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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 13, 1969, with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Gibson L. Smith.

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INVOCATION.

The invocation was given by Dr. R. E. Owens, Minister of Myers Park Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting on January 6, were approved as submitted.

PETITION FOR LOCAL IMPROVEMENTS ON IVEY DRIVE, FROM CENTRAL AVENUE TO LYON COURT, REFERRED BACK TO THE RESIDENTS OF STREET FOR NEW PETITION.

The public hearing was held on the petition for local improvements on Ivey Drive, from Central Avenue to Lyon Court, to determine if the improvements should be made by constructing roll type curb and gutter, and installing storm drainage facilities for a total distance of 1,746 front feet, with the total project cost estimated at \$18,331.00 of which the city's share is estimated at \$10,411.00 and the cost to be assessed against the abutting property estimated at \$7,920.00, or an estimated assessment rate of \$4.40 per front foot. The petition is signed by 71.4% of the abutting property owners, representing 68.7% of the lineal feet of frontage.

Mr. H. R. Walker, 1408 Ivey Drive, stated he represents some people on the street who oppose the petition. He stated he did not sign the petition; that some of the people he is representing did sign the petition for the improvements but have now signed a petition opposing the improvements as they did not think the cost would run as high as the estimates. He stated he has sixteen people who have signed the petition opposing the improvements.

Councilman Jordan stated he understood the people who signed the petition in the beginning were very pleased with the \$4.40 per front foot estimated; that since then they have been told that this might be doubled or tripled and this is the reason they have asked to have their names removed. He asked Mr. Walker if he circulated this second petition and told the people this? Mr. Walker replied he told some that it would be more than this; that he figured it might double.

Councilman Whittington asked the City Attorney if the petition Mr. Walker has is a proper petition based on one that was initiated by the property owners and signed by 71%; which petition is Council to use? Mr. Underhill replied a petition is not accepted, or the sufficiency determined, until Council makes a decision. The petition accepted by the Council is to be the final and conclusive petition; that the determination must be made by the Council as to which petition it is willing to accept. A person can withdraw his name from the petition up until the time the petition has been approved; after it has been approved by City Council, the act becomes final and they cannot withdraw from the petition thereby upsetting the percentage measurement used to determine whether or not we have the proper majority of signers.

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Mr. Veeder, City Manager, advised that 20 out of a possible 28 property owners signed the petition for the improvements.

Mr. J. H. McCall, 1517 Ivey Drive, stated he did not sign the petition as he was out of the city at the time and did not know anything about the petition until he received a letter notifying him of this hearing today. After receiving the letter, he talked to several residents and they did not understand it; that they had signed the petition because the neighbors signed. One lady who is 84 years old said she had signed the petition and did not know what she had signed until he explained it to her and then she asked that her name be withdrawn; several signed this petition not knowing what they had signed and what it would cost.

Mr. Cletus O. Fulp, 1433 Ivey Drive, stated he and his wife are among the 71.4% of the property owners who signed the original petition; they are not affected by it as they live in the middle of the block and their property is well drained. They signed this petition for three reasons: (1) at that time a majority of the property owners desired it; (2) the owners of the property on the lower side of the street have a water drainage problem; and (3) they all felt that these improvements would add to the attractiveness of the street and the city. Mr. Fulp stated he was not aware of any opposition until yesterday when he learned of the second petition. That he talked with thirteen of the people who allegedly signed the second petition and was astonished to find they had been misinformed by the person or persons circulating the second petition; these people have been lead to believe they cannot rely upon the \$4.40 per front foot; they have been informed that is only the initial cost, and the ultimate cost will run as high as two or three thousand dollars; that the city would take part of their property, and that their property taxes would increase. Mr. Fulp stated he was informed by seven of those who allegedly signed both petitions that they wanted the improvements at \$4.40 and they understood the second petition was against the thousand dollars; they are in favor of the \$4.40 a foot. He stated the average lot is 60 feet and that assessment would be approximately \$264.00.

Mr. C. H. Lackey, 1509 Ivey Drive, stated the petition remained on the street for several months before it finally made the rounds; that he saw it on the way back and it looked as though everyone in the community had signed it. He stated he was aware of what the city said the cost would be, and saw no reason to be confused. That he was interested in knowing if it would require additional right of way to install this curing. That he signed the original petition; and has not see the second one.

Mr. McCall stated he was one of the ones who circulated the second petition; that he did not misrepresent anything to the ones who opposed the petition; that he did not tell them what the cost was; they had received the letter from the city and understood what it was; after receiving the letter stating the estimated cost, they opposed the petition.

Mrs. Richard E. Orr, 1400 Ivey Drive, stated she lives at the end of the street and she would like to know what effect it would have on the corners there; that they own two corners with the right of way in between. She stated she did not sign the petition; that her husband signed the second petition.

Mr. J. Robert Brown, 1432 Ivey Drive, stated he signed the original petition and he is still for the improvements as he feels the street needs it.

Mr. Ralph Spainhour, 1404 Ivey Drive, stated he signed the original petition and the whole misunderstanding is that the people do not know what it will cost. That he is in favor of the petition for the improvements.

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Mr. Josh Birmingham, Assistant City Engineer, advised the estimates on cost were made after a preliminary look at the street; they field-walked the street; did some preliminary measuring and made their estimates based on the present prevailing construction cost with a slight escalation in figures; that as of right now, they would not change the figures. He stated the most he can recall that their figures might deviate from a petition assessment is about 10% and that has not happened in the last year; that they think they have a built in escalation figure to cover this as the curb and gutter estimate is a little higher than it has been going. This petition is one of the lowest in cost the city has had in the past several years; in the past 18 months, there was a similar type street that went as high as \$5.50. He stated the only thing the property owner is charged for in the subject petition is the curb and gutter, the materials on storm drainage, grass seeding and four inch stone base for the driveways. This estimate is lower than most jobs of this type because of the limited number of quantities that the property owners will be charged with, particularly storm drainage.

Mr. Birmingham stated there is a prevailing 40 foot right-of-way on Ivey Drive. The City's policy is to require 50 foot; they hope the people will donate the extra five feet on each side; that it is desirable to have it because of future sidewalks. He stated Mrs. Orr has the corner lot at the intersection of Lyon Court; they will turn the radius and she will be charged only for her front footage on Ivey Drive. He stated the re-arranging of shrubbery now located in the right of way will be at the property owners expense; the city will take it up and notify the property owners and set it back. That this is not figured in as a part of the job cost on all properties.

At the request of Councilman Short, the City Clerk read the petition - standard form - filed by the property owners requesting the improvements on the street.

At the request of Mayor Brookshire, Mr. Walker read the following petition opposing the street improvements:

"We, the residents of Ivey Drive, are being represented by H. R. Walker as opposing the petition for street improvements on Ivey Drive, from Central Avenue to Lyon Court, according to your letter of January 3, 1969."

Mr. Walker stated the petition contains sixteen names, and he filed the petition with the City Clerk.

Mr. Fulp stated that Mr. Richard Basinger is present but slightly ill and cannot speak; that he is one who signed the second petition but who wants it at \$4.40 but is against the thousand dollars.

Mr. Birmingham stated they plan to make no changes in the natural drainage system; if the water is dumping on Mrs. Orr's lot as a natural drainage, it will still be dumped at the same point.

In connection with Mr. Walker's statement that additional taxes would be levied because of the improvements, Mr. Veeder stated this is not correct. Mayor Brookshire stated any suggestion or inference that the city would add to the property tax base because of the improvement is not correct.

Mr. Paul Bobo, Administrative Assistant, checked the two petitions - one against the other - and advised that 20 property owners signed the original petition; ten of the 20 signed the later petition which constitutes 30% of the total property owners, which leaves 35% of the property owners signing the petition for the improvements.

CONTRACT FOR CONSTRUCTION OF OUTFALL AND SANITARY SEWER MAIN ON PINEVILLE ROAD, OUTSIDE THE CITY LIMITS.

Motion was made by Councilman Jordan authorizing a contract with J. A. Jones Construction Company for the construction of 1,825 linear feet of 21 inch outfall and 1200 linear feet of 8-inch sanitary sewer main to serve property outside the city on Pineville Road, at an estimated cost of \$52,850.35 with all cost of the construction to be borne by the applicant whose deposit of \$5,285.04, which is 10% of the total estimated cost, has been received and all amounts received for capital facilities to be refunded per terms of the agreement. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT WITH C. P. STREET CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION IN PARKER DRIVE.

Councilman Tuttle moved approval of the contract with C. P. Street Construction Company for the construction of 350 feet of 8-inch sanitary sewer main in Parker Drive, inside the city, at an estimated cost of \$3,810.00 with all cost of construction to be borne by the applicant whose full deposit has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT WITH CATAWBA CAPITAL CORPORATION FOR SANITARY SEWER CONSTRUCTION TO SERVE WESTERN MANOR APARTMENTS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the request of Catawba Capital Corporation was authorized for the construction of 920 feet of 8-inch sanitary sewer trunk to serve Western Manor Apartments, inside the city, at an estimated cost of \$7,690.00 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.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS, AUTHORIZED.

Motion was made by Councilman Whittington and seconded by Councilman Alexander, and unanimously carried, to approve installation of the following water mains:

- (a) Contract with Cummins Diesel Sales Corporation for the installation of 1,500 feet of 8-inch main and one fire hydrant to serve the company's facility located on I-85, inside the city, at an estimated cost of \$7,500.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Howard Counts for the installation of 150 feet of 2-inch water main to serve property abutting on Ranch Road, inside the city, at an estimated cost of \$264.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

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- (c) Supplementary contract to contract dated April 29, 1968, with William Trotter Development Company, for the installation of 6,150 feet of water main and four fire hydrants, to serve Eastbrook Woods Subdivision, Section III, inside the City, at an estimated cost of \$24,000.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

RIGHT OF WAY AGREEMENTS WITH STATE HIGHWAY COMMISSION AUTHORIZED.

Councilman Jordan moved approval of two right-of-way agreements with the State Highway Commission for:

- (a) Installation and maintenance of an 8-inch water main in I-85 South service road, in Cottonwood Street, and in the Cummins Diesel Sales installation for a distance of approximately 1,500 feet.
- (b) Installation of a 24-inch diameter water main, from Freeland Lane, south along South Tryon Street, to the city limits, a distance of approximately 5,280 feet.

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

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Minnie C. Craddock, for Graves No. 2 and 3, in Lot No. 194, in Section 2, Evergreen Cemetery, at \$160.00.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Upon motion by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the following streets were taken over for continuous maintenance by the City:

- (a) Beverwyck Road, from 215 feet east of Colony Road to Richardson Drive.
- (b) Wheelock Road, from 300 feet east of Colony Road to Richardson Drive.
- (c) Richardson Drive, from 90 feet south of Beverwyck Road to 610 feet north of Wheelock Road.
- (d) Maplegrove Drive, from Hoskins Road to 435 feet north of Hoskins Road.
- (e) Woodvalley Drive, from Maplegrove Drive to 400 feet east of Maplegrove Drive.
- (f) Hoskins Road, from Maplegrove Drive to 200 feet west of Maplegrove Drive.

PROPERTY TRANSACTIONS.

Councilman Tuttle moved approval of the following property transactions:

- (a) Acquisition of 4,320 square feet of property at 800 Tennyson Drive, from Jesse R. Royster and wife, Ida Carnes Royster, at \$1.00, for sanitary sewer easement to serve South Street.
- (b) Acquisition of area within dedicated street, at 3934 Plainview Road, from Eston Hensley and wife Sara R. Hensley, at \$1.00, for sanitary sewer easement to serve South Street.

- (c) Acquisition of approximately 218.20 square feet at 738 Tennyson Drive, from David R. Little and wife, Elizabeth M. Little, at \$1.00 for sanitary sewer easement to serve South Street.
- (d) Acquisition of 856 square feet of property at 734 Tennyson Drive, from Albert E. Perry and wife, Bertha B. Perry, at \$1.00, for sanitary sewer easement to serve South Street.
- (e) Acquisition of 6,190.30 square feet in Eastbrook Road, Lots 12 and 15, from William Trotter Development Company, at \$1.00, for sanitary sewer easement to serve Eastbrook Woods.
- (f) Acquisition of 8,753.40 square feet in Eastbrook Road, Lots 15 to 22, from William Trotter Development Company, at \$1.00, for sanitary sewer easement to serve Eastbrook Woods.
- (g) Acquisition of 1,750 square feet in Eastbrook Road, Lots 24 and 25, from William Trotter Development Company, at \$1.00, for sanitary sewer easement to serve Eastbrook Woods.

The motion was seconded by Councilman Jordan and carried unanimously.

CITY'S PARTICIPATION IN THE EXTENSION OF SANITARY SEWER SERVICE TO THE MCCROREY BRANCH OF THE YMCA, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Stegall and unanimously carried authorizing the city to participate in the extension of sanitary sewer service to the McCrorey Branch of the YMCA, outside the city, on Beatties Ford Road, under D-1 of the Water and Sewer Extension policy, with the city's 70% share being charged to the Capital Improvement Budget Account for the purchase of sewer mains constructed within the city by private developers; and the one (1%) percent monthly guarantee required under the policy on the portion of the total cost financed by the City waived.

CONTRACT AWARDED ARMCO STEEL CORPORATION FOR CORRUGATED METAL PIPE.

Councilman Jordan moved award of contract to the low bidder, Armco Steel Corporation, in the amount of \$2,432.38, on a unit price basis, for corrugated metal pipe. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Metal Products Division, Armco Steel	\$2,432.38
Wheeling Corrugating	3,003.41
Republic Steel Corp. Mfg.	3,023.50

REJECTION OF BID OF MCGEE LUMBER COMPANY FOR PORTLAND CEMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the bid of McGee Lumber Company, in the amount of \$6,958.00 was rejected and purchasing department was authorized to re-advertise for this requirement.

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CONTRACT AWARDED SANDERS BROTHERS, INC. FOR CONSTRUCTION OF SANITARY SEWER FACILITIES TO SERVE THE MCCROREY BRANCH OF THE YMCA.

Motion was made by Councilman Stegall, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Sanders Brothers, Inc., in the amount of \$23,068.00, on a unit price basis, for the construction of sanitary sewer facilities to serve the McCrorey Branch of the YMCA on Beatties Ford Road.

The following bids were received:

Sanders Brothers, Inc.	\$23,068.00
A. P. White & Associates, Inc.	26,767.00
Dickerson, Inc.	31,155.00
Thomas Structure Company	35,310.50

DECISION ON BAXTER STREET EXTENSION IN PROJECT 4 DEFERRED FOR ONE WEEK.

Councilman Whittington stated last spring he and several other members of this Council voted to have Project 4, known as Blue Heaven in the Brooklyn Redevelopment Project, developed and made available for commercial use. That they did so in the belief this was the best course to pursue for the future of the whole of the Brooklyn Redevelopment Project, especially in light of the large areas in Projects 1, 2 and 3 which have quite properly been turned to public and other non-tax-producing uses. That from the beginning of the Brooklyn Project ten years ago, one of the principal aims has been to redevelop the area with as much high property tax yielding development as possible; the development which has taken place there, while highly desirable, has not been tax yielding because so much of it has been public in nature - thus, the new jail, new law enforcement building, education center, the ABC office and warehouse, United Community Services building, a church and high school and other facilities of a public nature planned. He stated Project 3 has been largely set aside for a needed new central post office, another example of desirable but non-tax-paying development.

Councilman Whittington stated Project 4 then represented, and still represents the major remaining opportunity in Brooklyn for large-scale, private, tax-paying development if it is to take place at all in Brooklyn. That it was their intention with instruction to the Redevelopment Commission last spring to proceed with plans for commercial development in Project 4, to take advantage of this last commercial development opportunity. He stated they did this with the full knowledge there were several in the community who felt other uses would be equally desirable or more desirable; there were proposals to use the land for the construction of certain health-oriented facilities and there were proposals to use the whole tract for a public park.

He stated at the time they voted for commercial development and did so without precise knowledge of the acreage to be required for the expressway and necessary access ramps; this information is now available in more precise form. In addition, several other circumstances bearing upon the Blue Heaven section have changed which are as follows:

1. Plans have been refined within the Governmental Center area for a more concentrated, historical park-like area which will enhance the Governmental area and perhaps, relieve the need for park space so close by, as for example, in Blue Heaven.

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2. Plans are now being studied for the development of Sugar Creek into a scenic waterway and strip park, something which could eventually become a major out-door attraction for this whole area.
3. Plans are also moving forward for another park in the central city, this one at the Public Library on North Tryon Street. (Since last week when he began this statement, the Public Library property at Sixth and North Tryon Street has been resolved by the Court; and he understands the city can now proceed to build a park there.) In addition, there is a possibility of extending and connecting that green area with proposed other open spaces west of Tryon Street and into the northwestern sector of the city.

Councilman Whittington stated there is also more precise information now available about the route and design of the expressway and the needed service ramps in the Independence-Kenilworth Area; this is the portion of the expressway which takes part of the Blue Heaven tract as right of way. One of the principal service or access ramps for that section of the expressway will involve the section of Baxter Street which is to be extended from its present dead-end at Kenilworth across into Blue Heaven through the tract to dead-end at McDowell Street. He stated from the beginning of the Blue Heaven redevelopment planning, there have always been plans for a street through this area; the plans have always been there that Baxter Street be through Project 4; the only questions have been the precise route and the location necessary to tie that street into the expressway loop.

He stated the section of the expressway from Fourth Street to McDowell Street now has been approved by the necessary state and federal highway officials, and the location of the extension of Baxter Street has also been approved both by necessary highway officials and by the Department of Housing and Urban Development in conjunction with the Charlotte Redevelopment Commission.

Councilman Whittington stated we are at a point where we need to make a decision at least about the construction of the extension of Baxter Street through the Blue Heaven area - to delay that decision or to alter it substantially, is to delay the construction of a major, multi-million segment of the entire expressway loop. He stated at the same time, he does not believe it is necessary now to make a final decision on the final disposition and use of the remaining land in Blue Heaven. Despite his earnest desire to bring about as much commercial development as practical and desirable in the area, he believes that the changing and influencing circumstances surrounding the area make it clear that we should consider waiting to decide about the final disposition of the land.

He stated there are differences of opinion among respected real estate men as to the actual value of the land and to the kind of development which might be economically feasible for private enterprise to undertake upon it. That in their statement of last spring they suggested that "We have ample time within which to decide." They emphasized that "Certainly, we would not consider warehouses in this area. If we don't like any of the proposals submitted, we can turn them all down and proceed otherwise as we would then determine." (Councilman Whittington stated that was part of the statement they made last spring.) Because of these uncertainties and because it is now difficult to judge the total impact of the changes toward more park space in the Governmental Center, along Sugar Creek and elsewhere, and because it is difficult to judge the impact of the expressway itself; it is now his best judgment that, except to authorize the construction of the extension of Baxter Street insofar as it is necessary to move the expressway construction along, we should delay any decision on the final disposition of Blue Heaven.

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Councilman Whittington stated he wished it was possible to make an all-knowing, all-seeing judgment about the future today. Unfortunately, we cannot foretell the future, and must act upon our best judgment based upon the best information we have today.

He stated his judgment of that information is this: We know enough about the expressway to see that we need to proceed as rapidly as possible to push its construction. To the extent that Baxter Street extension through Blue Heaven is necessary for that purpose, we should go ahead with it now, and good planning dictates that the sewer line and Duke Power easements be placed in this street. We do not know about the impact of proposals made since last spring on the specific Blue Heaven property and upon the surrounding area to be able to judge what the best use for that land will be two or three years from now.

Councilman Whittington stated there are problems within Blue Heaven itself, including costly drainage problems and electrical and sewer line easements. If putting several hundred thousands of dollars into enclosing the drainage ditch can now be delayed, it should be except for that portion near the edge of the Project where the down ramp from the expressway joins Baxter Street for that can become another kind of influence later which may alter our judgment. He stated his purpose is to do as little as possible at this time to influence the future use of the Blue Heaven tract while waiting for parallel and influencing events around the tract to take a firmer shape, a shape he believes will show us the proper course. That like other members of this Council he is interested in park and open space development. When we have moved through another year or so toward development of the park area in the Governmental Plaza, we can take a look. At the same time we should have a much firmer idea of the development potential of Sugar Creek; we should be able to see, physically and on the ground, how the expressway itself will look as it makes a very sharp turn on a high bank in land now in the corner of the Blue Heaven tract.

He stated if as some suggest the best future use for Blue Heaven is a public park, he believes it will then be apparent to us all and those responsible for the decisions then will have little trouble agreeing upon the point. If on the other hand, the development in the Governmental Center, along Sugar Creek and elsewhere have taken form sufficient to show Blue Heaven will not be needed as open space, then that will be apparent, as will some idea of the best commercial potential of the area.

In essence he is saying that despite our desire of last spring to get commercial development, he believes events and plans have so changed as to make it impractical, if not impossible, to make a fully-informed decision on the future of Blue Heaven today. That he favors moving now only to the extent necessary to permit Baxter Street construction as it relates to the expressway construction and favors cleaning up the area of grass, weeds and other debris and leaving it as attractive open space until such time as we know more than we know now, and until such time as we can all be more fully informed and more confident of our choices.

Councilman Whittington moved that the Redevelopment Commission be instructed to complete the engineering on Baxter Street and put this street out for bids. The motion was seconded by Councilman Stegall.

Councilman Tuttle stated he would like Mr. Sawyer, Redevelopment Director, to answer the following questions: (1) Exactly where the street is going? (2) Why the apparent total urgency that some action be taken now? (3) Do we have exact plans from the State? Not merely more precise plans but exact plans to the extent that it would warrant spending a quarter of a million dollars on a street, and we know exactly where the ramps to this expressway are going to be? and (4) If we do not act today, will this actually delay the work on the expressway?

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Mr. Sawyer presented a plan showing the location of the street and stated it follows generally the lay of the land along the drainage way; that the terrain is irregular - it is hilly at one point and low in the other; there is a drainage ditch to take care of the drainage not only from this area but a tributary coming in from Dilworth. He stated that Duke Power Company has a 68 foot easement to carry a high voltage power line through the area; there is an 18-inch and 24-inch sewer outfall that goes through the area which can be brought within the right of way; Sugar Creek has been surveyed; the plan has not been approved as yet; it was surveyed by Engineers under contract to them at the time the Council took action to delay any further work on the project. He stated the creek generally follows the southern right-of-way of the street and cuts across and back.

Councilman Tuttle stated by Council action today, engineers will be in Charlotte in about one week to take a look at the feasibility of cutting a canal up in this section; he asked what the culvert would do to this? Mr. Sawyer replied the culvert is planned to be opposite the down ramp from the expressway and at a point where access would be given the post office facility. The culvert would be built larger than the one that exists at present across land at the Thompson Orphanage from Charlottetown Mall. Councilman Tuttle asked if it will be large enough for a boat to go under? Mr. Sawyer replied it can be and it is planned to be.

Councilman Tuttle asked if this is delayed a few weeks would it impede the work on the expressway? That he can see no point in committing ourselves to a quarter million dollars until the engineer comes and we know what we are talking about. Councilman Whittington stated he wanted to be sure that Mr. Tuttle is told that the width of this culvert will be the width of a culvert you would have on Sugar Creek so that, if later, this tributary would be used as a turn-around for a river project such as the one in San Antonio this culvert would not impede coming up in there; this is what he wants to know and what he has assured him would take place. Mr. Jack Bradfield, Engineer for the Redevelopment Commission, advised the culvert will be the same size as the culvert under Kenilworth Avenue. Councilman Tuttle stated the culvert there is not big enough; it is the only one on the whole route that is not large enough; if they are talking about duplicating that one it is the one that would not be adequate. Mr. Bradfield stated the storm drainage coming through Project 4 is the same as the culvert under Kenilworth; the entrance to the post office is another size; it is smaller. Mr. Bradfield stated the culvert is designed to carry the water and is 120 square feet - 10 x 12. The only trouble you would have to get a boat through is that the center petition would have to be removed.

Councilman Tuttle asked if we have exact plans from the State? Mr. Sawyer replied the State has not received the exact plans yet; we have every assurance from the State Highway representatives that they will approve the plans if submitted in this fashion; the engineer would not have told them he was going to submit the plans to the State in this fashion if he was not sure it was economically feasible; that it is already staked on the ground.

Mayor Brookshire asked if the ramp can be extended at the intersection of Kenilworth, instead of making a right angle curve? Mr. Sawyer replied the City Traffic Engineer and the City Engineer have said the best plan is as shown.

Councilman Tuttle stated that Mr. Whittington has said we were endangering the expressway by not going ahead with this street; is this decision so urgent that we would endanger the expressway system if the decision is not made today and is delayed a few weeks? Mr. Sawyer replied he does not know if the delay would affect the system; that the plans are ready to be submitted in this fashion; that they are anxious to get on with the project and have considerable monies tied up in it. Mr. Sawyer advised the plans are going to be sent to the State the latter part of this month.

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Councilman Tuttle stated he is anxious to know if a few weeks delay would actually delay the expressway; that he cannot vote for this street as the need and the urgency right now has not been presented to him; it is important that he know because he would not vote against anything that would in any way delay the expressway system.

Councilman Tuttle stated he is getting at the urgency of voting on the street today when we have an engineering study coming up that is related to it - if the study should prove this to be feasible to take the waterway up there and build a lake at the lowest point, opens up a strong possibility of the motel and office building project that a group has been trying to get off the ground; they are not interested in it with a whole street going through, but are very much interested in it with a canal and a lake.

Mr. Bradfield stated the State Highway Commission and the Bureau of Public Roads, Mr. George Broadrick, Mr. Veeder, Mr. Sawyer and other people met some months ago in Raleigh in an effort to get the Highway to decide the location of this around North McDowell Street; they absolutely depend on the elevation and location of the ramp to a proposed street. Councilman Tuttle stated no one has shown him why it has to drop down in the bottom and circle the creek - why can it not come straight across as the developers of the project are interested; not wreck the bottom; once you put the street in it will kill the preservation of this.

Mayor Brookshire asked why Baxter Street cannot be run straight across the top? Mr. Sawyer replied if you run it straight across it will be up a hill and parallel to a hill, and it will be about 16 feet above McDowell at one point, so there would be no intersection at McDowell Street; the necessity for the street is to facilitate the flow of traffic in this area to help handle the traffic situation and make the commercial development more accessible; Baxter Street will tie into McDowell Street and eventually into Queens Road and make the area more accessible to the whole area of Park Road.

Councilman Tuttle stated the Highway Department is concerned with the ramp; that he does not think they care whether or not you circle it down through the bottom and wreck the creek or whether you go straight across; that Mr. Whittington made a good point when he said that we cannot tell until all the dirt is moved and freeze the project and take a look at it from a standpoint of a park or something else. Councilman Tuttle asked why not include in the freeze the street - go ahead with the plans for the ramp, and wait and take a look at the dirt when it is all dumped.

Mr. Ray King, Chairman of the Redevelopment Commission, stated he asked the very questions Mr. Tuttle has asked. Why the street cannot come straight across? The answer he got was (1) the lay of the land; the street can be built cheaper here than any place else; (2) if the street comes up at almost any other location, the engineers say it will not meet McDowell Street and will be several feet in the air and would be impossible to get it out on a grade level with McDowell Street; (3) coming in at about this same area is a 68 foot Duke Power easement and an 18 and 24 inch sewer line that has to be in this same area. If you moved the street up, and even if you could get down to McDowell Street, and run straight through, you would still have the 68 foot easement. Why the decision has to be made today? Mr. King stated no one knows if the decision is put off today whether or not it will delay this expressway. He stated they are using exactly the same engineer as the State Highway Commission; they know the exact location; it has been staked out; it is ready to be presented to the State Highway Commission for their approval; that he assumes they will approve what is recommended.

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Councilman Tuttle stated this is the largest piece of land left in this city for the possibility of some green area and there is not going to be any more; that he would like to see something like the office building and motel with the bottom beautified; once this street goes in, this is the end of all that; that he cannot understand why this cannot wait a few weeks longer as he is virtually assured that Al Groves will be here next week to start his work on the creek.

Councilman Whittington stated no one can say whether this must be settled today or not; the Highway Department, State and Federal officials cannot make a decision until we tell them about Baxter Street. The new road will begin where Fourth Street and the new Independence Boulevard intersects and proceed in a southwesterly direction; there is no way of getting off that Expressway except at the Baxter Street - Kenilworth intersection until you get over to about Graham Street. He stated the reason Baxter Street is important is because of a way to get on and off the Expressway. When you build Convention Boulevard on towards the west this will complicate getting on and off Independence Boulevard; McDowell Street will be lowered about 8 feet on that rise between Independence Boulevard and the bottom of the hill at the creek; the up-dated expressway will go across McDowell Street about 15 feet in the air. The creek which we have been trying to protect in the interest of future development now is somewhere between 5 to 8 feet below the level of Baxter Street and when Baxter Street is put in there it could be as low as 15 to 16 feet from the bottom of the creek to the street level of Baxter. Because of this factor and because of Baxter Street in the air, Mr. Bradfield and Mr. Dillard, from Wilbur Smith, say this will help with the flood waters or surface waters during a rainstorm; it would also help furnish water to this creek that we are trying to save for the future development of a park if it proves this should be developed for commercial property.

Councilman Whittington stated we are trying to leave two options - at the end of this time when the picture is painted whether it should be commercial property or whether it should be park property. But for two years the Redevelopment Commission, HUD in Atlanta, Bureau of Public Roads, Highway Commission, the Traffic Engineer and the City Engineer have been trying to determine what the city was going to do about Baxter Street. He stated in his opinion it has to be in there; it has always been in there. If we are talking about commercial property or park property this street is necessary to take care of the sanitary sewer line in there along with the Duke Power utility line which will all be under the street, and would enhance the value of the property for either commercial or park property when the time comes to make the decision.

Councilman Short stated he thinks all knew that there was not much frontage or access that would be good for commercial development on Morehead Street or McDowell Street or on the expressway; that he thought there would be good access into this off Kenilworth Avenue - that he now understands otherwise because the park is owned by the public under conditions there is a reverter clause meaning that it could never be available to the urban renewal commission or to the public for development. Also he thought there was good access to this property along Baxter Street because in 1966 when voting on the route of the Independence Expressway, Baxter Street connected with the throughway west of Section 4 and was itself a ramp off the throughway. He stated he does not think we are insensitive to the facts now available to us; that he does not have his mind set with reference to making this commercial use; that this street is desirable and he expects to vote for the motion because the street is desirable for almost any likely use that is made for Blue Heaven; that the street would be compatible with any use that is made.

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Councilman Alexander stated he has seen this document this afternoon just before coming into Council Meeting and read it as it was presented by Mr. Whittington; that he has some questions which he has been trying to get answers to which the Redevelopment Commission cannot answer for him. That he would like a delay, maybe not three weeks, but until next week so he can have an opportunity to get the answers he wants. He stated he is not opposed to Baxter Street as presented today but he has not had an opportunity to get the answers to questions he would like to have before voting.

Councilman Tuttle made a substitute motion to delay decision on this question for three weeks. The motion was seconded by Councilman Alexander.

After further discussion Councilman Short made a privilege motion to postpone the matter for one week and that it be placed on the Agenda next week. The motion was seconded by Councilman Alexander, and carried by the following vote:

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

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MCCANN REPORT STUDY COMMITTEE TO MAKE RECOMMENDATIONS ON LEGISLATIVE CHANGES IN NEXT TWO WEEKS.

Councilman Short asked when the Committee studying the McCann Report will make recommendations to Council about those matters put off pending the election of a legislative delegation? That this is a matter Council would want to confer with the delegation about. Councilman Whittington replied the Committee will try to give the other members of Council their feelings on legislative changes in the next two weeks.

APPOINTMENTS TO HOSPITAL AUTHORITY BY CITY AND COUNTY TO BE DISCUSSED AT NEXT JOINT MEETING.

Councilman Short stated in dealing with the legislative delegation it may be appropriate for the City and particularly the City Council and perhaps the Mayor to say something to the delegation about the desire of the County Government to have some voice in appointing members of the Hospital Authority? That he makes this suggestion as something to consider, hoping that it is not out of door. Mayor Brookshire replied under the State Statutes the way members are appointed now is not a council matter but the prerogative of the Mayor; that he has asked Mr. Veeder, City Manager, to put that particular item on the agenda for the first meeting held with the County Board of Commissioners.

DESIGN OF BARCLAY DOWNS DRIVE PROJECT CHANGED AS REQUESTED BY RESIDENTS OF AREA.

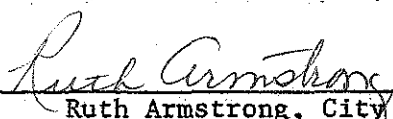
Councilman Stegall stated there is a delegation present from Barclay Downs area headed by Mr. Bruce Wright; these people have requested a change in the proposed Barclay Downs Drive widening.

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Councilman Stegall stated relating to the widening of Barclay Downs Drive, he moved that the City carry through with the Barclay Downs Drive project from Fairview down to Morrison Boulevard, and beyond Morrison Boulevard that the street be designed as the Barclay Downs Residents have requested and that Morrison Boulevard and the entrance to Celanese be designed as shown on the plan by the Traffic Engineering Department. The motion was seconded by Councilman Whittington, and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk