

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, June 9, 1969, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Jerry Tuttle.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the minutes of the last meeting, on June 2, 1969, were approved as submitted.

HEARING ON PETITION OF STERN REALTY INC. REQUESTING THE WITHDRAWAL FROM DEDICATION OF THAT PORTION OF YADKIN AVENUE, CONTIGUOUS TO THEIR PROPERTY LYING BETWEEN EAST TWENTY-EIGHTH STREET AND EAST TWENTY-SEVENTH STREET, CONTINUED UNTIL COUNCILMEN THROWER AND WITHROW HAVE OPPORTUNITY TO LOOK AT THE STREET.

The Public Hearing on the subject petition was continued from May 12, 1969.

Mr. T. L. Odom, Attorney with Weinstein, Waggoner, Sturges & Odom, stated his firm represents the petitioner, Stern Realty, with reference to the closing of a portion of Yadkin Avenue, lying between East Twenty-Seventh Street and East Twenty-Eighth Street. Two questions were raised at the last hearing, and this is the reason for it being before Council at this time.

Mr. Odom stated on May 12, one party appeared to object to some portion of their petition, as to whether or not they had received a written notice. He stated he checked on this and the party did not receive a written notice from the petitioners, but there was a public notice. The provision of the statute they are preceeding under insofar as this petition is concerned does not require the general type of certified individual property notice. This street has never been open, has never been accepted. To close a street there is a provision that if it has been open and used by the public, then the City Council must go through a proceeding where there is public notice and individual notice to the property owners. The other is where the street is shown on a map and has never been used. In which case the property owner can file a withdrawal from dedication in the County Courthouse stating insofar as the portion of the street crossing his property is concerned he is withdrawing it, and the original owning company must be a non-existent corporation. This is what they have here. Mr. Odom stated in addition to filing the withdrawal from dedication of the street back in 1959, they also requested that a public notice be placed in the paper. At the hearing on May 12, 1969, the party in opposition came because he saw the notice in the paper.

Mr. Odom stated his client is not asking Council to close this street as it has never been open. Under Chapter 136 of the General Statutes they are requesting Council to take a look at the situation and declare that it is not reasonably necessary for ingress or egress for property owners in that vicinity.

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He stated at the hearing on May 12, Councilman Tuttle raised the question that the City should not be closing streets when the City is having to buy a lot of street right-of-way. He stated Yadkin Avenue generally runs parallel with North Davidson Street, from the park area and terminates on Thirty-Sixth Street. The portion his client is concerned with is the one block area that has never been used by the public. After his clients withdrew it from dedication in 1959, they paved a portion of the area beside their building and have used it for a parking area. They are asking for a declaration by the Council that it is not necessary for the people to get in and out in order that his clients can expand their manufacturing facilities.

Mr. Odom stated at the hearing on May 12, Mr. Brock Barkley, Attorney for Mr. L. W. Coppala and Mr. Ralph Coppala, appeared in opposition to the petition they were afraid if it were closed they would not be able to connect to the sewer line. Mr. Odom stated there is a sewer line that runs down through the street; before filing the petition with the city, his clients gave the city a written agreement that if the sewer line can be moved from an engineering point of view, they will pay for the cost of having it moved, if it becomes necessary.

The City Manager stated he recalls from the meeting on May 12, the concern of the party in opposition was concerned because the cost of getting to the sewer would increase. That as far as the city is concerned, the sewer is no problem because the petitioner has agreed to do the necessary to relocate any portion that needs relocating.

Mr. Underhill, City Attorney, stated this street has never been opened, and if a street is not opened within 15 years from the date of dedication, it is presumed to be abandoned; the city requires that an abutting property owner or the original owner or corporation dedicating the street go through the process of withdrawal and that is what Mr. Odom is doing today. Unless the City accepts this dedication, it does not have any ownership rights.

Councilman Alexander asked if the 15 year period has expired without the city assuming the dedication? Mr. Odom replied the original land owner was Pegram-Wadsworth Land Company, and in 1907 the map was put on public record, and Pegram-Wadsworth Land Company has long been out of existence.

Councilman Short stated he has gone over this area very thoroughly and the fact is you cannot get on the new railroad bridge off Davidson Street; you cannot get on the new railroad bridge off Brevard Street; the first north-south street which crosses that new thoroughway at grade level is Yadkin Avenue, a paved through street that runs all the way through North Charlotte except for this block. That he cannot agree that this street is not necessary. If the City closes Yadkin Avenue and ready access to the bridge is not given, the traffic will have to go another block to the next street east. He stated in addition he does not see the creek there; there is some drainage across the lot but it is just a general flow of water. Mr. Odom stated his client has filled in a great deal across this lot; back in 1965, when they filed the first petition on the closing of the street, the Traffic Engineering Department stated they did not know what would occur because of the highway going across the railroad and they asked them to wait. At that time there was a large high place there and his clients came in and placed a large culvert; the creek starts at Pickney and it is still there and there is water in it all the time but it is primarily a wet weather creek; it has been covered over where it crosses over this portion of Yadkin Avenue. Councilman Short stated this street seems to be the principal feeder into the railroad bridge.

Councilman Tuttle stated if, in 1965, the Traffic Engineering Department did not know what the needs might be because of the new roads, expressways and the via-duct, he does not see how they can know now until the via-duct is open, and he moved that Council defer any action until six months after the via-duct is open, and take another look at it.

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After further discussion, Councilman Withrow stated that this is the first time he has seen this proposal and he feels he and Mr. Thrower should have the opportunity of looking at this property.

Councilman Tuttle changed his motion to continue the hearing until such time as Councilmen Withrow and Thrower have had an opportunity to see this. The motion was seconded by Councilman Withrow, and carried unanimously.

COUNCIL ENDORSES BILL TO EXTEND PARENTS' CONTROL OF CHILDREN FROM 16 TO 18 YEARS OF AGE.

Mayor Belk stated over the weekend Council has received information concerning a Bill to be introduced by Senator Martha Evans tomorrow extending parents' control of children from 16 to 18 years of age.

Councilman Tuttle moved that Council concur with Senator Evans in this Bill and that a wire be sent that she has Council's support. The motion was seconded by Councilman Thrower.

Councilman Whittington stated he hopes that the Chief of Police, head of the Domestic Relations Courts and Judge Gatlin and people in those categories who have been involved in this type of court procedures will wire Senator Evans and support her in this Bill.

The vote was taken on the motion and carried unanimously.

STATEMENT BY EDWARD KNOX CONCERNING WATER EXTENSION POLICIES INTO COUNTY.

Mr. Edward Knox stated he is present today about a matter that he feels very close to; he held up a brochure which he stated was distributed to Charlotte and Mecklenburg citizens last year in reference to the Mecklenburg County Water Bond Referendum. That in preparing the brochure about questions the people were asking, they went to the City and County officials and asked them certain questions.

One question was "Will this end the reported water feud between City and County Governments?", and the answer was "Yes, the debate over concepts of operation is over; there is no feud."

He stated on the first of July, 1968, in this very room, the City Council enthusiastically endorsed a \$9.5 million water bond referendum and Mecklenburg County's water expansion plans. Since then, as the design work got underway, a new Commission took over the County Government, and they had some doubts and called for an investigation of the county water expansion plans. The City and County appointed a committee of outstanding citizens to do the investigation; they have studied, investigated and have reached a decision. They could have made their report three months ago, but out of consideration for one committee member - the City Council Representative - and out of caution for good relationships, they kept delaying to give him and the city staff time to come up with one after another counter proposals - each was explored by the committee. Alternatives on this matter have been discussed for nearly five years now; already we are falling behind; industry is being scared away because they thought we had a plan for progress, but find plans contingent due to political indecisions.

He stated last year the Winston Salem area initiated a county water system by approving a 5 million dollar water bond issue; an agreement was reached between Winston-Salem and Forsyth County prior to the bond passage; they are sticking to the agreement and moving ahead; the agreement was simply that Forsyth County bought water from the City at a reasonable bulk rate and resold it to its county residents; now a contract is being negotiated for Winston Salem to maintain the county lines at a reasonable price.

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Mr. Knox stated he is concerned that we are now dragging our feet; the urgent health need in the crowded suburban area is even greater than it was one year ago; industry looking for a new home is being scared away by continual headlines that local governments are backing down from or reshaping agreements which had been decided months ago. He stated any policy will have to be flexible, but we cannot afford to get hung up on control of any phase of a consolidated government at the expense of progress and growth for Charlotte and Mecklenburg County. That he sees water development as a key feature in consolidation.

Mr. Knox stated it would appear that any objection to the plan for water expansion should have been made by the city staff at the time the water bond was being promoted; at the least, it would appear that those plans would have been presented to the Committee jointly appointed by the city and county governments to study the water bond issue five months ago.

Mr. Knox stated he is concerned about the basic motivation behind the delay; Council receives its technical information from the Water Department, but do we have the proper spirit of cooperation and progressive thinking at the head of that department; are we more concerned with who controls what rather than building lines? He asked if the facts from the city's professional staff are being presented in a fair and unprejudiced manner? He stated the inaction tends to show a lack of confidence in county government; the city's position on six inch lines could jeopardize the county's economic feasibility formula by requiring existing high density neighborhoods to petition and put up funds for small distribution lines. The delay tends to indicate the city has made commitments to share equally in the construction of water lines into the perimeter and county area, but has no money to meet those obligations; the delay tends to indicate the city does not have confidence in its own people; it was the Charlotte citizens who voted in water bonds and approved the county plan at the polls; it was the Charlotte citizens who said it was okay to build small neighborhood lines if enough customers justified construction; it was the citizens who were told by the representatives of this Council their money would not be used for expansion of county water lines; it was the citizens who have already made available to the county all the money it needs for expansion during the next four years.

Mr. Knox stated we have a good plan approved by a 3 to 1 majority at the polls we have a recommended policy drawn up by a fair and neutral committee of outstanding citizens; it is now time the elected officials show good faith in implementing the water expansion program; in the interest of the people and in the interest of consolidation; it is now time to move forward, think big and act big, and the element of compromise must become a tool of progress.

Mayor Belk thanked Mr. Knox for appearing before Council and stated Council has agreed that it will work through Mr. Pat Calhoun's Water and Sewer Study Committee, and this is the procedure presently being followed. He stated as far as he knows there are no conflicts with the County Commission.

Later in the meeting, Councilman Short stated Mr. Knox started out by referring to his sincerity and he is sure that he was sincere, and he hopes that Mr. Knox and everyone who heard his remarks will attribute the same sincerity to all of those who have been involved in this long series of negotiations.

SUGGESTED CHANGES AND/OR IMPROVEMENTS IN CITY LABOR POLICIES FILED BY JIM PIERCE FOR THE CITY EMPLOYEES ORGANIZING COMMITTEE.

Mr. Jim Pierce, representing the City Employees organizing Committee, stated a few weeks ago the City Council passed a labor policy and in accordance with that policy they were told the proper procedure would be to present to the Council suggested changes or improvements in city labor policies, and the suggestions would be referred to the City Manager for further study.

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Mr. Pierce stated they have prepared for Council a brief resume of some of the things the employees are requesting. He then filed the resume with the City Council.

He stated he, along with the Committee, will be happy to meet with the City Manager at his convenience.

ORDINANCE NO. 205-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE CAPITAL IMPROVEMENT PROGRAM BUDGET.

Councilman Jordan moved the adoption of the subject ordinance authorizing the transfer of \$334,000 from Capital Project Account 533.03 to Capital Project Account 533.04 for the purpose of financing the general governmental center facilities. The motion was seconded by Councilman Thrower for purposes of discussion.

Councilman Tuttle asked if there is any county participation? Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated the county will participate to a certain extent as will the school board - primarily in providing an easement over their land for the construction of the walkway; otherwise there will be miscellaneous and incidental costs related to the disruption of their property during the construction that we hope they will participate in; they have not been asked to participate financially in this up to this point.

Councilman Whittington stated the County, as well as the City Council, has members on the Governmental Plaza Committee of which Mr. Sawyer is an advisor; Mr. Lowe and Mr. Charles Myers have sat in on some of the meetings representing the county, and in the governmental plan there is "down the road", a plan where the county would build an elevated parking garage and so would the city as they are needed for the addition to the county office building, and perhaps the Board of Education building, and as it relates to City Hall. He stated this is a joint effort of the City and County, and the Federal Government and is a phase that the Governmental Plaza Committee has gone over very carefully and recommends to Council for approval.

Mr. Sawyer stated the County has already approved a surface parking lot, according to the first stage in the plan; the next stage which is supposed to occur in 1975-85, is the first stage of the parking structure on their land with their money; that is anticipating a build up or parking demand. Recent occurrences in the court system may have pushed this up considerably, and this structure may be under construction before that time. In the case of the Education Center, they included in the Redevelopment Plan a requirement that the Board of Education put their parking structure in by 1974 - surface parking is permitted initially, but by 1974 that parking also must be under structure. The walkway is the unifying feature; the pools and park are added aesthetic attraction.

Councilman Short asked if there is a ramp that goes down to the jail and law enforcement building? Mr. Sawyer replied it will be connected by the existing apron at the entrance of the courthouse, and there will be a connection down to it.

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

The ordinance is recorded in full in Ordinance Book 16, at Page 167.

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PETITION NO. 69-12 BY CHARLES R. COLLINS FOR A CHANGE IN ZONING FROM R-15 TO R-12MF OF A 27.992 ACRE TRACT OF LAND ON THE NORTH SIDE OF SHARON VIEW ROAD AT MCMULLEN CREEK, DEFERRED.

Councilman Thrower moved that the subject petition be deferred. The motion was seconded by Councilman Short.

Councilman Thrower stated he has talked to some of the people out there and they are going to try to come back with a comprehensive plan in accordance with law; this is the first time the City Council has ever gone into an R-20MF petition and it seems it is necessary to submit this plan prior to Council's approval or disapproval and they have asked for this extension. He stated there seems to be some misunderstanding between the legal department and the planning department and the petitioner.

Councilman Tuttle stated he has respect for anything a Councilman does in trying to resolve something, but he has deferred and deferred and he cannot go another deferral.

Councilman Jordan stated he is ready to vote on this petition to deny it; he asked for what length of time the petition will be deferred. Councilman Thrower replied for an indefinite period.

Councilman Tuttle made a substitute motion that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

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

YEAS: Councilmen Tuttle and Jordan.

NAYS: Councilmen Alexander, Short, Thrower, Whittington and Withrow.

The vote was taken on the original motion to defer the petition, and carried by the following vote:

YEAS: Councilmen Thrower, Short, Alexander, Whittington and Withrow.

NAYS: Councilmen Jordan and Tuttle.

ORDINANCE NO. 206-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF ALBEMARLE ROAD, AND ON THE EAST SIDE OF SHARON AMITY ROAD.

Motion was made by Councilman Whittington, and seconded by Councilman Jordan to adopt the subject ordinance changing the zoning from R-9 to B-1. The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Whittington, Jordan, Alexander and Thrower.

NAYS: Councilmen Short, Tuttle and Withrow.

The ordinance is recorded in full in Ordinance Book 16, at Page 168.

ORDINANCE NO. 207-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON SHARON AMITY ROAD AND ALBEMARLE ROAD.

Councilman Whittington moved the adoption of the subject ordinance changing the zoning from R-9 to B-1. The motion was seconded by Councilman Jordan.

Councilman Tuttle stated this is against his thinking but it would be illogical not to vote for this petition as the previous petition passed.

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

The ordinance is recorded in full in Ordinance Book 16, at Page 169.

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ORDINANCE NO. 208-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP AND CHANGING THE ZONING OF A TRACT OF LAND AT THE NORTHWEST CORNER OF BEATTIES FORD ROAD AND CAPPS HILL MINE ROAD.

Councilman Alexander moved that Petition No. 69-55 by R. L. Puckett for a change in zoning from R-9 to O-6 be denied as recommended by the Planning Commission. The motion did not receive a second. Councilman Alexander stated this is a tract of land across from the new McCrorey Branch of the YMCA; the representative of the Board of Managements appeared at the hearing objecting to the change; they stated their objections to the petition and he agrees with them.

Councilman Whittington stated he has tried to review the history of the Superior Mining efforts as it relates to their crushed stone; they have about 100 acres of land and all of it owned or under option; their office is presently on Selwyn Avenue and they are attempting to put their offices in this home on the subject property; this operation has been there for more than 25 years and it is something that will not be eliminated and whatever Council can do in an orderly fashion to develop it and make sure that nothing is put in there any more adverse than it has been, is a compromise that we all hope to reach in the matter.

Councilman Thrower stated he appreciates Mr. Alexander's view on this; but both the new "YW" and YMCA" are located in areas typical to this with office institution, and if this petitioner had petitioned for anything less than the O-6 he would be the first to second the motion to deny; but this in effect offer them protection.

Councilman Tuttle moved that the petition be approved for O-6. The motion was seconded by Councilman Whittington, and, after further discussion, the vote was taken and carried by the following vote:

YEAS: Councilmen Tuttle, Whittington, Jordan, Short, Thrower and Withrow.
NAYS: Councilman Alexander.

The ordinance is recorded in full in Ordinance Book 16, at Page 170.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, contracts for the installation of water mains were approved as follows:

- (a) Contract with American Investment Company for the installation of 350 feet of water main in Sardis Road, inside the city, at an estimated cost of \$1,740.00, with the city to finance all construction costs, and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Summers Development Company for the installation of 4,060 feet of water main and four fire hydrants to serve Dalton Village Apartments, inside the city, at an estimated cost of \$19,000.00, with the City to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (c) Contract with Albright Builders, Inc., for the installation of 750 feet of water main and one fire hydrant to serve warehouse and office building on Toomey Avenue, inside the city, at an estimated cost of \$4,100.00, with the city to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

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- (d) Supplementary Contract to Contract dated May 8, 1967, with Alben Development Company for the installation of 1,715 feet of water main and two fire hydrants to serve Stonehaven Subdivision No. 12, inside the city, at an estimated cost of \$6,600.00, with the city to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (e) Supplementary Contract to Contract dated April 8, 1968, with American Investment Company for the installation of 3,150 feet of water mains and three fire hydrants to serve a portion of the Old Salem Subdivision, outside the city, at an estimated cost of \$12,000.00, with the applicant to pay the entire cost of the said mains and own and operate the same until such time as the area is incorporated into the city.

CONTRACTS FOR CONSTRUCTION OF SANITARY SEWER MAINS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, approving contracts for the construction of sanitary sewer mains, as follows:

- (a) Construction of 115 feet of 8-inch main to serve 2915 Parkstone Drive, inside the city, at the request of Richard C. Eddy, at an estimated cost of \$1,335.00, 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.
- (b) Construction of 2,133 feet of 12-inch trunk, 161 feet of 10-inch main and 473 feet of 8-inch main to serve Dalton Village, inside the city, at the request of Summers Development Company, Incorporated, at an estimated cost of \$35,215.00, 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.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE COLLECTED THROUGH CLERICAL ERROR AGAINST THREE TAXPAYERS.

Councilman Whittington moved adoption of the subject resolution authorizing the refund of certain taxes in the total amount of \$291.04, which were collected through clerical error or by tax illegally levied and assessed against three taxpayers. The motion was seconded by Councilman Tuttle and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, on Page 331.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of temporary construction easement of 420 square feet at 1301 White Street, from Duke Power Company for sanitary sewer to serve the North-South-Northwest Expressway Interchange at \$1.00.
- (b) Acquisition of easement of 5,057.5 square feet at 2903 Central Avenue from Bernard H. Siegel and wife, Bessie F., for Briar Creek Outfall, Phase I, at \$202.30.
- (c) Acquisition of easement of 11,187 square feet in 1600 block of Eastcrest Drive, from North Star Realty Company, Inc. for Briar Creek Outfall Phase I, at \$447.90.

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- (d) Acquisition of easement of 4,900.50 square feet at 214 Robinson Circle, from Cannon Realty Corporation, for Robinson Circle Sanitary Sewer, at \$327.00.
- (e) Acquisition of easement of 148.2 square feet and 228.50 square feet, at 2722 Commonwealth Avenue, from Duke Power Company, for Briar Creek Outfall Phase I, at \$1.00.
- (f) Acquisition of easement of 4,894.1 square feet at 3307 Robinson Circle, from Bishop Lee Helms and wife, Roxie V. Helms, for Robinson Circle sanitary sewer at \$1.00.
- (g) Acquisition of easement of 4,900.50 square feet at 214 Robinson Circle, from Cannon Realty Corporation, for Robinson Circle Sanitary Sewer, at \$93.00.
- (h) Acquisition of temporary construction easement of 1200 square feet at 1600 East Fourth Street, at \$1.00, from Home Base Realty Company, Inc., for sight distance at Baldwin and Third Streets.

RIGHT OF WAY AGREEMENTS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the following rights of way agreements:

- (a) Agreement with Southern Railway System for the installation of an 8-inch cast iron water main across their properties at Morris Field Drive near Milepost No. 381, in connection with the installation of water mains to serve industrial property abutting on Morris Field Drive.
- (b) Agreement with the State Highway Commission for the installation of 8-inch water main in Sardis Road, inside the city, from Rama Road to the existing city limits.
- (c) Joint agreement between the City, American Investment Company and State Highway Commission, for the installation of an 8-inch water main in Sardis Road, outside the city, between Lansdowne Drive and the existing city limits.
- (d) Agreement with State Highway Commission for the construction of an 8-inch sanitary sewer line with three manholes within the right-of-way of South Boulevard, beginning approximately 1,030 feet from the intersection of Tyvola Road and extending in a southerly direction approximately 704 feet and in an easterly direction beginning 1,500 feet from the intersection of Tyvola Road and South Boulevard.

APPLICATION OF GARRETT AND GARRETT TO CONNECT BI-LO CASSELS STORE TO THE CITY'S SEWERAGE SYSTEM, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject application was approved to connect Bi-Lo Cassels Store at 5601 Wilkinson Boulevard outside the city limits to the City's sewerage system with the connection to be made onto lines owned by Pilot Freight Carriers in Wilkinson Boulevard.

SETTLEMENT OF A CONDEMNATION SUIT WITH JOHN T. GODLEY AND EDNA R. GODLEY, FOR ACQUISITION OF RIGHT OF WAY FOR THE WEST FOURTH STREET EXTENSION PROJECT, AUTHORIZED.

Councilman Thrower moved approval of proposed settlement of a condemnation suit with John T. Godley and Edna R. Godley, in the amount of \$1,000.00, in connection with the acquisition of right of way for the West Fourth Street Extension Project. The motion was seconded by Councilman Whittington, and carried unanimously.

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APPROVAL OF APPRAISAL CONTRACTS.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving appraisal contracts for the Briar Creek Outfall Project, as follows:

- (a) Contract with B. Brevard Brookshire for appraisal of two parcels of land at a fee of \$150.00 each.
- (b) Contract with Zollie A. Collins for appraisal of two parcels of land, one at a fee of \$200.00, and one at a fee of \$500.00.
- (c) Contract with Wallace D. Gibbs, Jr. for appraisal of one parcel of land at a fee of \$500.00.
- (d) Contract with John W. Huffaker for appraisal of one parcel of land at a fee of \$150.00.
- (e) Contract with T. R. Lawing for appraisal of one parcel of land at a fee of \$150.00.
- (f) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land at a fee of \$125.00.

ORDINANCE NO. 209-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER BETWEEN APPROPRIATIONS TO COVER INCREASES AND DECREASES IN ANTICIPATED EXPENDITURES IN CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR 1968-69.

Councilman Thrower moved adoption of the subject ordinance amending the 1968-69 Budget Ordinance, authorizing the transfer of \$140,300 within the general fund for necessary transfers between appropriations to cover increases and decreases in anticipated expenditures in certain appropriations for the fiscal year 1968-69. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 171.

ORDINANCE NO. 210-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF NECESSARY FUNDS TO COVER INCREASES AND DECREASES IN ANTICIPATED EXPENDITURES IN CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR 1968-69.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$20,000 within the Water Fund, for necessary transfers between appropriations to cover increases and decreases in anticipated expenditures in certain appropriations for the fiscal year 1968-69.

The ordinance is recorded in full in Ordinance Book 16, at Page 172.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, approving the following streets to be taken over for continuous maintenance by the city:

- (a) Highlake Drive, from 215 feet north of Malibu Drive to 640 feet south of Malibu Drive.
- (b) Malibu Drive, from 1,040 feet west of Highlake Drive, to 160 feet east of Highlake Drive.
- (c) Horizon Circle from Malibu Drive to 175 feet south of Malibu Drive.
- (d) Griers Grove Road from 785 feet east of Plumstead Road to 120 feet west of Plumstead Road.
- (e) Plumstead Road from Griers Grove Road to 990 feet south of Griers Grove Rd
- (f) Crawford Drive from Plumstead Road to 190 feet east of Plumstead Road.
- (g) McAllister Drive from 410 feet east of Plumstead Road to 155 feet west of Plumstead Road.
- (h) Clippard Court from McAllister Drive to 300 feet south of McAllister Drive.

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RESOLUTION APPROVING CHARLOTTE'S COMPREHENSIVE CITY DEMONSTRATION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A MODEL CITIES GRANT AGREEMENT IN THE AMOUNT OF \$3,168,000 WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Councilman Alexander moved adoption of the subject resolution approving the Comprehensive City Demonstration Program and authorizing the Mayor to execute a Model Cities Grant Agreement in the amount of \$3,168,000. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 332.

Mr. Paul Jones, Executive Director of the Model Cities Program, stated the plans jointly developed between the citizens of the model neighborhood and the citizens as a whole will improve the life of the persons within the model neighborhood and the city is to be commended for having attracted the program to the City of Charlotte. Approval of the subject resolution will enable us to attract supplemental funds in excess of \$3 million for the first year execution with the requirement of 20% matching funds for that portion of the supplemental funds, which is less than \$100,000.

Councilman Whittington stated in the written report to Council the section dealing with Urban Development Opportunities System talks about neighborhood facilities, and a sketch was given of how one would look; he asked when one of these facilities will be under construction? Mr. Jones replied he hopes to begin immediately on the cooperative one in connection with the Redevelopment Commission in the urban renewal area of Greenville and First Ward; in the NDP application it is indicated for the new fiscal year; funds have been earmarked by HUD, and if there is no problem with the local matching money construction will begin this fall. Councilman Whittington asked that Mr. Jones and Mr. Vernon Sawyer keep Council posted on the progress of this as a time will come when the use of schools versus facilities will be in conflict, and the Model Cities Program will be better off if it has its own facilities.

Councilman Whittington stated he is also interested in the Neighborhood Economic Development Corporation. That he hopes this is something that can be done in all the model neighborhoods as it seems to be the way to really put teeth into giving people an opportunity to develop their own business and own vocation with the help of the Model Cities Commission and local, federal and state governments.

Mr. Jones stated this section places emphasis on two segments. One is the group of people already in business in the neighborhood and it provides technical aid and assistance to them to help them strengthen their businesses. Second are the people who aspire to go into business and up to this point have not had any financial assistance or technical assistance. The Neighborhood Development Corporation will allow the use of supplemental funds to develop the cooperation of neighborhood people to own and operate businesses in the neighborhood. This will also create job opportunities for people working in the businesses as well as goods and services in the neighborhood. Mr. Jones stated this is one of the key sections of the plan that has been submitted, and he would place priority on it.

Mayor Belk asked if approval of this agreement will give the city an opportunity for supplemental aid from five other agencies? Mr. Jones replied it does; that five federal agencies are committed to the model cities program and each will fund projects that otherwise would not come to Charlotte.

Councilman Whittington asked Mr. Jones if he is doing all possible to acquaint the businesses already in the neighborhood as to what they can do to bring them up to the compliance with the model cities program as well as trying to attract other people who are interested? Mr. Jones replied this was started under the planning period of the program and with approval of these funds today they can employ other people to work full time on this; they have had meetings with the small business administration and the local businessmen in the community.

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Councilman Alexander stated Council is grateful to Mr. Jones for the manner in which he has developed and given leadership to the Model Cities Program to this point; Charlotte stands at the top of the Model Cities because it has had the type of program and direction from Mr. Jones; that Mr. Jones has recently been named the head of the Model Cities Directors in the nation.

The City Manager requested Mr. Jones to comment on the new involvement with the State Government? Mr. Jones replied the program which has been created invisioned a partnership between the federal, state and local governments. That early in his coming to the Program in Charlotte, the Mayor and City Manager joined him in contacting the Governor of the State of North Carolina, and enlisted his support. As a result the Governor delegated a State Planning Task Force to respond to the Model Cities efforts in every city designated as a Model City. Following, there was a meeting of several mayors, managers, planning directors and model cities directors. The Mayor contacted the new Governor who has committed himself to respond in priority fashion to the model cities efforts. In the last several weeks, this has lead to the Department of Housing and Urban Development appropriating a grant of some 1/2 million dollars to begin to look into the involvement of states to enable them to tune up with the appropriate personnel to give an adequate response to the cities in their inter-city efforts as they seek to improve their model neighborhoods. Mr. Jones stated there are only four states in competition that have been selected for this pilot state project and North Carolina is one, and this is largely through the efforts of our Manager and Mayor.

Councilman Short asked Mr. Jones if the City of Charlotte's Model Cities program can claim that it is the first to move into the actual execution of a model cities program? Mr. Jones replied the proof of the city that really gets into execution first would be the kinds of visible evidences that go into the neighborhood, and he does not think Charlotte will be second to any city. Councilman Alexander stated it was Charlotte's Model Neighborhood Commission and its Director who was asked to appear before the proper officials of HUD, in the City of Washington, D. C., to brief the federal government and others from throughout the nation, on how a city goes about getting started in model cities program.

Mayor Belk stated that Representative Charles Jonas should also be commended for helping push this program through.

SPECIAL OFFICER PERMIT RENEWED FOR ONE YEAR TO STEPHEN J. WILSON.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, approving the renewal of a Special Officer Permit to Mr. Stephen J. Wilson, for a period of one year, to be used on the premises of Charlotte Eye, Ear, Nose and Throat Hospital, 1600 East Third Street.

TRANSFER OF CEMETERY LOT.

Councilman Thrower moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Marie Cable Burghart for Graves No. 9 and 10, in Lot No. 19, Section 2, Evergreen Cemetery, at \$160.00. The motion was seconded by Councilman Withrow, and carried unanimously.

STATEMENT BY JIM MCDUFFEY ON VARIOUS ITEMS.

Mr. Jim McDuffey called a number of suggestions to Council's attention.

- (1) Appropriate money for a study of an eastern expressway.
- (2) Last year's bond write-up listed the Eastway Drive Intersection as \$500,000; and it has now gone up to \$1,200,000; it would appear Council has increased the cost of the intersection partly because of delays in acquiring right of way.
- (3) There is no road priority list that citizens might know when Council proposes a road; that SouthPark Shopping Center was not even in existence several years ago when plans were announced for the Plaza Road widening; Sugar Creek Road has been planned for several years; North Tryon Street is a part of the system to be widened; these are being placed further and further behind because there is no priority list. Park Road realignment is a recent proposition and is coming in front of these other roads that need to be straightened out in the northern part of the city.

Mr. McDuffey stated when Central Avenue bond money is placed on the list, he hopes the Norland Drive and Central Avenue intersection will be included; it needs \$90,000 - it was \$45,000 three years ago when first suggested.

Mr. McDuffey suggested the following as additional revenue sources:

- (1) Boarding fee at the airport.
- (2) Motel Tax.
- (3) Seat Tax at the Coliseum - 15 cents seat tax would bring in \$150,000.

Mr. Underhill, City Attorney, stated at the request of Councilman Withrow, he contacted the Coliseum Manager at Columbia, South Carolina, and he said they have a 25-cent seat tax on all seats where the admission charged is over 50-cents; two weeks ago the Coliseum had to reduce their take of the rent because one night shows and shows that do not generate a large complete sellout were not coming to Columbia because of the seat tax; the manager would not recommend the seat tax as it hurts one night shows.

Mayor Belk suggested that Mr. McDuffey furnish Council a written notice of the names of the streets he is interested in, and Council will be happy to consider them, and thanked him for bringing these matters to Council.

Later in the meeting, Councilman Tuttle stated he had not been on this Council but three weeks before he brought up the hotel- motel tax, and he thinks it is safe to say that every member of this Council is for a hotel- motel tax, and this was taken up with the Legislative group and they have not seen fit to introduce it; that Council cannot levy taxes without legislative approval.

INVESTIGATION OF WOODLAWN ROAD AND OLD PINEVILLE ROAD INTERSECTION FOR TRAFFIC SIGNAL REQUESTED.

Councilman Tuttle requested the City Manager to have Mr. Hoose, Traffic Engineer, look at the intersection of Woodlawn Road and Old Pineville Road where there is a four-way stop, with the thought of installing a traffic signal.

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CITY MANAGER REQUESTED TO KEEP COUNCIL ADVISED ON WHAT IT CAN DO TO HELP KEEP THE JOHNSON MEMORIAL YWCA FACILITIES IN OPERATION.

Councilman Whittington stated the newspapers have stated that the Johnson Memorial YWCA may have to be abandoned because of the lack of funds; that the City Manager has already conferred with Mr. Simmons, Executive Director. This is a neighborhood that has lost its prime industry - Highland Park Manufacturing Company - and this is the reason perhaps funds are going to be limited. That through UGS, County and City Governments everything that can be done should be done to make sure that this does not happen. There is a real need for this facility which has an indoor gymnasium, a good swimming pool and immediately behind it, across the railroad tracks with a little money and a little ingenuity by the Park and Recreation Commission, this could be a first class ball park which is needed for American Legion and other amateur sports which now have to go to Monroe, Belmont, Gastonia and Concord to play baseball games as the only lighted field we have is Griffith Park. He requested the City Manager to keep Council informed on what Council can do to keep this in operation.

TRAFFIC ENGINEERING DEPARTMENT COMMENDED FOR CLEARING INTERSECTION OF SITE OBSTRUCTIONS.

Councilman Jordan commended Mr. Hoose, Traffic Engineer, and his department, for clearing some of the intersections of site obstructions; that they are continuing with this work and they should be commended for clearing these hazards.

CITY ATTORNEY ADVISES THERE IS NO PROHIBITION ON NUMBER OF HORSES PERSONS KEEP ON HIS PREMISES.

Councilman Alexander asked if there is a limit to the number of horses a person can keep on his premises inside the city? Mr. Underhill, City Attorney, replied the only prohibition would be if a commercial stable is being operated assuming they are properly fenced and not running loose or creating a health hazard.

COUNCIL MEETING OF JUNE 23 ELIMINATED.

Councilman Tuttle moved that the Council Meeting for Monday, June 23, be eliminated as there will not be a quorum of members in the city. The motion was seconded by Councilman Alexander, and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk