carson, and they feel that these three dwellings can be repaired. That Mr. Carson owns all the houses on Church Street on the even side; the Housing Division requested Mr. Carson to demolish all these houses, and they showed them where they could economically repair them. That they have stuccoed some of them and he presented pictures of the houses that have been brought up to standard. He stated they have handled this property since 1935, and the City has gradually brought the housing requirements up to certain standards and Mr. Carson has always cooperated with the City. That the tenants have been in these houses some 20 years and they like the location and want to remain there. Mr. Glenn stated they take the three room duplexes and convert them into five room dwellings.

Councilman Smith moved that Mr. Carson be allowed to improve these three dwellings. The motion was seconded by Councilman Stegall.

Mr. W. H. Jamison, Superintendent of the Building Inspection Department, stated Mr. Carson and his sons own about 45 duplexes in this area on South Church Street and Manson Street. In 1962 all were inspected and found to be substandard; at a hearing they agreed on an 18 months rehabilitation program and some \$2,000 was to be spent on each duplex. In that period only a few repairs were made. Later Mr. Glenn told the inspector that he had been authorized to rehabilitate these buildings and would require another six months. To date 12 of the duplexes have been substantially rehabilitated. In May of this year representatives of the Inspection Department met with Mr. Carson and Mr. Glenn on the job site and Mr. Carson stated he would make a decision within 30 days on what he would do. They asked that the decision be forwarded to the Department in writing; to date they have received no official response. That finding of facts and orders to demolish five of the structures was sent Mr. Carson by certified mail; the time limit for completion of the

December 2, 1968
Minute Book 51 - Page 175

work was set for July 22, 1968. Mr. Jamison stated under the provisions of the Housing Code if it cost more than 50% of the value of a structure to bring it up to compliance with the code, then the code provides it must be demolished.

Mr. Jim Carson stated he has owned this property about 40 years, and he gave Council a summary of the income and expenditures on the property, and requested that he be allowed to repair the structures.

Councilman Jordan made a substitute motion to defer action on the three structures until Council members have a change to see them. The motion was seconded by Councilman Tuttle.

Councilman Short asked the cost to bring one of these dwellings up to standard, and Mr. Carson replied approximately \$2,500.00.

Councilman Tuttle stated if Mr. Carson will say that he will bring these three dwellings up to standard within 60 to 90 days then he will vote against the motion which he seconded to defer action. Mr. Carson replied they have already started work on them.

The vote was taken on the substitute motion and failed to carry by the following vote:

YEAS: Councilmen Jordan and Whittington.
NAYS: Councilmen Smith, Stegall, Short and Tuttle.

Councilman Whittington stated he does not recall in the nine years that he has been on the Council that a Council has ever done this before for any particular individual; that he voted for this housing code when it was passed; and time and time again it has been tested, and Council has had to make a decision on what it was going to do as it relates to the minimum housing code and unfit housing. That the crux of the matter now is whether or not Council is going to allow him to rebuild, refurbish or remodel this type of construction when the Inspection Department has said it should be demolished; that he cannot vote for the motion.

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

YEAS: Councilmen Smith, Stegall, Short and Tuttle.
NAYS: Councilmen Jordan and Whittington.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, adopting the following ordinances:

- (a) Ordinance No. 111-X authorizing the demolition and removal of dwelling at 605-07 East 10th Street.
- (b) Ordinance No. 112-X authorizing the demolition and removal of dwelling at 609-11 East 10th Street.
- (c) Ordinance No. 113-X authorizing the demolition and removal of dwelling at 925 North Davidson Street.
- (d) Ordinance No. 114-X authorizing the demolition and removal of dwelling at 929 North Davidson Street.

December 2, 1968
Minute Book 51 - Page 176

- (e) Ordinance No. 115-X authorizing the demolition and removal of dwelling at 937 Cantwell Street.
- (f) Ordinance No. 116-X authorizing the demolition and removal of dwelling at 1433-33A Manson Street.

The ordinances are recorded in full in Ordinance Book 16, beginning at page 66.

TRANSFER OF CEMETERY LOT.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute a cemetery deed with Mrs. Eleanor G. Simpson for Graves No. 1 and 2, in Lot 177, Section 2, Evergreen Cemetery, at \$120.00. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION AUTHORIZING SUBMISSION OF A COMPREHENSIVE CITY DEMONSTRATION PROGRAM FOR FUNDING UNDER TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966.

Mr. Paul Jones, Executive Director of the Model Cities Program, stated on Friday, November 29, the Charlotte Model Neighborhood Commission voted to ask the City Council to pass a resolution to submit a comprehensive plan for the Charlotte Model City Neighborhood program.

Mr. Jones advised there are two types of action required by the Council. One is the authorization to submit by which the Council simply expresses itself on the desirability of the comprehensive plan. Second is the final approval by the City Council, which approves the comprehensive plan and authorizes a grant agreement with the Department of Housing and Urban Development and commits the non-federal share of the administrative cost. He stated there is no prohibition against the City Council attempting to combine both votes if they are willing to do so; or Council may schedule separate votes. That the final vote must come before the Department of Housing and Urban Development will sign a contract and before supplemental funds will flow into the City. He stated the authorization by the City Council to submit the comprehensive plan does not carry out any commitment by the Council for any project if the request for such federal assistance is not received. It is anticipated that the local governing body will review the program from time to time and be briefed by the Model Neighborhood Commission in preparation for annual modification and amendments.

Mr. Jones stated HUD originally earmarked supplemental funds in the amount of \$1.8 million for the first year of action, and that has been increased and they have now earmarked some \$3.2 million supplemental fund which begins early in 1969.

Councilman Tuttle stated at a meeting the other day, he and Mr. Short raised a question relating to the wording on Pages 40 and 84 under Program Approaches - wording that committed them to representation on the school board and governmental positions, elective offices with which they do not have a right to do and Mr. Jones indicated a willing to change this wording; he asked if this has been done? Mayor Brookshire replied that was modified last Friday afternoon by the Model Cities Commission changing the wording to provide direct representation of all citizens including city residents. Mr. Jones stated the changes suggested by Council have been noted and the changes will be made.

Councilman Short moved the adoption of the subject resolution which was seconded by Councilman Jordan.

December 2, 1968
Minute Book 51 - Page 177

Councilman Short commended Mr. Jones for the way this has been handled in trying to satisfy the many different segments; that he has done an outstanding job.

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

The resolution is recorded in full in Resolutions Book 6, at page 229.

SUGAR CREEK OUTDOOR RECREATION PROGRAM APPROVED.

Councilman Tuttle stated the suggest program totals about \$245,650.00. That \$50,650 will be spent on improvements to the Nature Museum in a much needed parking facility; \$150,000 is for a multi-purpose recreation shelter and \$75,000 has already been raised by private funds on this portion; \$25,000 will be for an amphitheater. The engineering of Sugar Creek will be \$20,000 which will have to be done regardless of what happens to Sugar Creek. That by putting the Sugar Creek portion in the total park project the City will get it done for \$10,000. He stated the total project will be \$245,650 with the city and federal government sharing 50-50. That \$75,000 which has been raised by private sources for the shelter in Freedom Park will be donated to the city, leaving \$47,825 to be funded from the city. That \$20,000 of the amount may have to be spent from current unappropriated funds and the remaining will be budgeted next year.

Councilman Tuttle moved approval of the program as proposed. The motion was seconded by Councilman Whittington.

Councilman Smith stated this is one of the oldest maneuvers to get something done that could not carry its own load in political knowhow. That he admires this presentation but it speaks of \$20,000 for engineering and architectural fees for Sugar Creek and he assumes there is going to be more than just engineering. If the City wanted to study the creek for flood control the Corp of Engineers would make that study. So this can be nothing more than a step towards the canal project, which anticipates boats and flowers and things that are commendable when, and if, you can afford them. But there are projects now crying for money and here this is taking \$20,000 of the sales tax money. He stated there are two items on the sales tax money that would take this \$167,000 sales tax money without debate. One is the Archdale Bridge and the other is the police radios - in both these instances you are talking about human life rather than beautifying something.

Councilman Smith stated he agrees with the portion on the park and it is commendable for private citizens to have raised the \$75,000 and the Nature Museum is most commendable; but if the canal project had been voted on separately without the omnibus presentation, it would have had difficulty in passing. That he commends Mr. Tuttle on this project, but set against the needs on streets, and dangerous situations all over town, he cannot vote for the engineering and architect for Sugar Creek. That he would like to vote for the other portions of the motion.

Councilman Tuttle stated there is grave doubt that the city would get any of this work if it does not do the creek part. That the inclusion of the \$20,000 will indicate to the federal government that the city intends to pursue this.

December 2, 1968
Minute Book 51 - Page 178

Councilman Short stated by putting this \$20,000 in this project we are making available \$75,000 of private money and multiplying all this by the federal method and for \$20,000 we get \$170,000 additional funds in federal and private money.

After further discussion the vote was taken on the motion and carried as follows:

YEAS: Councilmen Tuttle, Whittington, Jordan, Short and Stegall.
NAYS: Councilman Smith.

Councilman Smith stated he would like to vote for the whole thing but he cannot vote for the \$20,000 portion on Sugar Creek.

CONSIDERATION OF ALTERNATIVES FOR UTILIZATION OF AVAILABLE SALES TAX REVENUE.

Councilman Whittington stated in connection with the \$147,000 sales tax revenue, Council should do something tangible - something that the citizens of this city can see being done with the remainder of this sales tax money in this fiscal year.

Councilman Whittington moved the approval of the construction of a new bridge over Sugar Creek on Archdale Drive. The motion was seconded by Councilman Smith.

Mayor Brookshire stated that Mr. Veeder has recommended the urban beautification program of \$102,000 which we must use to be able to take advantage of federal funds in the amount of \$92,000.00.

Councilman Short stated the beautification program was originally presented as \$86,000 from the City which would provide an additional \$76,000 federal money, and it has now gone up \$16,000. If we could go back to the original figure it would be a considerable help. Mr. W. H. Carstarphen, Administrative Assistant, advised the original proposal was for a figure less than this amount. Subsequently this was brought back to Council when the application was ready for submission and the figure was increased by HUD officials and it also increased the local share.

Mr. Carstarphen stated they did not recommend the use of the monies for the Belmont Project because to make a substantial start in Belmont would require in excess of \$200,000 and this sum is not available. Also the Belmont project requires a significant amount of public works improvements that have to be done as part of the Project.

After further discussion, Councilman Smith suggested that action be deferred on the utilization of the sales tax revenues until this can be discussed with Mr. Veeder and he comes back to Council with recommendations.

Mayor Brookshire stated without objections this matter is deferred.

REPORT REQUESTED ON USE OF SUCTION MACHINES TO PICK UP LEAVES ON TWO -SHIFT BASIS.

Councilman Stegall asked Mr. Bobo, Administrative Assistant, to talk with Mr. Davis, Superintendent of Motor Transport, and bring back a report on the collection of leaves. He asked if it is feasible or possible to use these suction machines on a two-shift basis; that he does not think it would be objectionable to the community if these machines operated until 10 or 11 o'clock p.m.

December 2, 1968
Minute Book 51 - Page 179

REQUEST THAT CHILDREN BE ALLOWED TO HOUSE THEIR HORSES, COLTS AND PONIES IN BARN AT THE SUGAR CREEK DISPOSAL.

Councilman Whittington stated there is a barn which belongs to the City at the Sugar Creek Disposal and children have been using it to house their horses, colts and ponies, and the city has told them they will have to move.

He requested Mr. Bobo, Administrative Assistant, to investigate this and that the people be notified with the proper insurance coverage they will be allowed to use this barn for this purpose.

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE FILING OF AN APPLICATION FOR AN OUTDOOR RECREATION GRANT FOR THE FREEDOM PARK-NATURE MUSEUM AREA.

Councilman Jordan moved the adoption of the subject resolution, which was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at page 230.

ORDINANCE NO. 117-X, AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, APPROPRIATING A PORTION OF THE UNAPPROPRIATED GENERAL FUND REVENUES.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$20,000 to be used as a portion of the local share in the Sugar Creek Development Program. The motion was seconded by Councilman Stegall and carried by the following vote:

YEAS: Councilmen Tuttle, Stegall, Jordan, Short and Whittington.
NAYS: Councilman Smith.

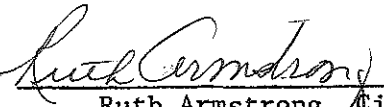
The ordinance is recorded in full in Ordinance Book 16, at page 72.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO MRS. NELLIE PRICE.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, authorizing the issuance of a special officer permit for a one year period to Mrs. Nellie Price for use on the premises of J. C. Penney Company, Park Road Shopping Center.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the meeting was adjourned, with the next meeting to be held on Monday, December 16.


Ruth Armstrong, City Clerk