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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 26, 1970, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman John H. Thrower.

* * * * *

INVOCATION.

The invocation was given by Mayor pro tem James B. Whittington.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the minutes of the last regular meeting, on Monday, January 19, were approved as submitted.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 3, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-37, ADOPTED AND REVISED AGREEMENT BETWEEN THE CITY AND REDEVELOPMENT COMMISSION TO REFLECT THE VARIOUS CASH AND NON-CASH GRANTS-IN-AID, AUTHORIZED.

The public hearing was held on Amendment No. 3, Redevelopment Plan for Redevelopment Section No. 3, Brooklyn Urban Renewal Area, Project No. N. C. R-37, to consider changes in the plan.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated the Redevelopment Commission is proposing five changes to the Redevelopment Plan Project No. 3 of the Brooklyn Urban Renewal Area. The five changes constitute Amendment No. 3 to the Plan. The Commission has submitted the proposed changes to the Charlotte-Mecklenburg Planning Commission, which met and approved the amendment on January 7, 1970; the Redevelopment Commission held a public hearing on the amendment as required by law on January 13, 1970, following which it officially approved the amendment and the changes and recommends them to the City Council for approval.

Mr. Sawyer stated the boundary which ran along Sugar Creek to Independence Boulevard and then over, is proposed to exclude from the property boundary a parcel of land owned by the Thompson Orphanage which was in the project area, and which they want to exclude because the State Highway Commission is negotiating with the Orphanage for other right of way, and they agreed with the City that one public body should do all the negotiating.

He stated there is one small parcel of land between the rear of properties which have already been purchased on Morrow Street and Sugar Creek which belongs to someone - they think the Thompson Orphanage. Their attorney started condemnation suit to clear title because it has unknown owners and the Thompson Orphanage is the only body that claims any interest whatsoever, so they are excluding this parcel at the same time they are excluding the remainder of the parcel. He stated that leaves the State Highway Commission with the problem of establishing ownership and settling the case. Mr. Sawyer stated this has not been called to the attention of the State Highway; that he has advised Mr. Josh Birmingham, Acting City Engineer, about it and he has an appointment to cover this with Mr. Webb of the State Highway next week.

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Councilman Alexander asked if this additional right of way will affect the site of the chapel on the Orphanage property? Mr. Sawyer replied it would not as the property he is speaking of is entirely west of Sugar Creek and all the improvements are located east of Sugar Creek. Councilman Alexander stated if possible he would like to see the Chapel remain at its location for beautification purposes.

Mr. Sawyer stated the Redevelopment Commission is recommending that "retail sales" be added as a permitted use in the General Business Area only. As the plan is presently set up there are a few business uses which are more incidental and secondary uses than primary uses; this would make the land a little more desirable from the standpoint of its development.

He stated the third change is a change in the yard and setback requirements for public areas. This change is primarily to conform the requirements of the redevelopment plan to what has already been granted to the city by the Zoning Board of Adjustment some months ago at the time the Law Enforcement Building was under construction, and at the time the building permit was applied for. The building needed to be set a little closer to the street than the 20 foot setback requirement; the change as proposed is identical to the one that has been approved for Project No. 2 for use of the governmental center; this is an extension of the governmental center and they recommend that the same requirement be put into this plan for this portion of the governmental center which just happens to be in Project No. 3.

Mr. Sawyer stated the fourth change is a change in the approval of plans or the type of plan that is submitted to the Redevelopment Commission by a redeveloper. The purpose is to conform the language describing the plan more closely to the terminology of the architectural profession and to eliminate some confusion that has resulted from their use of preliminary plans. Preliminary plans mean one thing to the Commission and to an architect preliminary plans mean something else and this has resulted in some confusion by changing it to concept drawings or design development plans it eliminates the confusion and conforms the terminology more to current architectural terminology.

He stated the fifth change is a change in the estimated cost and method of financing the project. The changes are primarily to include the credit that the city is due from the construction of the Law Enforcement Building. Under the law which was added in 1968 to the National Housing Act, the City is due 25 percent of the total cost of the project as a credit towards its 1/3 share of the cost of the total urban renewal program; also the change reflects some higher cost of some of the site improvement work which resulted from adding more work to the original budget and raising the standards on some of the work. He stated the total picture of the changes as proposed go up but it does not require any new money; these costs were anticipated and included in the \$1,800,000 which was included in the recent bond referendum as the total amount needed to complete all of the Brooklyn project.

Councilman Whittington stated he would like to question the Permitted Uses under Business Areas - "Retail Sales and Limited Wholesale Operations and display of goods when confined within the building of and used in conjunction with the office of the operator." He stated if this is allowed to go in the difficulty of getting the plan approved will increase because of the type of businesses that operate under these two categories with the motels or hotels, the Board of Realtors Building, and the park Council is talking about putting on this side of McDowell Street and the walkway. That it would seem to him these two classifications should be left out of the Brooklyn 3 Project and hopefully develop it as a motel-hotel-office complex rather than getting into something that could be objectionable down the line; something that would be a deterrent to the project as a whole. He stated there are some businesses under Wholesale and Retail where there is a concern by those who have already bought in Three as to what could go into these categories. He stated he would suggest that this be considered by the Redevelopment Commission of being removed.

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Councilman Tuttle stated he first questioned this; but he has an idea of what may be meant by the limited wholesale operations. There is a situation where a company like "Standard Register" has their offices in a building but will display several of their machines; under the present zoning, they cannot do this if there is any wholesale operation; yet all they have is an office with the machines sitting in front. That this would also apply to someone like IBM. He stated this is what he was hoping this would allow as this is not an operation that would be detrimental to the character of any business neighborhood. Mr. Sawyer replied it was intended to be just that; they had IBM in mind which is primarily an office type operation but it does have to have some machines in stock, and it was not intended to be a big wholesale type operation with a little office in the corner. He stated it may be hard to define exactly what is described here.

Mr. Fred Bryant, Assistant Planning Director, stated two different types of control are being talked about; there is first the zoning control; this property is zoned B-2 which does permit any type of wholesale activities. That what Mr. Sawyer is concerned about and what Council is considering today is in actuality a deed restriction type of use control that would be beyond the zoning control. That if Council is really interested in tying it down more specifically the list of uses being considered would be the more appropriate way of handling it rather than getting back into the more generalized controls that are present in the zoning aspect. Councilman Tuttle asked if deed restriction is possible? Mr. Sawyer replied this is a permissive type approach rather than restrictions. Councilman Tuttle stated without deed restrictions when the land is sold and the intent is to put up a motel, and the motel is operated for five years and then decide to turn it into a warehouse, then what happens? Mr. Sawyer replied an interruption would have to be made at that time and the answer would be no, and it could end up in court.

Mr. Sawyer replied the best way to handle this is to remove it from the plan or further describe it in the plan. Mr. Bryant stated we have been involved in this before and finally came to the conclusion that it had to be related to the principal or primary occupancy of the building and that certain subsidiary or accessory type of activities would be permitted to be carried on. In the instance of IBM, if you had a large building with the predominate use as office and there were certain accessory or subordinate type of activities carried on as a logical part of the operation that it could go under whatever zoning category permits the office activity. Councilman Tuttle asked if you do not get back to the fact that a company leased the building for this and five years later they want to sell the building and someone bought it and goes in and opens a fish camp; that it will still take a deed restriction.

Councilman Withrow asked if it can be spelled out in percentages; would it not cut out the undesirable businesses? Mr. Sawyer replied it can be and it would; but he would recommend that in order to take care of it that it be deleted from the Plan at this time and include it in the next amendment in a form that will be satisfactory and will do what Council wants it to do.

Councilman Whittington moved that "limited wholesale operations and display of goods when confined within the building of and used in conjunction with the office of the operator" be deleted as a permitted use under "General Business Areas." The motion was seconded by Councilman Tuttle.

Councilman Short stated he deals with wholesalers all the time and he cannot think of one that is all that objectionable. That it is possible to have an objectionable one but you can have an equally objectionable retailer. That whatever wholesalers sell, retailers also sell.

Mr. Sawyer stated the objective is to redefine it and bring it back to Council the next time there is an amendment to the plan which will possibly be

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the end of this year as that is when they intend to close the project out, and there is always a final housekeeping amendment to tidy up any loose ends. He stated while this is not included in the motion, he has the intent as he understood it.

Councilman Alexander asked if the limited wholesale operation eliminates a business such as Miller's Office Equipment? Mr. Sawyer replied it would exclude wholesale office equipment.

The vote was taken on the motion and carried by the following vote:

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

At the request of Councilman Alexander, Mr. Sawyer pointed out the exact boundaries of Project 3, stating on the west it is the eastern side of McDowell Street, on the north it is the northern side of Fourth Street, on the east now it is Sugar Creek down to its intersection with Third Street and then it follows the property owned by the Thompson Orphanage all the way to the south side of Independence Boulevard; then Independence Boulevard going west to McDowell Street. He stated the block bounded by McDowell, Fourth, Old Myers Street and Trade Street was added by an amendment after the original project was approved and this is bounded by the east side of McDowell Street, south side of Trade Street, the west side of Old Myers Street and the south side of Fourth Street; this was added for the purpose of getting the land for the Law Enforcement Center and the jail.

Councilman Alexander moved that the plan be amended to add the category of "housing" as a permitted use in this area. The motion did not receive a second.

Councilman Whittington moved the adoption of a resolution of the City Council approving Amendment No. 3, Redevelopment Plan for Project No. N. C. R-37. The motion was seconded by Councilman Jordan, and carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 7, beginning at Page 17.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing approval of the revised agreement between the City and the Redevelopment Commission to reflect the various cash and non-cash grants in aid.

PETITION NO. 70-24 BY SO CAR REALTY COMPANY FOR A CHANGE IN ZONING OF THREE LOTS AT THE SOUTHWEST CORNER OF PLYMOUTH AVENUE AND BANCROFT STREET, DENIED.

The subject petition for a change in zoning from O-6 to I-2 was presented for Council's consideration. Council was advised that a protest petition invoking the 3/4 Rule requiring the affirmative vote of six Councilmen has been filed and a modification of the protest petition was filed by Mr. Samuel S. Williams, Attorney for the protestants, as follows: "Petitioners have no objection to and withdraw their protest against a rezoning of the subject property from O-6 to B-1, and, to the extent that the City Council might desire to approve the change to the lesser zoning classification, consent to the revocation of their request for the invocation of the 3/4 Rule".

Councilman Withrow asked how the modification of the protest petition affects the Planning Commission's recommendation to deny the petition? Mr. Fred Bryant, Assistant Planning Director, advised this does not affect the Planning Commission's recommendation; that the Commission discussed the lesser change to B-1 and was still in favor of denying the request.

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Councilman Tuttle moved that the subject petition for a change in zoning from O-6 to I-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Short stated he understood the Building Inspection Department permitted the Company to go ahead with their building project of paving with the understanding that they could not use it until after the zoning was changed, if it ever was changed and they agreed to maintain a barrier. He stated he does not know all the details but basically and in general, he does not think this would be a good procedure. That there is no barrier there and you can park anywhere all over the area; it is paved and lined off in parking spaces. He requested the City Manager to bring this to the attention of Mr. Jamison of the Inspection Department.

PETITION NO. 70-20 BY VERNON G. BENSON FOR A CHANGE IN ZONING OF A LOT AT 1300 EAST SUGAR CREEK ROAD, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject petition for a change in zoning from R-9 to O-6 was denied as recommended by the Planning Commission.

ORDINANCE NO. 492-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 101 AND 103 BEATTIES FORD ROAD, ON PETITION OF REALTY SERVICES, INC. AND MECHANICS AND FARMERS BANK.

Councilman Jordan moved adoption of the subject ordinance changing the zoning from R-6MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 482.

ORDINANCE NO. 493-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE FOR CONDITIONAL APPROVAL OF LAND ZONED R-9 FOR PARKING AT THE REAR OF 5201 EAST INDEPENDENCE BOULEVARD.

Motion was made by Councilman Jordan adopting the subject ordinance permitting the use of a tract of land zoned R-9 for conditional parking as recommended by the Planning Commission. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 483.

PLANNING COMMISSION REQUESTED TO CONSIDER ZONING PLAN FOR PROPERTY LYING EAST OF BILL BECK PONTIAC AND EXTENDING OUT TO IDLEWILD ROAD TO STABILIZE THE RELATIONSHIP BETWEEN BUSINESS AND RESIDENTIAL USAGE.

Councilman Whittington asked if it would not be practical for the Planning Commission to consider the rest of this property east of Idlewild Road so that the people who live on Amity Place will know once and for all that their backyards will not have a new automobile dealership in there every week. Mr. Bryant, Assistant Planning Director, stated it would be well to have the owners of the property to join with the Planning Commission in helping to determine the likelihood of the usage of the property.

Councilman Whittington moved that the Planning Commission be requested to consider a zoning plan for that property lying to the east of the Bill Beck Pontiac facility and extending out to Idlewild Road to stabilize the relationship between business and residential, and the property owners involved be requested to cooperate with the Planning Commission in arriving at a suitable development plan. The motion was seconded by Councilman Jordan, and carried unanimously.

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ORDINANCE NO. 494-Z AMENDING CHAPTER 23, SECTION 23-8 AMENDING THE CITY CODE BY CHANGING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY AT 1409 MOCKINGBIRD LAND ON PETITION OF FADEL'S INC.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9 to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 484.

PETITION NO. 70-25 BY MARY H. VOORHEES, ET AL, FOR A CHANGE IN ZONING OF PROPERTY ON THE SOUTHWEST SIDE OF EAST EIGHTH STREET EXTENDING FROM THE REAR OF LOTS ON HAWTHORNE LANE TO CLEMENT AVENUE, DEFERRED.

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

ORDINANCE NO. 495-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 MONROE ROAD EXTENDING FROM EATON ROAD TO MANDARIN BOULEVARD.

Motion was made by Councilman Tuttle to adopt the subject ordinance changing the zoning from R-9 and R-9MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 485.

STATEMENT BY REPRESENTATIVE OF LOCAL 1127, MUNICIPAL EMPLOYEES UNION, WITH LIST OF ITEMS WORKERS ASKED TO BE INCLUDED IN 1970-71 AGREEMENT.

Mr. Gene Gore, International Representative of the American Federation of State, County and Municipal Employees, AFL-CIO, stated last year Local 1127 and the City of Charlotte entered into a memorandum of understanding giving to the workers of Charlotte additional job security, improved fringe benefits, and some long awaited human dignity. Local 1127 signed the agreement in good faith with the understanding that the City of Charlotte had done likewise. Six months later they find they are still unable to enlighten the establishment as to what they have agreed to.

Mr. Gore stated in making this statement he would like to refer to an article signed by Mayor Belk which appeared in a local newspaper August 5, 1969. The article stated the City had approved the following:

1. Consideration of a revised grievance procedure.
2. Consideration of seniority when dealing with promotions or transfers.
3. Reaffirm the City's policy of non-discrimination.
4. To ask the North Carolina Courts to rule on a two check system of dues check-off.
5. Establish a health and safety committee.

Mr. Gore stated they feel sure Mayor Belk signed these statements in good faith and expected them to be carried out. It seems very evident there is a communications breakdown somewhere between Mayor Belk's office and the offices of those who relay his messages to the workers.

He stated the grievance procedure is not workable because the supervisors do not respect the rights of the workers. When a worker files a grievance in the City of Charlotte his supervisors continue to harass and coerce him in hopes that the pressure will force him to quit. The seniority clause is not being enforced because the City continues to hire outside staff instead of

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choosing from within the work force. Race discrimination - the lower labor grades in every city department are made up of a near total black work force. The City agreed to enter into the North Carolina Courts a two-check system referring to union dues; it was understood the city would make the request and the union would assume all costs. After six months, the City still has not taken any action. Health and safety committees - it is their feeling that if each of the Councilmen had taken time yesterday to attend the services held at Simpson Chapel and St. Paul Baptist Church they would have seen that these committees have not been established. The City continues to furnish inadequate clothing and equipment which endangers the lives of the workers.

Mr. Gore stated Council has already been furnished a list of items the workers would like included in the 1970-71 agreement. The most outstanding ten points are: (1) reasonable wage increase; (2) cost of living clause; (3) an established safety committee that will stop injuries and deaths on the job; (4) proper treatment on the job; (5) proper equipment and clothing; (6) an end to racial discrimination; (7) an improvement in insurance coverage; (8) a more workable grievance procedure; (9) additional fringe benefits in line with those already granted to workers in other cities; and, (10) a direct check-off of union dues.

Mr. Gore stated they will be available to negotiate on "most" of these items February 1, 1970.

Mayor Belk stated it is the City's desire and intent to listen to any person or any group at any time. He stated there is an employees' relationship procedure and Council would appreciate it if they would use it for any grievance they have.

CUFF LINKS AND TIE CLASP WITH CITY EMBLEM PRESENTED MEMBERS OF COUNCIL BY ALLEN WELLS.

Mr. Allen Wells, Gordon Wells Company, stated he feels the Council has done a tremendous job; that last year his company was selected to do various things for the City Government. He stated at this time he would like to pay a debt he has to both the City Council and to Mayor Belk by giving each one the city emblem in a tie clasp and a set of cuff links. That since Mayor Belk already has one he is giving him a set of blazer buttons.

Mayor Belk and the Councilmen thanked Mr. Wells for his thoughtfulness.

CLAIM OF C. H. GRIGG FOR DAMAGES TO HOME, DENIED.

Councilman Short moved that claim in the amount of \$1,044.02, filed by Mr. C. H. Grigg, for damages to his home, be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow.

Councilman Whittington asked Mr. Grigg's age? Mr. Underhill, City Attorney, replied he does not know his exact age; that he would approximate between 60-65; that he is living on Social Security.

Councilman Whittington stated he does not know any of the particulars except here is a man on social security and has reached the age where this much money to him would be a tremendous hardship; that he cannot vote to put this much of a hardship on this man based on pictures that the City Attorney has to cause him to pay that much to repair his house. Granted the tree falling was caused by the storm and the City had no way of knowing it would fall, but this is an undue hardship.

Councilman Whittington made a substitute motion that the claim be paid. The motion did not receive a second.

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Councilman Jordan stated he agrees with Mr. Whittington in certain respects; but if this is paid then it is setting a precedent. Councilman Whittington stated he agrees it would be setting a precedent but he thinks they all have to stand on their own; this man all his life has had problems in meeting the necessities of life and in his wanning years, this happens to him and for him to have to pay, it is unfair.

Councilman Tuttle stated he agrees with Mr. Whittington from a sentimental standpoint but this would leave the city wide open to hundreds of thousands of dollars in subrogation claims by insurance companies every time there is a blow or ice storm; this is something that is paid for under certain insurance policies; that he assumes this gentlemen does not have insurance. Mr. Underhill stated he has told him that he has no insurance.

The vote was taken on the motion and carried by the following vote:

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

ORDINANCE NO. 496-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED ADJACENT TO 2201 ARDEN STREET PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Jordan, seconded by Councilman Withrow and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 16, beginning at Page 486.

SPECIAL OFFICER PERMIT ISSUED TO WOODROW FREEMAN.

Councilman Whittington moved approval of the issuance of a special officer permit to Mr. Woodrow Freeman for a period of one year to be used on the premises of Charlotte Park and Recreation Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACT WITH W. CRUTCHER ROSS FOR PREPARATION OF PLAN FOR THE OPEN SPACE IMPROVEMENT PROJECT ON SUGAR CREEK IN THE BELMONT-VILLA HEIGHTS MODEL CITIES NEIGHBORHOOD.

Councilman Short moved approval of the subject contract with W. Crutcher Ross, Architect, in the amount of \$4,000.00, for preparation of plans for the open space improvement project on Sugar Creek in the Belmont-Villa Heights Model Cities Neighborhood. The motion was seconded by Councilman Tuttle.

Councilman Whittington stated Council has been told today that it has to take a hard look at the bond priorities based on the fact that only \$10,000,000 will be issued next year. He asked if this has anything to do with NDP, and Mr. Veeder, City Manager, replied it does not.

Councilman Short stated the bond money includes the Sugar Creek area through the Model Cities Neighborhood, and asked if it also includes Irwin Creek south of Trade Street. Mr. Veeder replied that is right. Councilman Short asked if this is included in the Park and Recreation partial list by Mr. Bryant in the earlier meeting? Mr. Carstarphen replied a portion of it is.

The vote was taken on the motion and carried unanimously.

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TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mrs. Shelby Jean Taylor for Grave 3, in Lot 22, Section 2, Evergreen Cemetery, at \$80.00,
- (b) Deed with Mrs. Antoine Miscallef for Graves 10 and 11, in Lot No. 22, Section 2, Evergreen Cemetery, at \$160.00,
- (c) Deed with Mrs. Joseph P. Mallet for Lot No. 286, Section 6, Evergreen Cemetery, at \$320.00.

PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 10' x 119.33' of easement on Fairhaven Street at Wilkinson Boulevard from Taron S. Jones, Executor for Estate of Terrell A. Jones and Myrtle Lee Jones, wife of Terrell A. Jones, at \$1.00, for Queen City Motel sanitary sewer.
- (b) Acquisition of easement in a dedicated street (unopened) on Fairhaven Street, at Wilkinson Boulevard, from Taron S. Jones, Executor for estate of Terrell A. Jones, at \$1.00, for Queen City Motel Sanitary Sewer.
- (c) Acquisition of easement in a dedicated street (unopened) on Fairhaven Street at Wilkinson Boulevard, from Taron S. Jones and wife, Doris J., at \$1.00, for Queen City sanitary sewer.
- (d) Acquisition of 10' x 370.81' of easement at 728 Prince Street from James Nash and wife, Eddina, at \$371.00, for Prince Street sanitary sewer.
- (e) Acquisition of 10' x 12.27' of easement at 3301 Celia Avenue, from Berean Seventh Day Adventist Church, at \$13.00 for Prince Street sanitary sewer.
- (f) Acquisition of 7,420.03 square feet of property (45.25' x 200' x 100' x 7.46' x 21.69' x R211.83') at 1200-1204 East Seventh Street, from G. T. Brown and wife, Gaynelle H., at \$22,500.00 for the Kings Drive Widening.

CONTRACT AWARDED ACOUSTICS, INC. FOR ACOUSTICAL TILE CEILING FOR FORMER POLICE BUILDING.

Councilman Jordan moved award of contract to the low bidder, Acoustics, Inc., in the amount of \$4,190.00, on a unit price basis, for acoustical tile ceiling for the former Police Building. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Acoustics, Inc.	\$4,190.00
Bost Building Equipment Co.	4,886.00
Southern Flooring & Acoustical	4,931.00

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CONTRACT AWARDED GULF OIL CORPORATION FOR GASOLINE.

Motion was made by Councilman Whittington awarding contract to the low bidder, Gulf Oil Corporation, in the amount of \$278,400.00, on a unit price basis, for gasoline. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Gulf Oil Corporation	\$278,400.00
Texaco, Inc.	282,033.30
B. P. Oil Corporation	282,400.00
Union Oil Co. of California	289,319.58

CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR MOTOR OILS.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Union Oil Company of California, in the amount of \$10,083.82, on a unit price basis, for motor oil.

The following bids were received:

Union Oil Co. of California	\$ 10,083.82
Cities Service Oil Co.	10,562.76
Sun Oil Company	10,787.73
B. P. Oil Corporation	11,041.20
American Oil Company	11,452.91
Texaco, Inc.	11,740.16

CONTRACT AWARDED CITIES SERVICE OIL COMPANY FOR GEAR LUBRICANT.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Cities Service Oil Company, in the amount of \$1,193.15, on a unit price basis, for gear lubricant.

The following bids were received:

Cities Service Oil Co.	\$ 1,193.15
Sun Oil Company	1,229.30
American Oil Company	1,269.92
Union Oil Co. of California	1,289.63
Texaco, Inc.	1,296.90
B. P. Oil Corporation	1,556.28

CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR CHASSIS LUBRICANTS.

Councilman Short moved award of contract to the low bidder, Union Oil Company of California, in the amount of \$894.71, on a unit price basis, for chassis lubricant. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Union Oil Company of California	\$ 894.71
Cities Service Oil Co.	895.46
Sun Oil Company	985.15
Texaco, Inc.	1,023.26
B. P. Oil Corporation	1,119.19
American Oil Company	1,215.13

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CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR KEROSENE.

Motion was made by Councilman Tuttle awarding contract to the low bidder, Union Oil Company of California, in the amount of \$3,226.61, on a unit price basis, for kerosene. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Union Oil Co. of California	\$ 3,226.61
B. P. Oil Corporation	3,273.75

CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR NO. 2 FUEL OIL.

Councilman Whittington moved award of contract to the low bidder, Union Oil Company of California, in the amount of \$10,938.41, on a unit price basis, for No. 2 fuel oil. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Union Oil Co. of California	\$10,938.41
B. P. Oil Corporation	11,472.50
Gulf Oil Corporation	11,825.50

CONTRACT AWARDED GULF OIL CORPORATION FOR NO. 5 AND NO. 6 FUEL OIL.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Gulf Oil Corporation, in the amount of \$9,087.50, on a unit price basis, for No. 5 and No. 6 fuel oil.

CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR DIESEL FUEL.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Union Oil Company of California, in the amount of \$17,452.14, on a unit price basis, for diesel fuel.

The following bids were received:

Union Oil Co. of California	\$17,452.14
B. P. Oil Corporation	17,862.00

CONTRACT AWARDED UNION OIL COMPANY OF CALIFORNIA FOR HYDRAULIC LIFT OIL.

Councilman Jordan moved award of contract to the low bidder, Union Oil Company of California, in the amount of \$3,525.88, on a unit price basis, for hydraulic lift oil. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Union Oil Co. of California	\$ 3,525.88
Sun Oil Company	3,735.75
Texaco, Inc.	3,786.75
Cities Service Oil Co.	3,910.00
American Oil Company	4,544.10
B. P. Oil Corporation	4,796.55

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CONTRACT AWARDED PITTSBURGH-DES MOINES STEEL COMPANY FOR CONSTRUCTION OF ELEVATED TANK AT OWEN BOULEVARD AND U. S. 29 NORTH.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Pittsburgh-Des Moines Steel Company, in the amount of \$383,800.00, on a unit price basis, for construction of one million gallon capacity elevated water tank at Owen Boulevard and U. S. 29 North.

The following bids were received:

Pittsburgh-Des Moines Steel Co.	\$383,800.00
Chicago Bridge & Iron Co.	387,500.00
R. D. Cole Mfg. Company	393,770.00

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR CONSTRUCTION OF WATER DISTRIBUTION MAIN BETWEEN EASTWAY DRIVE AND NORTH INDEPENDENCE BOULEVARD.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Thomas Structures Company, in the amount of \$593,050.00, on a unit price basis, for construction of 20-inch diameter water distribution main between Eastway Drive and North Independence Boulevard.

The following bids were received:

Thomas Structure Company	\$593,050.00
Kahn & Jackson, Inc.	609,820.00
Blythe Brothers Co.	611,090.00
Propst Construction Co.	619,354.00
Harold A. Pickens & Sons	623,290.00
Pierce Ditching Company	698,428.00
Crowder Construction Co.	744,489.00
Dickerson, Inc.	839,098.00
Rand Construction Co.	848,290.00

Councilman Whittington asked if this money is out of the bond issue three years ago? Mr. Veeder, City Manager, replied this is out of bond money voted in December; HUD money has been committed for some time and the city needed to move to get the \$500,000 grant used.

Councilman Whittington requested the City Manager to give Council a capsule recommendation on what will be done with the unspent money between now and next week.

Councilman Whittington stated this is a 20-inch diameter water distribution main between Eastway Drive and North Independence Boulevard; he asked the route it will take? Mr. Carstarphen stated it begins at the intersection of Independence Boulevard and Sharon Amity Road; follows Sharon Amity to Shamrock, runs along Shamrock to Tipperary and along Tipperary to Milton Road, along Milton Road to the Plaza and follows the Plaza to where the Plaza intersects with Eastway and joins an existing main with the tank which was approved today.

PUBLIC INFORMATION OFFICE COMMENDED BY DON AMBROSE OF WSOC.

Councilman Jordan stated he has before him a letter addressed to the City Manager from Mr. Don Ambrose, WSOC, in which he makes reference to the deaths of the two sanitation workers and the way the news media is being received at City Hall. He stated this is fine and is a very commendable thing from the Station to our people and to the Public Service Office.

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POLICE CHIEF REQUESTED TO REPORT TO COUNCIL ON SUGGESTION THAT OFF DUTY POLICE OFFICERS BE ASSIGNED CARS FOR PRIVATE USE; HOW IT CAN BE IMPLEMENTED; WHEN IT CAN BE IMPLEMENTED AND THE COST TO THE CITY.

Councilman Whittington stated Council met today with Police Chief J. C. Goodman and his Assistants in the new Police Building. That one of the many things discussed was the statement Chief Goodman made to the press recently where he would like to see the off-duty policemen allowed to carry their cars home and use them as a personal car. Councilman Whittington stated he has given this a great deal of thought and Chairman Charles Lowe of the County Board of Commissioners saw an article from the Indianapolis newspaper and sent it to him and he concurs that it is a good idea. He stated he asked Chief Goodman this afternoon to tell Council when he can implement this, how it can be implemented and how much it will cost.

Councilman Whittington stated he and Mr. Tuttle have had comments about the Centrex system, and he would like to publicly thank Mr. Wylie and his associate who met with Mr. Bobo and Assistant Chief Selvey to try and eliminate this problem of not being able to reach numbers in the Police Department after the offices close. Councilman Whittington stated he is mentioning this so that the telephone company will be thanked for what they are trying to do.

RESOLUTION ON AUTHORITY OF CIVIC CENTER COMMITTEE.

Councilman Whittington presented the following resolution:

"WHEREAS, the Mayor has appointed a Civic Center Building Committee; and

WHEREAS, it is desirable to establish policy on the role of the Building Committee and to comment on certain duties and responsibilities of the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The overall activities of the Building Committee are to be carried out within the framework of the following policy:
 - (a) The Mayor and Council are responsible for the successful completion of the Civic Center and have designated the Building Committee as their agent in carrying out that responsibility. The Building Committee has the authority to represent the Mayor and Council in the execution of the project.
 - (b) The Building Committee will keep the Mayor and Council informed on the status of the project by making periodic progress report.
 - (c) The Mayor and Council will deal with organizations and individuals who have interest in the Civic Center project through the Building Committee.
 - (d) The Building Committee will determine when elements of the project requiring formal action are to be submitted to the Mayor and Council for review and approval.
2. Specific authorization is given to the Building Committee to:
 - (a) Complete the negotiations of a contract with A. G. Odell and Associates for architectural services needed for the Civic Center and submit a recommended contract to the Mayor and Council for review and formal approval.

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- (b) Proceed towards the acquisition of the site of the Civic Center and the Building Committee is further authorized to make such use of the services of Vinson Realty Company, Inc. as may be determined by the Committee.
3. If during the execution of the project the Building Committee believes it needs further authorization or policy guidance, the Committee is requested to present its views and recommendations on such needs to the Mayor and Council for consideration."

Councilman Whittington moved the adoption of the Resolution. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER REQUESTED TO REPORT TO COUNCIL ON REVENUES RECEIVED FROM THE \$1.00 CITY LICENSE DECAL.

Councilman Tuttle stated on three different occasions at budget meetings, he has made a motion to eliminate the nuisance \$1.00 automobile tag, and the record has not shown it. He stated he has had more complaints about this decal from people trying to get it off their windshield every year. That he has moved the elimination of this three times and intends to do it again. He stated he hopes Mr. Veeder and his staff will look at it again before budget time and find out how much money the city is really making from it. He stated he believes the public is up in arms about it; that they are a nuisance. If a man trades his automobile he has to buy another one as he cannot remove it from the windshield.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE NEED FOR STREET LIGHTS IN THREE BLOCKS OF WALTON ROAD.

Councilman Tuttle stated Mr. Eddwin Stem, 1529 Walton Road, says he lives on the street where there are no street lights for three blocks; that three couples work the second and third shifts at the hospital and it is very dark when they leave and come home. He requested Mr. Hoose, Traffic Engineer, to investigate the need for street lights on the street.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE TRAFFIC SIGNAL AT INTERSECTION OF 24TH STREET AND NORTH TRYON STREET.

Councilman Tuttle requested that Mr. Hoose, Traffic Engineer, investigate a complaint about the traffic signal at 24th Street and North Tryon Street being too short; that the complaint says you do not have time to get started and into Tryon Street before the light changes.

REPORT ON TOLEDO OHIO'S GUN CONTROL ORDINANCE AND CITY ATTORNEY REQUESTED TO REPORT TO COUNCIL AT NEXT MEETING ON WHETHER OR NOT COUNCIL CAN STOP THE SALE OF CONFISCATED WEAPONS AT AUCTION AND DESTROY THE WEAPONS.

Councilman Short stated last week Mr. Underhill, City Attorney, distributed to Council copies of Toledo, Ohio's regulation ordinance. That this was done at the request of Dr. Warner Hall.

Councilman Short stated he has corresponded with the Chief Counsel of Toledo, Mr. John J. Burkhardt, and received a very interesting letter about the ordinance.

He stated that Mr. Burkhardt says some amazing things have occurred in Toledo since the adoption of this ordinance. Murders. From August 1967 through July 1968 (the year prior to the adoption of the ordinance) there were 36 murders, 22 of which were committed with handguns. From August 1968 through

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July 1969 (the year just after the adoption of the ordinance) there were 14 murders, 8 of which were committed with handguns. That the number of murders dropped 61 percent, and the number of murders with handguns after the passage of the ordinance dropped 63 percent. Robberies. For the 12 months period prior to the passage of the ordinance there were 1,188 robberies, 350 of which were committed with handguns. Then the 12 months period just subsequent to the passage of the ordinance there were 798 robberies, 160 of which were committed with handguns and this is a decrease of 54 percent in robberies committed with pistols. Aggravated assaults. In the year just prior to the passage of the ordinance, there were 422 aggravated assaults, 152 of which were committed with handguns, and in the following years, this was reduced by 45 percent. Carrying concealed weapons. For the 12 months period prior to August 1968, there were 138 cases of carrying concealed weapons, 106 of which involved handguns and the reduction following was 24.5 percent. Toledo reduced robberies 54 percent while Charlotte increased in one year nine percent and another year 38 percent. Toledo reduced aggravated assaults 45 percent while Charlotte in 1967 increased by 92 percent.

Councilman Short stated the nature of Toledo's ordinance provides that no one shall own or possess a handgun within the city limits unless such person is the possessor of a handgun owner's identification card. That certain people are ineligible to possess these identification cards and this includes convicted felons, fugitives from justice and those adjudged mentally incompetent; habitual drunkards, narcotic users and those under 21 years of age. He stated this ordinance is being tested in the courts; it has been tried in the lower courts and the decision went in favor of the ordinance.

Councilman Tuttle stated the Council would like to see an ordinance such as this for Charlotte, but every time it has been brought up the City Attorney has said there is nothing we can do without legislative action. Councilman Short stated he agrees we need this; that he brought this up once before along the lines that the City should avoid selling these guns at auction.

Councilman Whittington stated he was not aware that Council authorized the sale of confiscated guns. He asked if Council, by ordinance, can stop this and say that all confiscated weapons shall not be sold but shall be destroyed. He requested the City Attorney to find out if this is possible and advise Council next week.

POLICE CHIEF REQUESTED TO MAKE INDEPTH REPORT WITH DISCUSSION ON JUVENILE CRIME AND USE OF NARCOTICS IN COMMUNITY AS SOON AS POSSIBLE.

Councilman Alexander requested that Police Chief Goodman bring to Council at a very early date an indepth report with discussion of juvenile crime and narcotics as it affects us here in this community.

LETTER AUTHORIZED WRITTEN TO HUD OFFICE IN ATLANTA REQUESTING THAT THE CITY COUNCIL AND HOUSING AUTHORITY OF THE CITY OF CHARLOTTE BE GIVEN AUTHORITY TO APPROVE ALL HOUSING PROJECTS USING GOVERNMENT FUNDS.

Councilman Withrow stated he has received a number of calls from people pertaining to a project of the A.M.E. Zion Church that is contemplated on West Boulevard near the Boulevard Homes. He stated there are already 300 turn key houses ready for occupancy; and this project is for 150 under the 221-D-3 program. He stated he realizes this project has been in progress for about two years and they have been unable to get the money.

Councilman Withrow stated when he first came on Council he asked that the City Council or the Housing Authority gain some control over all government projects using government funds - whether it was turn key, whether it was subsidized rental units or any kind of housing using these funds. He stated after talking to Mr. Veeder, he understands no letter has ever been written to the

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Housing Authority in Atlanta; nothing has been done pertaining to this request. He stated Mr. Mullins, Regional Administrator of F. H. A. in Greensboro, tells him that all the City Council or the City of Charlotte has to do is to write FHA or HUD in Atlanta a letter requesting that City Council have the jurisdiction, or the Housing Authority have the authority to approve all rental units using government funds - FHA, Subsidized rental units, 221-D3, 235 or 236 or turn key projects.

Councilman Withrow moved that the City of Charlotte write a letter to HUD in Atlanta requesting that the City Council and Housing Authority have this authority to approve housing projects using government funds. The motion was seconded by Councilman Whittington.

Councilman Alexander asked if the adoption of the motion will stop the AME Zion Project? Councilman Withrow stated he is not saying this project can be stopped; that he does not know what stage of construction the project is in, or whether the contract has been let; that he called the Housing Authority Office and they did not even know the number of the project; the Housing Authority in Charlotte has no control over it as they are not concerned with 221-D3 nor has been the City Council, and that is the trouble.

Councilman Withrow stated the federal government can give funds and a private contractor can go out and build these units without authority from anyone, and all they have to do is to get a permit. He stated he is not asking that this project be cancelled as he does not know whether it can or not; if it is not under contract he thinks it should come back to Council for approval. That the guidelines for this type of housing has the same guidelines as turn key projects.

Councilman Alexander stated he has no desire to vote for this motion if it has any retroactive meaning whatsoever; if the motion would set up a course of action from now on, he sees no reason why he should not vote for it. He stated this is a situation that has been in the making for more than two years, and over a two year period much has been done to consummate this development; that this is not under the Housing Authority, it is a private program. He stated when he and other members of Council were in Greensboro this was one of the projects discussed as to the status at that time; that he does not think it would be fair to do anything that would stop that development now. If the motion states from now and in the future, then he will vote for it.

Councilman Jordan stated this was one of the projects listed two years ago, and he thinks it would be out of line to try to stop this project.

Councilman Withrow stated this will be located beside the Boulevard Homes where there are 300 units already built, up near the railroad; it will make 750 units right there; there are 300 in Dalton Village, 300 in Boulevard Homes and this is for 150 units all in the same area.

Councilman Short stated he believes this motion is certifying that which already exists, and as evidence of this he believes the appropriate federal agency had made it plain that it will not approve 221-D3 projects in Charlotte if the Charlotte City Council says anything contrary regardless of whether any letter is written to anyone or not. He stated this has already happened and they have already discontinued one 221-D3 project in Charlotte just because Council rather informally indicated that it did not prefer to have it.

Councilman Alexander stated as long as it is not retroactive then he can vote for the motion; if it is retroactive to the point where it will stop what has been in the hopper for two years, and this is a private venture, he does not think it is fair to attempt to deal with this situation in that manner. Control from this point on is meritorious, but he is sure a lot has been done in this case that would be embarrassing for a lot of people if they cannot go through with it.

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Councilman Tuttle stated this Council has more or less gone on record that they would not vote anymore public housing on the west side; and if it came before Council for a vote then he would be compelled to vote against it because of the commitment he has already made - that he has said he will not vote for any more.

Councilman Jordan stated he agrees with Mr. Alexander; that Council looked at this two years ago and it was on the list of the projects up for approval; that he agrees, in principal, with the motion, but he does not know whether we can exclude this particular project or not.

Councilman Withrow asked if it will be satisfactory to exclude this project and ask the City Manager to give Council a status report on this project for next Monday and next Monday take the necessary action pertaining to this particular project - the AME Zion Church Project.

Councilman Tuttle stated if the motion is passed as originally stated, he does not think it will be turning this project down. Councilman Withrow stated the motion does not say it is approving or deleting the project.

Councilman Alexander asked if a motion requesting that Council be granted permission to approve all housing projects using federal funds binds Council to reject anything that is existing? Mr. Underhill, City Attorney, replied all the motion contemplates is asking for this authority, and he assumes it is discretionary with HUD or FHA, or both, to grant this authority. Councilman Withrow stated it is FHA; this particular part of FHA is a subsidiary of HUD in Atlanta, and approval comes out of HUD in Atlanta but it goes through the FHA in Greensboro; the Regional Office in Atlanta has jurisdiction in approving these projects.

Councilman Alexander stated then the motion is only establishing the right to approve the projects if HUD grants the request? Mr. Underhill replied that is the way he understands the motion; all it is doing is authorizing a letter be written asking for this authority; that he does not think the motion's intent is to exercise any right to approve or disapprove.

Councilman Withrow stated the request for a status report on the AME Zion Church project is not a part of the motion; it is simply a request.

The vote was taken on the motion and carried unanimously.

APPRECIATION EXPRESSED TO CITY MANAGER FOR SETTING UP MEETING WITH POLICE DEPARTMENT AND REQUEST MADE TO CONTINUE PRACTICE OF MEETING WITH CITY DEPARTMENTS.

Mayor Belk stated he and Council would like to thank the City Manager for setting up the meeting with the Police personnel; it was very informative and was well received, and he hopes Council thinks it is a good procedure and it will continue with other departments. Councilman Whittington stated it was an excellent meeting and it was appreciated by the Police Department, and he would hope that Council would continue with this next Monday, and throughout the Mondays to come.

INVITATION EXTENDED FOR CITY COUNCIL TO PLAY COUNTY COMMISSIONERS IN GAME OF BASKETBALL ON FEBRUARY 19, 1970.

Mayor Belk advised that Council has received a request to play basketball against the County Commissioners on February 19th.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk