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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, February 3, 1969, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Short.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting, on Monday, January 27, 1969, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE SERVICE PLAQUE PRESENTED W. B. KISER.

Mayor Brookshire introduced Mr. W. B. Kiser, Water Department Treatment Plant Foreman, and presented him the City of Charlotte Employee Service Plaque for his service with the City from October 14, 1942 to his retirement on February 5, 1969.

PARTNERSHIP PLAN FOR WATER AND SEWER EXTENSIONS IN MECKLENBURG COUNTY PREPARED BY WATER AND SEWER STUDY COMMITTEE, APPROVED.

Councilman Alexander moved the approval and endorsement of the following partnership plan for water and sewer extensions in Mecklenburg County, which motion was seconded by Councilman Whittington:

"The Partnership Plan calls for one operation by the two governments in extending and operating water and sewer facilities beyond the present (Charlotte) system. This approach is superior to one operation by one government (whether City or County), or two operations by two governments, because of several difficulties inherent in such plans. One operation by two governments avoids these difficulties, and at the same time makes available the financial strength and planning capabilities of both governments in extending the system.

The City and County governments believe that the principles and concepts set forth herein as recommended by the Water and Sewer Study Committee deserve a fair trial. To this end the two governments will jointly establish a five-member Community Facilities Committee (CFC), to be composed of one member each from City Council and County Board of Commissioners, plus one at-large member chosen by each, plus a fifth to be selected by the other four. The present Water and Sewer Study Committee will prepare for consideration by City and County governments a plan

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of organization for the CFC and will recommend procedures for its meetings, deliberations and activities. This plan will detail procedures for the employing of necessary personnel as required by the CFC; and for the use of City and County staffs and personnel by the CFC in carrying out the duties assigned to it herein including planning, specifying, engineering, bidding, purchasing and supervision of construction.

It will be the duty of the Community Facilities Committee to make recommendations to the two governments as to the location, size of pipe, materials specification and engineering arrangements for each extension of water and sewer facilities in Mecklenburg County; and to recommend the percentage of the necessary capital to be advanced by the City and by the County for a given project, which ordinarily would be on a fifty-fifty basis unless circumstances made another ratio advisable. The CFC will be responsible for mediating any differences on water and sewer matters between City and County government; for generally studying water and sewer facilities and needs throughout the County and reporting regularly to the two governments; and for presenting the City and County governments in May of each year a budget request accurately reflecting the financial requirements of the Committee for the ensuing fiscal year.

The CFC may use any materials and plans available from either City or County and may consult with any sources it considers helpful. Each government will cooperate fully in supplying accurate information and in making records, files and other data available.

The two governments will jointly own in perpetuity all facilities built under this plan in direct proportion to the amount of capital each has advanced.

The CFC will recommend the selection of engineers and will supervise design, engineering, and also arrange for bidding and supervision of construction. Upon completion of construction, the City will be responsible for and will provide for the operation, maintenance, and administration of facilities built under this plan.

The yield from facilities built under this plan, after provision for necessary payments to developers, will be allocated 32.5% to the City to defray the costs of supplying treated water, treating sewage, administration, operation, maintenance, billing and collecting, and plant debt service. The remainder will be divided between the two governments in direct proportion to the amount of capital each has advanced. Settlement of accounts will occur quarterly. The 32.5% allocation for defraying the City's costs may be changed only with the consent of both City and County governments.

If either government (City and County) should be unable to advance a substantial percentage (at least 25%) of the total capital required for the building of a facility recommended by the CFC, then the CFC will consider recommending that the other government provide 100% of the financing. It will be the policy of both governments and the CFC to cooperate to the fullest extent with the wishes of the government advancing 100%, as to all particulars involved in the planning, specifications and construction of any such extension.

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General specifications of materials will be developed by the CFC. Any proposed changes deemed advisable from time to time will be referred by City or County to the CFC.

This plan will apply primarily to those lines or facilities attached to and extending out from the system of the City of Charlotte. Similar plans for extensions out from other municipalities may be negotiated between the County and the municipality involved.

Nothing within the Partnership Plan will prohibit the City of Charlotte from taking unilateral action to extend water and sewer facilities within the corporate limits of the City of Charlotte. It will be the policy of the City to keep the CFC fully advised of all such action.

Pending the organization of the Community Facilities Committee, the present Water and Sewer Study Committee will continue in being and will fulfill the duties and responsibilities of the CFC."

Mayor Brookshire stated in the Conference Session when Mr. Pat Calhoun, Chairman of the Study Committee, presented this plan, all members of Council voted unanimously to approve it; that all members were in agreement in thanking Mr. Calhoun and his Committee for coming up with what was thought is a good working partnership agreement with the County. That someone said this might serve for many years to come. That if we get consolidation this would be a large step towards consolidation, and make it easier and in that event this plan will serve until consolidation of the City and County governments.

Councilman Tuttle stated he agrees entirely with this report with the exception of the Community Facilities Committee which is contemplated to be a committee of five (5); that he strongly endorses the Water Study Committee to reconsider the Community Facilities Committee to the extent that the membership be composed of at least seven (7) members. Mayor Brookshire replied Mr. Calhoun indicated that the Committee will give the suggestion full consideration.

The vote was taken on the motion and carried unanimously.

Councilman Smith stated Council would like to recognize the long study and efforts that Councilman Milton Short gave this study, and it was through his efforts that a lot of these points were made.

PROPOSAL FOR RUNNING WATER LINE TO MATTHEWS, APPROVED.

Motion was made by Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, that Council approve, endorse and adopt the proposal presented by the Water and Sewer Study Committee for running the water line to Matthews; that the City Manager and the appropriate city departments be instructed to coordinate with the Community Facilities Committee and the County Government and to proceed with the building of this water line.

Joint Statement of Policy for Extension of Water Service Along Old Monroe Road to Matthews:

1. To provide water service to Matthews and others, the City and the County will proceed immediately to construct a water main eastward along Old Monroe Road, from the present city water line to Sharon-Amity and Old Monroe Road to the Matthews city limits.

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2. The cost of the line will be met 50% by the City and 50% by the County. Any grants or other sources of financing that may be applied to the costs of the line will be credited equally to the City and the County.

3. The Community Facilities Committee (hereinafter referred to as the CFC) will arrange for engineering and bidding for construction. Upon completion of the plans and specifications they will be submitted to the City and County for review, and concurrence from both governments will be obtained prior to advertising for bids. Supervision of construction will be arranged by the CFC. When construction is completed, the City will operate, administer, service and maintain the line.

4. The net yield from water users on this line, and from connecting major and local lines, after provision for repayment to developers for the cost of connecting lines, will be allocated as follows: 32.5% will be retained by the City to defray its costs of operating, maintaining, servicing and administering the lines and supplying treated water; the remaining 67.5% of the net yield will be divided equally between the City and County. All records will be kept separately and will be open for inspection by either government or its designated agents. Accounts between City and County will be settled quarterly between the City and County Finance Directors. The 32.5% allocation for defraying the City's costs may be changed only with the consent of both City and County governments.

5. This line will be owned jointly by the two governments in perpetuity, unless the two governments shall subsequently agree otherwise.

6. The size of the lines shall be as specified in the HDR Comprehensive Report.

7. The City Manager and County Manager will decide immediately whether a design engineer is required in the construction of this line, and will advise the Board of County Commissioners, the City Council, and the CFC of their decision.

8. Inside-the-City rates will apply to inside property served from this extension, and outside-the-City rates will apply to outside property served from this extension. Changes of rates for water service on this line shall be subject to approval by both City and County except that rates for inside-the-City service shall be set exclusively by the City as required by law. Policies for extending major and local lines on application of developers and others shall be City policies for the area within the City and the Charlotte Perimeter, and County policies for the area outside the Charlotte Perimeter, subject to such revisions as may be made from time to time.

9. Any questions or need for further specifics on the part of either City or County government will be referred back to the CFC.

ORDINANCE NO. 135-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND ON THE EAST SIDE OF NEWELL-HICKORY GROVE ROAD, BEGINNING NORTH OF THE PLAZA.

Councilman Stegall moved the adoption of the subject ordinance, changing the zoning from R-12 to B-1. The motion was seconded by Councilman Smith.

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

YEAS: Councilmen Stegall, Smith, Alexander, Jordan, Short and Whittington.

NAYS: Councilman Tuttle.

The ordinance is recorded in full in Ordinance Book 16, at Page 91.

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ORDINANCE NO. 136-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF AN AREA 77.5' x 125' AT THE NORTHWEST CORNER OF OLD CONCORD ROAD AND TORRENCE GROVE CHURCH ROAD.

Decision on Petition No. 69-8 by Charles L. Clark for a change in zoning from R-12 to B-1 of a lot 150' x 328' at the northwest corner of Old Concord Road and Torrence Grove Church Road was deferred by Council at its last meeting with a request for Mr. Fred Bryant, Assistant Planning Director, to bring back a recommendation for rezoning the portion of the property involving the grease pit area only.

Mr. Bryant presented a survey drawing of the lot and stated the entire lot has a frontage of 150 feet on Old Concord Road and 328 feet along the side; he pointed out the area which includes the older part of the structure and the area involving the grease pit. He stated in order to clear up the situation, it would require the rezoning of an area that would give a 20-foot clearance to the rear to accommodate the required amount of rear yard space, and ten feet to the side to accommodate the required amount of side yard space; it would be possible to bring a line through the building and 20 feet in front of the building and just rezone basically the area that would be necessary to accomplish the actual closing in of the shed. He stated from a planning view point this might raise more of a question than it would solve.

Mr. Bryant stated from a planning view point, he would like to recommend personally that Council consider rezoning just the amount of space to make the entire structure legitimate at present, which would be rezoning 77.5 feet of frontage and 125 feet in depth; this would make legitimate and enable the petitioner to receive a permit for the immediate enclosure he wishes to make and would allow him to make further additions or alterations to the older building.

Councilman Smith commended Mr. Bryant on this concept and stated he was very much opposed to rezoning just the grease pit area; that Mr. Bryant's plan minimizes the business and gives the petitioner the right to remodel his building and improve the structure and to continue with his business.

Councilman Smith moved the adoption of the ordinance as presented by Mr. Bryant. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 92.

DECISION ON PETITION NO. 68-94 BY RESIDENTS OF COLLEGE DOWNS FOR A CHANGE IN ZONING OF AREA BOUNDED BY UNIVERSITY CITY BOULEVARD, A CREEK NEAR NOTTOWAY DRIVE, SUTHER ROAD AND A LINE ABOUT 1,200 FEET WEST OF MALLARD CREEK CHURCH ROAD, DEFERRED.

Councilman Whittington moved that decision be postponed on the subject petition until the University City plan is presented by the Planning Commission and Council sets a public hearing at which time the objectors, namely: the Kirk family, John Grosland Company, and Jones Company will have an opportunity to be heard. The motion was seconded by Councilman Tuttle, and carried unanimously.

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- (b) Agreement for the installation of 24-inch and 12-inch diameter water mains beneath the proposed I-77 Expressway, at the West Trade Street crossing.
- (c) Agreement with the Commission and The Howey Development Company for the installation of approximately 2,260 feet of 8-inch C. I. water main in Sharon Acres Road (State Highway 3663).

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

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 247.16 square feet at 3421 Eastway Drive, from Samuel Yates Cloninger and wife, Marie K. Cloninger, at \$250.00, for the Eastway Drive Widening Project.
- (b) Acquisition of 3,041.5 square feet at the southwest corner of I-85 and Westport Road, from Realty Development Company, at \$1.00, for sanitary sewer easement to serve Westport Road.
- (c) Acquisition of 1,831.6 square feet at the southwest corner of Randolph Road and Eastover Road, from the Charlotte Park and Recreation Commission, at \$183.16, for sanitary sewer easement to serve portion of Eastover Road.

CLAIM OF ALBERT S. GARWOOD, SR. FOR ALLEGED DAMAGES TO AUTOMOBILE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to deny subject claim, in the amount of \$213.69, as recommended by the City Attorney.

CLAIM OF HACOPA CORPORATION OF AMERICA, DENIED.

Councilman Tuttle moved that claim of Hacoba Corporation of America, in the amount of \$900.00, for the alleged loss of a valuable container from their premises, be denied as recommended by the City Attorney. The motion was seconded by Councilman Stegall, and carried unanimously.

COUNCILMAN WHITTINGTON LEFT THE MEETING.

Councilman Whittington left the meeting at this time and was absent for the remainder of the session.

ORDINANCE NO. 137-X AMENDING THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF UNAPPROPRIATED GENERAL FUND BALANCE TO COVER COST OF AUDIT OF THE OPERATIONS OF RECORDER'S COURT FOR THE PERIOD FROM JULY 1, 1968 TO DECEMBER 2, 1968.

After discussion, Councilman Smith moved the adoption of the subject ordinance authorizing the transfer of \$7,200.00 to cover the cost of audit for which contract was authorized by Council on November 25, 1968. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 93.

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CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR THE WEST FOURTH STREET EXTENSION, APPROVED.

Councilman Smith moved approval of the change order increasing contract price by \$4,461.16, of which the Highway Commission will reimburse the City in the amount of \$1,985.00, making the actual net cost to the City for this change order \$2,476.15. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT AWARDED RICHLAND SHALE PRODUCTS COMPANY FOR VITRIFIED CLAY PIPE.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Richland Shale Products Company, in the amount of \$47,025.00, on a unit price basis, for vitrified clay pipe.

The following bids were received:

Richland Shale Products Co.	\$47,025.00
Pomona Pipe Products	47,531.00

CONTRACT AWARDED CONCRETE SUPPLY COMPANY FOR READY MIX CONCRETE.

Councilman Alexander moved award of contract to the only bidder, Concrete Supply Company, in the amount of \$27,588.95, on a unit price basis, for ready mix concrete. The motion was seconded by Councilman Stegall, and carried unanimously.

AN ACT TO AMEND CHAPTER 131, SECTIONS 94 AND 97, ARTICLE 12 OF THE GENERAL STATUTES OF NORTH CAROLINA, BEING A PORTION OF THE HOSPITAL AUTHORITIES LAW.

Mayor Brookshire advised the City Attorney has prepared a draft of a proposed act amending Chapter 131, Sections 94 and 97 of the Hospital Authorities Law, G. S. 131-94, which authorizes the Mayor to appoint the members of the Hospital Authority. That the proposed amendment would delete the word "Mayor" and substitute the words "Chairman of the Board of County Commissioners"; it would also delete the words "City Clerk" and substitute the words "County Clerk" to make consistency. Mayor Brookshire recommended that Council authorize Mr. Underhill, City Attorney, to submit the Bill to our Delegation to transfer the appointive powers of the Mayor on this Authority, to the Chairman of the County Board of Commissioners.

Councilman Tuttle stated for discussion purposes, he moved approval of the proposed Bill. The motion was seconded by Councilman Stegall.

Councilman Tuttle stated he believes this removes any say whatsoever as far as the City is concerned with the operation of the Hospital. Mr. Veeder, City Manager, replied insofar as the appointment of members of the Hospital Authority is concerned. Councilman Tuttle asked what other say the city has in the operations of the hospital? Mr. Veeder replied none that he is aware of; unless it might relate to conditions Council may wish to put on appropriations such as it did last year.

Mayor Brookshire stated Council took over \$400,000 additional support in this current fiscal budget; that the County had raised the question before of the appointive powers; they feel as long as they are taking over the general health service, they should have the appointive powers and he agrees with them.

The vote was taken on the motion and carried unanimously.

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COUNCILMAN JORDAN LEFT THE MEETING.

Councilman Jordan left the meeting at this time and was absent for the remainder of the session.

PROPOSED LEGISLATIVE CHANGES APPROVED FOR SUBMISSION TO THE LEGISLATURE.

For discussion purposes, Councilman Smith moved approval of the following proposed Bills for presentation to the Legislature, which motion was seconded by Councilman Short:

(1) An Act to amend Chapter 713 of the Session Laws of 1965, being the Charter of the City amending Section 2.42 by deleting the word "10th" in the fourth line and substituting in lieu thereof, the word "14th"; and amending Section 2.45 by deleting the entire section and substituting one of two alternative proposals: (a) Authorize the names to be listed on the ballot in alphabetical order; or (b) Permit the listing of names on the ballot in chronological order according to the date of filing of each candidate.

(2) An Act to amend Chapter 713 of the Session Laws of 1965, being the Charter of the City amending Section 4.22 by deleting the provision beginning with the word "provided, no person shall be appointed Fire Chief who has not been a member of the Fire Department for a period of at least two years immediately prior to such appointment". (b) Amend Section 4.61(13) by adding a new paragraph at the end providing for the establishment of probationary promotion in Police Department; and (c) Amend Section 9.82 allowing bids up to \$3,000, without Council approval.

(3) An Act to amend Chapter 216 of the Session Laws of 1967, being a part of the Charter of the City by providing for revision of eminent domain procedures for the Airport.

(4) An Act to amend Chapter 713 of the Session Laws of 1965, being the Charter of the City by amending Section 3.03 and Section 3.63 which would allow increases in the salaries of the Mayor and Councilmen.

(5) An Act to amend Chapter 713 of the Session Laws of 1965, being the Charter of the City by amending Section 6.183 by adding the following provisions after the first sentence:

"The City Council, upon petition, shall also have the power to change the existing zoning classification upon the specific condition that the petitioners must construct the buildings and structures and plan the area requested to be rezoned in accordance with the plans and specifications presented to the City Council by petitioner with the rezoning application".

(6) An Act to amend Chapter 575 of the 1965 Session Laws of North Carolina relating to the authority of the Charlotte Firemen's Retirement System in common and preferred stocks, increasing the percentage of assets in stocks from 15 percent to 30 percent.

(7) An Act to amend Chapter 14, Section 160, Article 23, of the General Statutes to allow that any person who rents a room in any hotel, motel, or inn, and during his occupancy, damage is done to the room, the fact of such rental shall be "prima facie" evidence that the person so renting the room has caused the damage.

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Mr. Underhill, City Attorney, stated relating to Item (4) salaries of Council and Mayor, that last week a Bill was introduced, which came out of the Local Government Study Commission, which would authorize the Mayor and Councilmen of each municipality to set their own salaries and take away the need of any other legislative enactment to either raise or lower the salaries as it relates to public officials; this Bill is in Committee now and the chances of passage are predicated to be good. He stated it might be the desire of Council to hold off on the local Bill until some determination has been made as to whether or not the Mayor and Councilmen will have the right to set their own salaries. It deletes all references to limits and would permit the municipal authority itself to decide on the salaries.

Councilman Smith amended his motion to delete Item (4) relating to the salaries of the Mayor and Councilmen. Councilman Short agreed to this amendment.

Councilman Short stated that Item (5) relates to conditional zoning. That he questions if this Bill should deal in some way with the failure of the applicant to observe and maintain the condition; that it clearly allows someone to petition for conditional zoning and to stipulate just what he would do if the zoning were granted; it does not get into the matter of how to deal with the situation if he decided later not to observe the conditions. That this may be a case where if you do not prescribe the remedy, in effect it is just dictum within the law and is really meaningless within the law. Councilman Tuttle stated he brought up the question of a reverter; when will it revert back? Mr. Underhill, City Attorney, stated the best way is to get the Charter changed allowing you to set up ordinances dealing with this subject; with this general power you then set up the ordinances necessary to give you a procedure; this gives the concept; the mechanics come after the authority is given for the concept.

Mr. Underhill stated Mr. Phil Green does not think that authority such as this is constitutional because it is not in a comprehensive zoning plan which puts the authority in the City Council to designate certain uses; that Mr. Green is going to come up with something that could modify this. Mr. Underhill stated he is submitting this to Council along the lines they have said they wanted; that if Mr. Green feels we are asking for something that would later be declared unconstitutional perhaps Council will want to restudy it.

Councilman Short suggested that under the recommended provision for conditional zoning that the next to the last word in the fourth line "plan" be changed to either "utilize" or "use".

Councilman Tuttle stated what he has in mind for conditional approval is the right to tell a petitioner that Council will approve the petition conditionally but he cannot build a "service station"; that he did not have the idea of restricting it to one use only; but have the right to tell the petitioner that he cannot have a service station at that location.

Councilman Short stated he is very sensitive to the possibilities that this whole thing cannot be fairly and legally achieved; that you are invading private ownership considerably when you limit someone to residence, office, business or industry; when you refine it even further and just almost tell him what he has to do that you have increased it where you have divided land into a thousand categories, in effect, and made it very restrictive. He stated he realizes this is touchy but let's ask for it in a way that it will be effective; that he thinks the word "plan" should be changed to "use" or "utilize" and also make sure that this is not just an advisory type legislation, and have some redress when the conditional zoning is ignored.

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After further discussion, Councilman Short moved that the word "plan" be changed to "utilize", which motion was seconded by Councilman Smith, and carried unanimously.

Mr. Underhill stated in meeting with the Election Board last week, two alternatives were presented for amending Section 2.45 of the Charter. (a) Authorize the names to be listed on the ballot in alphabetical order; or (b) Permit the listing of names on the ballot in chronological order according to the date of filing of each candidate. Mr. Underhill stated that either of the two would be acceptable to the Election Board.

Councilman Stegall moved that Council accept (b) which would permit the listing of names in chronological order according to the date of filing. The motion did not receive a second.

After further discussion, Councilman Smith moved that the Act be written with the names to be listed on the ballot in alphabetical order. The motion was seconded by Councilman Tuttle, and carried unanimously.

The vote was taken on the main motion by Councilman Smith to approve the Bills as proposed, with the amendments as presented, and carried unanimously.

ELECTION OFFICE AUTHORIZED TO REMAIN OPEN TWO SATURDAYS AND THREE NIGHTS A WEEK FOR LAST TWO WEEKS OF REGISTRATION.

Councilman Alexander moved that the Election Office be authorized to remain open for registration on the last two Saturdays before the books close and to be open three nights a week for the last two weeks of registration as recommended by the Chairman of the Board of Elections. The motion was seconded by Councilman Tuttle, and carried unanimously.

PROGRESS REPORT ON WITHDRAWAL OF SEWER BONDS FROM CITY'S DEBT LIMIT.

Councilman Short stated one subject on the recommended legislative package was whether or not we could withdraw our sewer bonds from our debt margin; he asked Mr. Veeder, City Manager, for a progress report.

Mr. Veeder stated last week, Mr. Underhill, Mr. Fennell and he met with Mr. Harlan Boyles of the Local Government Commission and discussed this at length. That in Mr. Boyles' opinion this is a legislative question whereby some existing statutory language needs to be reconsidered if this is to be accomplished other than by the process of including it in some Indenture. In recognition of this problem Mr. Boyles had already requested the Bond Counsel - who is Charlotte's Bond Counsel - Mr. George Boyle of New York - to develop some draft of language that would accomplish this; that he has not received a report from Mr. George Boyle yet; that once this report is in with some suggested language, he will make it available to Charlotte. Mr. Veeder stated it is entirely possible that the local Government Commission may wish to sponsor such legislation itself, or there may be some basis for Charlotte acting without the Local Government Commission.

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CITY MANAGER REQUESTED TO CHECK INTO GARBAGE AND TRASH PICK UP IN CHERRY SECTION AND AUTOMOBILE ON LUTHER STREET, BETWEEN BAXTER STREET AND QUEENS ROAD.

Councilman Smith stated he has received a number of complaints about trash pick-up in the Cherry section which is in front of Charlottetown Mall. That they said some mattresses have lain in the gutter for two or three weeks. He stated these people may not comply with exactly the way you put garbage and debris out, but special effort should be used in this type of area; that this is not a slum as designated but it could very well be and special efforts should be made and at least two pick-ups made a week. He requested the City Manager to look into this and work something out.

Councilman Stegall stated on Luther Street, between Baxter and Queens Road, there is an old Oldsmobile with nothing but the body; that wheels are gone and the windows are out of it and the motor is gone; that the car has been there for a long time. He requested the City Manager to have this looked into also.

COUNCIL ADVISED THAT STATEMENT RELATING TO RELOCATION OF SITE OCCUPANTS CORRECTED IN WORKABLE PROGRAM REPORT.

Councilman Alexander stated under the workable program which was approved by Council last week on Page 20 the wording is either inadvertently put together or our Federal expeditor and the Redevelopment Commission did not get together on their thoughts. That the last sentence in the paragraph reads: "The Redevelopment Commission has experienced no particular difficulty in relocating site occupants and foresee no unusual problems in the future". Then the Redevelopment Commission has stated something to the contrary, and it is carried in the press. He suggested that the Federal expeditor and the Redevelopment Commission get together and if any amendment is necessary that whatever needs to be done to prevent someone from looking stupid, that it be done.

Mr. Veeder, City Manager, replied this has been done; that he met this morning with Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, and they went over that particular language and signed a letter to the Department of Housing and Development clarifying the statement.

DISCUSSION OF SHIFTING INTERCHANGE ON EXPRESSWAY FROM INDEPENDENCE FREEWAY TO CONVENTION BOULEVARD AND RELATIONSHIP TO URBAN RENEWAL SECTION 5.

Councilman Short stated last week Council made real good progress on Section 4 of Urban Renewal after a confused start; that this prompts him to suggest that Council have full information as fast as it develops about the planning of expressways and streets in Section 5 of Urban Renewal.

Councilman Short asked if anything has been done about shifting the interchange on the expressway from Independence Boulevard to Convention Boulevard as has been requested by a number of people, including the Central Charlotte Association? If this shift is made it will make Convention Boulevard much more accessible, and in addition, make more land available for private development, or housing, or whatever is chosen in Section 5 of Urban Renewal. He asked if it would not be advisable to have another meeting at this time such as Council held in January 1968 with all necessary parties to make sure that everyone knows what everyone else is doing, thinking and planning; that this would include the Downtown Association, Mr. Broadrick, Wilbur Smith and the Redevelopment Commission.

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Councilman Alexander stated along with this we should ask HUD to consider possible re-use plans for Section 5 now to see what possibilities there are of things changing in eight or ten years time.

Mr. Veeder, City Manager, talking to the point of how Convention Boulevard might tie with the Independence Freeway, stated at this point our engineers feels that Convention Boulevard can tie with Independence Freeway; we do not say that we have the ultimate plan of how it should be done; we have schematics that would indicate how it might be done; this has not been approved or designed with the State Highway Commission up to this point.

Councilman Short stated the plan proposed by Wilbur Smith in September, 1966, has the interchange for the new Freeway at Independence Boulevard, not at Convention Boulevard. Mr. Veeder stated there is a good scale schematic of Convention Boulevard showing its relevancy to the Independence Expressway physically and how it might tie, which is subsequent to the 1966 Plan.

Councilman Short stated this interchange takes up about five blocks in Section 5 of Urban Renewal; if it can be moved to the other location it will bear very strongly on the planning of Section 5. Councilman Short then reviewed the happenings of Section 4, beginning with September 1966 when the plans were presented by Wilbur Smith as to how the Independence Freeway might go.

Mayor Brookshire stated last week Council agreed to approve the first segment of Convention Boulevard which does not reach the point being discussed now; that section which would go from Stonewall Street to the new location of Independence Freeway is out in the future some years.

The City Manager stated we have a working figure on the cost of Convention Boulevard from Stonewall Street to Sixth Street which is five million dollars, and includes the rights of way cost.

Mr. Veeder stated the only thing that has been determined today by our own staff is that it is possible to make a meaningful tie between Convention Boulevard and Independence Freeway - no more than that has been determined. That we are now at an appropriate point to go further and start pinning it down better with the State of North Carolina as it relates to their interest in the Independence Freeway, which they have the design contracts on.

Councilman Short stated he cannot help but see how there is a distinct, direct and huge connection between the interchange and land use as this interchange occupies approximately five city blocks.

CITY MANAGER REQUESTED TO MEET WITH REDEVELOPMENT COMMISSION AND REPORT TO COUNCIL ON THE PROGRESS OF BLUE HEAVEN AREA.

Councilman Tuttle requested the City Manager to meet with the Redevelopment Commission who has started to work on the Blue Heaven area; also, we need to meet with Mr. Crutcher Ross, the President of the North Carolina Chapter of Architects, the Park and Recreation Commission Chairman and Executive Director, and get some ideas on how to develop what we are going to do with the Blue Heaven Area concept; also, get some recommendations from the Park and Recreation Commission as to whether they think this should be an authority working under them, or a Commission under the Council. That this is going to be a highly

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technical situation involving real estate values and some knowledge of building when we get to the point of what is going into the control commercial areas - such as the Indian craft shops. We need to know how far the Redevelopment Commission is going. That we would certainly want to deal in the Park and Recreation Commission as to whether or not they want to tackle this with a Commission under their authority or whether it should be a separate commission.

Councilman Tuttle stated there will be close to 10 acres for parks; if you include in parks the greenway, botanical gardens and such, it comes to three and half acres. That by commercial development, they refer to a possible motel and office building; the balance of the property, even though it is commercial, is to be park-orientated. That about seven acres would be devoted to shops, dance areas and other things orientated to people and under the control of the Park and Recreation Commission, or the Commission or authority as set up.

RELIEF OF TRAFFIC PROBLEMS ON PROVIDENCE ROAD AT BROOKRIDGE ROAD REQUESTED.

Councilman Tuttle stated this morning when he attempted to turn into Providence Road, from Brookridge Road, traffic was backed up beyond Trinity Church; that he turned around and went back around and could not turn left into Trinity Presbyterian for the traffic; that he had to go down further and make a U-turn. He stated the timing of the lights in the morning and afternoons is wrong. Mr. Veeder, City Manager, stated the Traffic Engineering Department checked this out and have concluded there is nothing wrong with the timing of the signals, but there is a need for better left turn storage lanes which would hold more of the traffic in the peak hours. Councilman Tuttle stated that Mr. George Broadrick was out there the other morning with one of his engineers and said that Mr. Hoose can extend the left hand lane in there and the State will pay for it.

REPORT ON RAILROAD BLOCKING TRAFFIC AT ATANDO AVENUE.

Councilman Tuttle stated Council has received a letter of petition about the Southern Railroad crossing at Atando Avenue. The City Manager replied this has been checked into; that he talked with the local officials of Southern as well as the division officials and he was assured of cooperation towards the end of relieving the bottleneck; that at least once in the last ten days they did have a breakdown.

DISCUSSION OF NO-SMOKING ORDINANCE.

Councilman Tuttle asked for a progress report on the No-Smoking Ordinance.

Councilman Stegall stated the reason for the delay is the provision which says that a store employing less than 25 people will be exempt; that he is for the ordinance but he thinks the ordinance should apply to the whole downtown area and let the large and small do alike. There is as much danger from a cigarette being dropped in a small store as from a big store employing 200 people. Councilman Tuttle stated he agrees in principle but it is a matter of passing and enforcing that which is practical; what Mr. Stegall is saying is no smoking downtown. Councilman Stegall stated he is saying that it should be looked at from the standpoint of the small merchant and the large merchant alike; and not say that you cannot smoke in Belks or Iveys but you can smoke in some other store adjacent to it.

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Councilman Tuttle stated the Fire Department has discussed this with the merchants and the Chamber of Commerce and they feel for the time being that the big danger lies in the larger stores.

Councilman Stegall requested the City Manager to bring back to Council some thinking from the small merchants; what the Chamber of Commerce says about the small merchant. He asked if it is feasible to do this on a localized situation or should it be done on a general situation. That he would like to hear the response of the merchants toward this.

The City Manager stated he has a report on the 1967 calendar year experience with fires in terms of merchantile establishments. There were 30 fires with losses; of those 30, the cause of fire in three instances was cigarettes; of the three, one would have been involved in the ordinance under consideration by Council.

Councilman Stegall asked what happens during special shopping seasons when the stores who may have 20 employees puts on extra employees? That the number 25 may not be realistic. Councilman Tuttle stated that a change in the wording of the ordinance might be in order - the section that reads "Retail stores designed and arranged to accommodate more than 200 persons, or in which there are more than 25 persons employed". That Mr. Stegall makes it obvious this should read a maximum of 25 persons, or 25 persons normally employed; he suggested that the City Attorney reword this section to either read "normally employed" or "permanently employed".

DEED TRANSFERRING HEALTH DEPARTMENT PROPERTY TO THE COUNTY, AUTHORIZED.

Mr. Veeder, City Manager, stated last Thursday at a joint meeting with the County Commissioners there was some conversation about the transfer of the deed to the Health Department to the County.

Mr. Veeder stated in 1964 at a joint meeting of the two governing boards the County was asked to take over the Health Department. At that time there was need for legislation to effect any change in the status of the title to the property. Some authority was given by the 1965 General Assembly to transfer property; an amendment was made in 1967 to further clarify that situation and gave Council more general authority.

He stated this was brought up in November of 1967 when Council delayed a decision to transfer the property until the next joint meeting of the two Boards; there was recognition of the outstanding debt on the property which calls for annual payment of about \$30,000 a year through 1984. At a joint meeting in January, 1968, there was difficulty in terms of working out Myers Street and a number of other things that related to the jail; there was some comment about the jail being used as a credit for urban renewal, and that got involved in the discussion with the Health Department property; at that meeting the motion was that in event the jail credit is feasible, the city make this swap (referring to giving the County the deed).

Mr. Veeder stated there has been no jail credit assigned to any urban renewal projects todate; and todate HUD has been turning down any consideration of this; there may be another opportunity to take it up with them when the project is completed and ironed out.

Councilman Smith stated when he and Mr. Whittington were negotiating with Mr. Peterson and Mr. Martin about the County paying its share of the hospital and eventually taking it over, one of the conditions was to use their influence to get the deed to the Health Department property.

Councilman Smith moved approval of transferring the deed for the Health Department property to the County. The motion was seconded by Councilman Tuttle, and carried unanimously.

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SCHEDULING AND DETOURS FOR SUGAR CREEK ROAD AND NORTH TRYON STREET INTERSECTION IMPROVEMENTS APPROVED.

Mr. Veeder, City Manager, stated in connection with the subject improvements the detours involved here have been gone over very carefully; that the City plans to meet with the merchants involved in the construction and detours during the week of February 10; they plan to begin acquisition of rights-of-way by February 10; advertise for bids February 28 and received bids on March 21; complete the rights-of-way acquisition by March 25 and submit tabulated bids to the Highway Commission for its approval on April 4 and for Council approval on April 14. That on April 21 both legs of Sugar Creek will be closed to traffic with North Tryon Street to remain open and access maintained to all businesses along the Tryon Street frontage; Sugar Creek Road will be closed to traffic throughout the schedule of the project which is to be completed by September 21.

Mr. Hoose, Traffic Engineer, advised that Sugar Creek Road has three lanes towards I-85 and five lanes towards Eastway and Tryon Street has a combination of five lanes on each side. That there will be seven lanes on all four approaches of the intersection after the improvements are completed.

Mr. Hoose stated Sugar Creek will be closed to through traffic on April 21; the detour will run off Sugar Creek Road at Greensboro Street onto Raleigh Street, into Craighead Road, across North Tryon Street on Craighead Road to Sofley Avenue and back into Sugar Creek Road.

He stated when Tryon Street is closed around June 20, they plan to sign traffic coming off I-85 to Graham Street down to Atando Avenue and back into Tryon Street; the street will be open to local traffic only; the other traffic can go down Eastway to The Plaza to 36th Street and back into Tryon Street. That a watchman will be at the railroad crossing at 36th Street from 7:00 a.m. to 7:00 p.m. each day.

Councilman Stegall asked what thought has been given to the use of the Tryon Mall as a cut-through? Mr. Hoose replied there is no way to stop that; this is being done at this time. Councilman Stegall asked if this is not creating a problem for them? Mr. Hoose advised there is always a problem with that type of access.

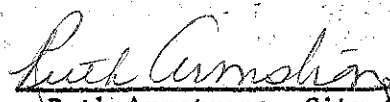
Councilman Stegall asked if police protection will be provided at the major intersections? Mr. Hoose replied the contractor will be asked to provide the policing of the intersections; that his office does plan to signalize some of the intersections; but there will still be a need for patrolmen at certain intersections; they will have adequate control. Councilman Stegall stated he thinks more than adequate control should be maintained; with the movement of traffic through these areas it will slow down percentage-wise; and he thinks we should provide policing to direct this traffic, either through the contractor or the Police Department; that we owe it to the people who drive on these highways. The City Manager advised whatever will make these detours less inconvenient to the public will be done.

Councilman Smith stated it will take two months on the south side and three months on the north side to complete this project. Mr. Hoose replied that is correct and Sugar Creek Road will be closed the entire five months.

Councilman Smith moved approval of the concept as presented by Mr. Hoose. The motion was seconded by Councilman Stegall, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk