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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, April 5, 1971, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and Joe D. Withrow present.

ABSENT: Mayor pro tem James B. Whittington.

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INVOCATION.

The invocation was given by Reverend Carl T. Uzzell, Minister of St. John's Presbyterian Church.

MINUTES APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, approving the Minutes of the last meeting on Monday, March 29, 1971, as submitted.

CERTIFICATES FOR SUPERVISORY MANAGEMENT COURSE PRESENTED.

Mayor Belk presented Certificates for the Supervisory Management Course to the following participants:

Mr. Fred Joseph Artibee, William T. Baker, Clarence J. Boone, Robert T. Bost, Walter R. Brewer, Edward Brown, Jack L. Bullard, Ashworth L. Cadieu, Charles Gregory Carpenter, Thomas G. Ginn, Leonard T. Hough, Robert T. Landers, J. E. Lentz, C. R. Lindsay, Howard J. Lloyd, Earl Norris, William Carey Odom, Johnny Oliver, H. L. Poley, Floyd A. Polson, Sanford M. Porter, Michael Schneiderman, William David Starnes, D. Ronald Stone, Willie A. Walker and E. J. Woodward, Jr.

MAYOR PRO TEM WHITTINGTON OUT OF CITY.

Mayor Belk advised that Mayor pro tem Whittington will not be present as he is out of the city.

FORMER PRESIDENT OF PERU, DR. FERNANDO BELAUNDE-TERRY, WELCOMED TO CHARLOTTE AND CITY COUNCIL MEETING.

Former Mayor Stan Brookshire stated it is a distinct pleasure and honor to present to Council, one of Peru's outstanding statesmen; a gentleman who served in the presidency of Peru from 1963 until 1968, Dr. Fernando Belaunde-Terry. He stated Dr. Belaunde's father and his grandfather were native Arequipians which gives us an unusual interest in him because of Charlotte's sister city relationship with Arequipa. His grandfather assumed the presidency of Peru just one hundred years to the day before Dr. Belaunde was inaugurated as President in 1963.

Dr. Belaunde was educated in Paris and came to the United States and earned a degree in architecture at the University of Texas so he is no stranger to the United States. Dr. Belaunde assumed the Presidency in May, 1963 and immediately instituted land and tax reforms, programs to improve education, transportation and other things in Peru; also some of the progressive programs attributed to the coup in 1968, some 10 months short of the end of his six year term when the army took over. He has contributed greatly, and is still working, to promote understanding and

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good will in the hemisphere. Dr. Belaunde is not a man embittered at all with what has happened to him personally; he is living in exile in this Country and Peru's loss is America's gain.

Mr. Brookshire stated it is a great pleasure and honor to present Dr. Belaunde.

Dr. Belaunde stated today has been a day of great emotion because he has found in North Carolina many links with his own country. He stated he has deep roots in Arequipa with 14 generations in his family since the Spanish founding of the city, and the first mayor was one of his ancestors.

He stated he has met so many members of the University here who have something to do in Peru. At the University of North Carolina at Chapel Hill, there was an agriculture mission headed by the Chancellor of the University that did splendid work in Peru before he was President; then later there was a new mission from the Univeristy of Chapel Hill and he was fortunate to inaugurate the new campus; that they were helped by AID in this investment and from the professional point of view they had very able American advisors from North Carolina to complete their agricultural university.

Dr. Belaunde stated a few minutes ago he met one of his old friends from the Peruvian Forest, Dr. Cameron Townsend, who was a pioneer in their jungle, creating the great linguist center through which they established contact with many tribes; that it took a lot of courage and hard work to get in touch with these isolated tribes in Peru. The Townsend group made contact with these people; learned their language, taught them the alphabet, taught them to write in their own language and finally taught them their own Spanish.

He stated he feels at home in Charlotte and he does not know whether he is in Arequipa, or in Lima, or in Peru, or the United States, and this is very promising for the future and the harmony of this hemisphere.

Dr. Belaunde expressed gratitude to the City Council and the City for what is being done in Arequipa and for the building of the small beautiful square in the City which the Mayor will dedicate to the City of Arequipa. He expressed special appreciation to Mayor Belk, and stated, although he is not here in any official capacity at this time, in a personal, private way, he feels he is expressing the appreciation of his own nation.

Mayor Belk presented Dr. Belaunde with a key to the City of Charlotte in the form of a letter opener and stated although Dr. Belaunder has said he has no special title at this time, Council would like for him to know that he has a special place in Council's heart and that is title enough for them.

Mayor Belk recognized Dr. Cameron Townsend and stated this morning he had the privilege of meeting some people Dr. Townsend had brought to Charlotte from Equador, and he understands they are having a meeting this evening in Rock Hill, South Carolina.

Dr. Townsend stated he is happy that President Belaunde is able to visit Charlotte today. As he was speaking he could not help but think of the many, many things that President Belaunde did for his country, especially the project of building a highway through the jungle. He stated the United States has voted money to connect South America by highway to North America; and through the Panama where the hold up has been, so it will not be too long until it will be possible to drive in your car from Charlotte through Peru and on down to Chile and Argentina - that this is something that should have been done ten years ago but he is happy that it is going to be done now.

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Dr. Townsend stated when Dr. Belaunde was campaigning for the presidency of his country, he campaigned all over, including the jungle city of Puculpa, near the base of his organization where they work with the Indian tribes. He stated it is their custom to read a portion of the Bible after a special meal and this was a special occasion because Dr. Belaunde was campaigning and had his leading orator with him as well as other campaigners; they were out to fight the enemy and win the presidency. After the meal they read the Thirteenth Chapter of First Corinthians on love. That the campaigner who was ready to "take the scalp off the enemy" was submitted to the Thirteenth Chapter of First Corinthians. President Belaunde, then just a campaigner, turned the main speech over to his assistant because his heart had been so filled with love that he left it up to the other man to tell what was wrong about the enemy.

Dr. Townsend stated at every turn in their effort to help the Indian people of the jungle they were greatly assisted by President Belaunde. When there were misunderstandings on the part of some military official, the President would call the official in, and straighten him out so his group could continue to help them. This is absolutely essential when an organization like Wycliff Bible Translators send people into the jungles in out of the way places as they depend on enlightened rulers. That Peru provided a wonderful backer in Fernando Belaunde-Terry and he is so happy that Dr. Belaunde is here today.

Mayor Belk thanked Dr. and Mrs. Townsend for coming to Council today and thanked former Mayor Brookshire for his work in adopting our Sister City.

LITTER CONTROL PROGRAM ADOPTED.

Councilman Tuttle, in connection with the Litter Control Program, asked the City Attorney's opinion regarding changing the \$10.00 penalty from the wording "not to exceed \$10.00" to "\$10.00"; that he is afraid Council is leaving this to the discretion of the Inspector to set a fine; there could be some controversy when one person may be fined \$10.00 and the next person \$5.00? Mr. Underhill, City Attorney, replied it would not be any trouble to change this wording to a flat \$10.00.

Councilman Thrower stated he had suggested that since there are so many people living on perhaps \$80.00 a month, or less, and a lot of people are on welfare, that this be left to the discretion of the Inspector, and have the law read "up to \$10.00". That he believes Council has an obligation as \$10.00 does not mean a lot to some people but it might mean a weeks food for other people. That he would very much like the Council to leave it as it reads "up to \$10.00".

Mr. Bobo, Acting City Manager, stated the Inspector can use his discretion in terms of possibly issuing warnings to persons rather than a citation. That he feels the penalty should be set uniformly and let the Inspector use his discretion as to whether a warning or a citation should be issued.

Councilman Tuttle stated the Inspector does not have to give a ticket and with this in mind, and the fact that it would be out of order to make judges of our Inspectors, he moved the adoption of the Litter Control Program as recommended changing the wording in the ordinances to a flat \$10.00 penalty. The motion was seconded by Councilman Short.

The implementation of the program includes the adoption of the following ordinances and resolution:

- (1) Ordinance No. 66 Amending Chapter 10 of the Code of the City of Charlotte Setting Forth the Duties of the Community Improvement Division of the Public Works Department, and Providing Penalties for Littering and Failure to Remove Weeds, Grass and Miscellaneous Refuse from Property.

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- (2) Ordinance No. 67 Amending Chapter 13 Establishing Penalties for Violation of Provisions of Sections 13-1, 13-1.1 and 13-1.2 of the Code of the City of Charlotte.
- (3) Ordinance No. 68 Amending Chapter 17, "Streets and Sidewalks", of the Code of the City of Charlotte.
- (4) Ordinance No. 69-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance Authorizing the Creation of a Community Improvement Division of the Public Works Department through the Transfer of Positions and Funds from the Building Inspection Department and the Authorization to Hire and Fund Five Additional Positions.
- (5) Resolution Amending the Pay Plan of the City of Charlotte to add Class No. 490, Community Improvement Inspector II, and Class No. 492, Community Improvement Inspector I.

Mr. Underhill, City Attorney, stated the effective date of Ordinances No. 66, 67 and 68 has been left blank so Council might consider when it wants this to become effective. Councilman Tuttle stated he would like to add to his motion that the ordinances become effective June 1, 1971.

Mayor Belk suggested that Councilman Jordan might like to make this motion since he was the first Chairman of the Committee. Councilman Jordan thanked Mayor Belk but declined the suggestion.

Councilman Thrower stated Mr. Jamison, Superintendent of the Inspection Department, had an Inspector that no one could live with and nearly found himself in the position to release this man because he did not use any discretion. Mr. Jamison advised this Inspector is no longer with the Department.

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

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 132.

The resolution is recorded in full in Resolutions Book 7, at Page 283.

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY FOR AUDIT SERVICES TO DETERMINE THE FINAL NON-CASH CREDIT FOR CONSTRUCTION OF LAW ENFORCEMENT CENTER IN BROOKLYN URBAN RENEWAL PROJECT AREA NO. 3.

Councilman Tuttle moved approval of the subject contract in the amount of \$500.00 for audit services in determining the final non-cash credit for the construction of the Law Enforcement Center in Brooklyn Urban Renewal Project Area No. 3. The motion was seconded by Councilman Jordan.

Councilman Short asked if it has been absolutely finally determined that the City cannot get credit for the jail? Mr. Bobo, Acting City Manager, replied it has been decided that we cannot as it does not adjoin the Law Enforcement Building.

A vote was taken on the motion and carried unanimously.

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CONTRACTS BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND VARIOUS PUBLIC AND PRIVATE AGENCIES.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject contracts were approved between the City of Charlotte Model Cities Department and the following public and private agencies:

1. Charlotte Area Fund (Heavy Duty Equipment Operation Training) \$29,200.00.
2. OIC-Charlotte Bureau (Vocational Work Sample Assessment) \$89,455.00.
3. Charlotte Area Fund (Vocational Training Supplement) \$40,000.00.
4. OIC-Charlotte Bureau (Manpower Development-Employment Services) \$94,685.00.
5. MOTION, Incorporated (Housing/Economic Development Corporation) \$157,370.00.
6. Charlotte Area Fund (Home and Family Life Support Program) \$43,851.00.
7. Charlotte-Mecklenburg Board of Education (Central Administration, Neighborhood Educational Facilities, Educational Programs, Cultural and Recreational Programs, Instructional Media Center, and Transportation) \$995,158.00.

Councilman Short stated this is one of the clearest, most brief, most to the point things that Council has ever gotten out of the Model Cities Organization. Some of the reports Council has received in earlier years were not as clear and he would like to commend the Model Cities Staff. Councilman Thrower stated before you needed a book to translate the letters to Council.

Councilman Short stated he would like to suggest a conference session, sort of unstructured, on the Model Cities Program at some time, if Mr. Bobo thinks well of it, as sort of a gap there so Council can get to the ideas of it at a very elementary way; that nobody would give them a bunch of papers or read anything to them; that this would be helpful as Mr. Wilson has been here several months now and Council could get a better grip in this way.

Councilman Tuttle stated Mr. Short is suggesting a bull-session with Mr. Wilson so Council can ask some questions without getting a ream of reading.

RESOLUTION ACCEPTING THE ADMINISTRATIVE AND OPERATIVE RESPONSIBILITY FOR FIVE PROGRAMS IN THE MODEL CITIES SECOND YEAR ACTION PROGRAM.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution accepting the administrative and operative responsibility for the following five programs included in the Model Cities Second Year Action Program:

1. Central Administration-Neighborhood Service Centers System. \$21,978.00.
2. Community Relations Projects. \$19,691.00.

3. Model Neighborhood Community Service Center (Alexander Street).
\$181,621.00
4. Neighborhood Agent Program. \$105,778.00.
5. Police Community Relations Project. \$38,644.00.

The resolution is recorded in full in Resolutions Book 7, at Page 284.

RESOLUTION EXTENDING CURRENT OPERATING CONTRACTS BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND CERTAIN AGENCIES THROUGH MAY 31, 1971.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan and unanimously carried, the subject resolution was adopted extending current operating contracts through May 31, 1971 as follows:

1. North Carolina Blue Cross and Blue Shield, Incorporated.
2. Charlotte City Coach Lines, Incorporated.
3. Community Health Association, Incorporated.

The resolution is recorded in full in Resolutions Book 7, at Page 285.

ESTABLISHMENT OF A CITIZENS COMMITTEE ON GENERAL DEVELOPMENT PLAN OF THE COUNTY POSTPONED TWO WEEKS.

Mr. W. E. McIntyre, Planning Director, stated the basic starting point for this recommendation is the Bureau of Public Roads. That the recommendation of the Bureau of Public Roads has been transmitted to the City by the State Highway Commission and in its guidelines for development of transportation systems, particularly major streets and roads in the community, the Bureau of Public Roads has a requirement that a Citizens Advisory Committee be established.

The point of this Committee is to have some generally representative citizens influence in the planning process; this Committee would be entirely concerned with the planning process, not with the implementation process and would be a Committee that would be in existence during the life our planning studies which are expected to go on for about a year and a half from the present time.

He stated the objective is to have citizen influence, citizen expression, identification of citizens concern in the matters that are to be considered in this planning process so that hopefully down at the end of the road when there are plans established, they will have been established with some fairly broad scale citizen input in them.

Councilman Tuttle asked Mr. McIntyre if he was referring to general planning and this Committee would, in turn, work with the new Transportation Committee? Mr. McIntyre replied this Committee would be involved in planning, as he understands it, and the Transportation Committee is going to be basically involved in implementation; that the two committees would certainly communicate as it would be necessary and desirable.

Councilman Alexander asked if the City would name a Committee in conjunction with the County or the County and City name a committee? Mr. McIntyre replied this should be a joint committee, established by the Council and the Board of County Commissioners; that this idea was presented to the Board of County Commissioners this morning and they did not take any specific action on it; they took it under advisement and are to consider it.

Councilman Tuttle asked the kind of budget foreseen for this type of Committee, and Mr. McIntyre replied he does not see any budget. That this is basically going to have to be serviced by the technical coordinating committee with the Planning Commission Staff, the Traffic Engineering Department Staff, the State Highway Commission people, the Technical Coordinating Committee, basically providing the people with the information, services and input they would need to properly consider the plan itself.

Councilman Tuttle asked how large a committee would be needed and Mr. McIntyre replied this is certainly open to discussion. The Committee should be large enough so that it would have some general citizen representation in a geographic sense and other sense; that they have thought of something in the neighborhood of 20 or 40, but this is certainly open-ended.

Councilman Alexander asked, if by chance, the County does not approve this Committee plan, would their failure to approve, jeopardize the implementation of the program in any fashion? Mr. McIntyre replied it is his understanding the requirement of the Bureau of Public Roads is such that a Committee is necessary in order for planning of this type to be carried forward in an approved fashion as far as the Bureau of Public Roads is concerned.

Councilman Alexander asked if Council should not comply in the establishment of this Citizens Committee, would it just about stop any of our highway programs with federal funds? Mr. McIntyre replied he has not been told this specifically and he does not know exactly what leverage the Bureau of Public Roads would put on the situation if the Committee is not appointed. That all he can say is that it is a guideline and a recommendation that such a Committee be established in the planning process.

Councilman Thrower asked Mr. McIntyre if it would affect him if Council were to postpone this action for two weeks and Mr. McIntyre replied it would not.

Councilman Jordan asked if this Committee is going to study the entire county and Mr. McIntyre replied yes, it would be the city-county committee which would embrace the whole county and that of course is the area which we are embracing in the planning process. Councilman Jordan asked if this means where you might have large areas now zoned a particular way, this Committee could change this as we did in 1959 or 1960? Mr. McIntyre replied no, he did not think this Committee would necessarily change anything; that this Committee would serve as an advisory committee and a recommending agency but the Committee would not have the authority to change anything. It would only have the authority to advise and react to various planning ideas and put their thoughts into the picture as the planning proceeds.

Councilman Thrower moved that Council postpone action on this for two weeks until he has had time to understand the difference between the two committees. The motion was seconded by Councilman Short.

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Mr. McIntyre stated the Committee, as he sees it, should be jointly appointed by the City Government and the County Government and the Committee might range anywhere from 20 to 40 members, but there is no specific recommendation on that point.

Councilman Short stated he seconded Councilman Thrower's motion because he would like to understand himself and get some comments from Council and Mr. McIntyre about the situation as we are winding up here with two joint city-county committees in some degree studying the same thing and then one of them will also get into Charlotte traffic matters. That to hold this over for a couple weeks is a good idea.

Councilman Tuttle stated it seems that the major thrust of this committee is transportation, roads, and thoroughfares and this seems to be in direct conflict with the other committee. Mr. McIntyre stated the thrust of this committee is planning, not only roads, public transportation, but land development. Councilman Tuttle stated we will not have rapid-transit for fifteen years at least.

Mayor Belk asked why this would cause a conflict; that it seems to him to be an asset; that the more we get the people involved is what we really need. Councilman Tuttle stated he agrees but he cannot see something like two Coliseum Authorities. Mr. McIntyre stated as he sees it, this Committee has to do with planning only and the transportation committee that was approved by Council recently is essentially an implementation committee to see that plans that already exist get implemented; that parking lots in the downtown area get built; that streets get widened that are already on the planned system of roads and so forth; that the Transportation was essentially a committee to push forward to get plans carried out and this committee today is a long term planning committee and he does not see any conflict.

A vote was taken on the motion to postpone decision for two weeks and was carried unanimously.

PLANNING DIRECTOR REQUESTED TO ADVISE COUNCIL HOW TO CHANGE ZONING ORDINANCE IN ORDER TO PROVIDE FOR THE SCREENING OFF OF OUTDOOR MOVING PICTURE THEATERS.

Councilman Short stated he would like to request Mr. McIntyre to give Council his comments on how to change the zoning ordinance in order to provide for the screening off of outdoor moving picture theaters. Getting at the point that these theaters are showing things like nudes, etc. and it is visible from the street, creating a traffic danger. There are at least three or four locations within the city limits engaging in this activity. He stated the zoning ordinance does not allow us to require screening because the height of the fence is limited by the zoning ordinance.

Councilman Short stated he would appreciate it if Mr. McIntyre and the City Attorney would get together on this and advise Council what can be done to cover this situation.

Mr. McIntyre stated it is true that there is a conflict between the provisions of the zoning ordinance and the objective Mr. Short has in mind; that would have to be studied to see how this conflict could be resolved. That his second reaction is that under the zoning powers, you probably could not go back into a theater that had already been established and zoning is not retroactive. That possibly something can be worked out on this.

Mr. Underhill, City Attorney, stated the General Assembly is considering a bill regarding the issue at this time.

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Councilman Short stated whatever the situation is with reference to what goes on in a private place, a private building, behind closed doors, etc. is another and different matter from this sort of thing being visible from the public street, particularly where people are driving and trying to operate an automobile and is another situation entirely and he would appreciate it if someone could give us specifics about what Council can do about it.

Mayor Belk stated the problem seems to be on controlling the type of film being shown. Councilman Short stated he is not trying to control the type of film, he is trying to screen it off.

AGREEMENT WITH THE ASSIGNS OF AMERICAN INVESTMENT COMPANY FOR RELEASE AND WAIVER OF SUPPLEMENTARY AGREEMENT CLAUSES IN EXISTING CONTRACTS NOW IN EFFECT FOR WATER LINES, REQUESTED POSTPONED.

Mr. Paul Bobo, Acting City Manager, requested that this item be deleted from the agenda today for further study.

Councilman Short moved this item be delayed for further study. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, APRIL 19 ON REQUEST OF METROLINA CAB COMPANY FOR ISSUANCE OF 34 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution fixing date of hearing on Monday, April 19.

Councilman Short asked if there is anyway Council can get around this temporarily? Mr. Underhill, City Attorney, replied you must have a public hearing, and April 19th is the quickest date it can be held. That the ordinance requires a public hearing when new certificates are awarded, and that in effect is what Council will be doing as these certificates expired automatically upon the sale of the Baker Cab Company; there are no valid certificates.

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

The resolution is recorded in full in Resolutions Book 7, at Page 286.

RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES, ADOPTED.

Councilman Thrower moved adoption of the subject resolution authorizing the refund of certain taxes in the total amount of \$1,604.39 which were levied and collected through clerical error. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 287.

ORDINANCE NO. 70-X ORDERING THE REMOVAL OF TRASH AND RUBBISH FROM PROPERTY ADJACENT TO 1955 ARNOLD DRIVE, PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Thrower and unanimously carried, adopting the subject ordinance ordering the removal of trash and rubbish.

The ordinance is recorded in full in Ordinance Book 13, at Page 137.

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ORDINANCE NO. 71-X ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLE LOCATED AT 730 MARBLE STREET PURSUANT TO ARTICLE 13-1.2 OF THE CITY CODE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Withrow moved adoption of the subject ordinance ordering the removal of abandoned motor vehicle at 730 Marble Street. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 138.

CONTRACT WITH PARK AND RECREATION COMMISSION FOR THE RELOCATION OF WATER MAINS IN CONFLICT WITH THE CONSTRUCTION OF PARK ROAD PARK.

Motion was made by Councilman Thrower to approve a contract between the City of Charlotte and the Park and Recreation Commission for the relocation of 850 feet of six inch water mains in conflict with the construction of the Park Road Park at an estimated cost of \$5,300.00 with the Park and Recreation Commission to provide total financing for the relocation and the Celanese Corporation to transfer title to that portion of their existing system now located in Archdale Drive to the Water Department without reimbursement from the city. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower and unanimously carried, contracts for the construction of sanitary sewer mains were authorized, as follows:

- (a) Request of Charlotte-Mecklenburg Board of Education for the extension of 535 lineal feet of 10-inch trunk crossing Highland Elementary School property, from North McDowell Street northeast to the unopened portion of West Clemson Avenue, inside the city, at an estimated cost of \$4,752.55. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and is not refundable as per terms of the agreement.
- (b) Request of Singleton Associates, Inc. for the construction of 840 lineal feet of 8-inch trunk to serve warehouse on Parker Drive, inside the city, at an estimated cost of \$10,059.17. All cost of the construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

CONTRACT WITH GERALD A. HUTCHINSON FOR APPRAISAL OF PARCEL OF LAND.

Councilman Alexander moved approval of the subject contract at a fee of \$125.00 for appraisal of one parcel of land to be sold at public auction. The motion was seconded by Councilman Withrow, and carried unanimously.

ACQUISITION OF LAND FOR AIRPORT EXPANSION, AUTHORIZED.

Motion was made by Councilman Thrower approving the acquisition of 190' x 200.19' x 729' x 222.18' x 18' x 1,143.7' x 292.72' on Dixie Road (Highway 160) from Charlee Bassett Freeman (widow), at \$12,850.00 for the Airport Expansion. The motion was seconded by Councilman Withrow, and carried unanimously.

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CLAIM FILED BY GEORGE GEDDINGS FOR LOSS OF CERTAIN ITEMS FROM CAR,
DENIED.

Councilman Thrower moved that claim in the amount of \$949.00 filed by George Geddings, 1912 Union Street, to cover loss of certain items alleged removed from his car be denied as recommended by the City Attorney. The motion was seconded by Councilman Tuttle.

Councilman Withrow asked if there is not a law stating that the city cannot pick up a vehicle with a valid license plate on it? Mr. Underhill, City Attorney, replied that is assuming he is not in violation of some of the other provisions, such as parking in an area for a longer period of time than allowed in that particular area or the car may not have been in operable condition. That if any of those conditions are in effect, regardless of whether he had a valid tag or not, he would be in violation.

Councilman Withrow asked when a car is towed in, such as in a case like this, should the company towing in the car not have some kind of insurance to protect what is in that automobile and Mr. Underhill replied they do have insurance and the police department only deals with four wrecker companies who are assigned specific zones within the city. In order to be assigned one of the zones to operate in, there are several conditions, one of which is that they carry a specified amount of insurance and that the property to which they tow the vehicles will be adequately fenced and secured in such a fashion as to prevent vandals from doing just this sort of thing. That the City is pretty well covered on items such as this.

Councilman Short asked the City's position regarding the contents of a trunk of a car; do we take an inventory of what is in the trunk of the car? Mr. Underhill replied he did not know what the policy is regarding this; it would depend on the facts in the case. But if the vehicle had already been removed to the premises of the wrecker company and it could be established that the items were taken from the wrecker company property due to the negligence of the wrecker company, then they would be liable.

The vote was taken on the motion to deny claim, as recommended by the City Attorney, and carried unanimously.

CLAIM FILED BY JOE A. FURR FOR DAMAGE TO HOUSE, DENIED.

Councilman Short stated he personally feels this theory of governmental immunity has been weakened a lot by the courts and he feels this to the extent that he does not agree with Mr. Underhill on the subject claim. He moves that the City Attorney be instructed to negotiate with Mr. Furr to come up with a figure that represents the damage that can be attributed to the traffic on this landfill; actually on the landfill itself. The motion did not receive a second.

Mr. Underhill stated he did not base his recommendation on governmental immunity in this instance; it is based on the question of whether or not the taking was under police power or under a taking of property to such an extent as to be compensatory.

Councilman Short stated it seems that it is in order for the City to operate this landfill properly and he will stick with his motion that the City Attorney negotiate with him and see how much damage he attributes to this part of the road which crosses his land.

Councilman Jordan asked if we will then continue to be faced with this as long as the landfill is there and then more neighbors will be having this trouble.

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Mr. Bobo, Acting City Manager, stated there is some doubt as to whether the City contributed the dust to this because the claimant's house is also located on an unpaved dirt road, so there is some question as to whether all the damage came from the landfill.

Councilman Alexander asked if there is anything to keep this man from saying that his clothes were dirtied again and his screen is clouded again and come back again with another claim? Mr. Underhill replied no.

Councilman Tuttle stated there are state roads where houses are literally red with state road dust and they are not going to paint them, or wash them or clean them.

Councilman Alexander asked if this other dirt road is traveled frequently and Mr. Bobo replied he did not know that but there is another dirt road there. Councilman Alexander asked how close the dirt road is to his house and the landfill, and Mr. Bobo replied the dirt road leads to his house.

Councilman Short stated we are going to have to be more cautious about this situation. Mr. Bobo stated we would be setting a precedent by honoring a claim here which would lead to all kinds of claims in the future.

Councilman Jordan moved that the claim of Mr. Joe A. Furr for damages to his house be denied, as recommended by the City Attorney. The motion was seconded by Councilman Thrower and carried by the following vote:

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

CLAIM FILED BY EDMUND A. LILES ON BEHALF OF LOUISE G. MILLER, FOR PERSONAL INJURIES, DENIED.

Councilman Thrower asked Mr. Underhill, City Attorney, how he arrived at his recommendation to deny the subject claim? Does this mean if he is riding down the street and his car just falls underground for no apparent cause that he does not have any recourse? Mr. Underhill replied lack of notice is a good defense in these cases; that the city does not insure that the streets are in absolute safe condition and that includes sidewalk areas. Secondly, the City may be held liable only when a condition existed that it actually knew about or should have known about if they had been doing their job; so that a sudden occurring type of hazard, where the City would have no way of knowing about it, no notice of it, is not compensable in these cases because you had no way of knowing about it, and could not have taken steps to correct the situation.

Councilman Thrower stated the agenda indicates one of our street foremen said one of his men, now deceased, reported a hole on Oaklawn Avenue. Mr. Underhill stated the man reported the incident, that is all he reported; that a woman he knew had stepped into the hole the night before; he reported the accident; he did not report the fact that there was a hole in the street which caused the accident. Mr. Underhill stated the city records show that a notice of the complaint was received on the 9th day of July, and it was repaired the same day.

Councilman Short asked if there is any record of the pavement being undermined by water lines bursting underneath there, and Mr. Bobo, Acting City Manager, replied only what Mr. Underhill has just reported.

Councilman Tuttle moved to deny the claim as recommended by the City Attorney, which was seconded by Councilman Withrow.

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

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

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APPOINTMENTS TO ZONING BOARD OF ADJUSTMENT, AUTHORIZED.

Councilman Thrower moved the appointment of Mrs. Charles W. Gallant, 4527 Wentworth Place, to the Zoning Board of Adjustment for a term of three years. The motion was seconded by Councilman Jordan, and carried unanimously.

Motion was made by Councilman Short to appoint Mr. Don Lee, Architect, to the Zoning Board of Adjustment for a term of three years. The motion was seconded by Councilman Tuttle, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mr. Lawrence C. Ervin and wife, Mrs. Anne S. Ervin, for Lot No. 22, Section 6, Oaklawn Cemetery, transferred from Mrs. E. O. Ervin, at \$3.00, for transfer deed.
- (b) Deed with Arthur William Pearson and wife, Pearl L., for Lot No. 197, Section 6, Evergreen Cemetery, at \$480.00.
- (c) Deed with Mrs. John C. Erwin for Lot No. 6, Section 3, Evergreen Cemetery, at \$1,018.00.
- (d) Deed with Gordan E. Wade, for Lot No. 934, Section 6, Evergreen Cemetery, transferred from D. C. St. Clair, at \$3.00, for transfer deed.

RE-APPOINTMENT OF H. A. BERRY TO THE AUDITORIUM-COLISEUM AUTHORITY FOR A TERM OF FIVE YEARS.

Councilman Tuttle moved the re-appointment of Mr. H. A. Berry to the Auditorium-Coliseum Authority for a term of five years. The motion was seconded by Councilman Jordan, and carried unanimously.

COMMENTS BY COUNCILMEN REGARDING LITTER PICK-UP.

Councilman Tuttle stated he has received more telephone calls, probably as many as he has received on any one controversial thing since he has been on Council, about litter pick-up, involving limbs and clippings from all over this town. That he has never seen anything like it.

He stated he noticed in the Action Report, that we refer to the cooperation of the people and as a result it has improved the appearance of our streets. That is not what he saw Sunday; he rode all over this town and he has never seen as many piles of debris and clippings that are going to be lying in these yards, rotting away for weeks and months because so many of these people cannot do these things themselves; they are elderly, they are infirmed and some do not have the money to call a truck and have them hauled away themselves.

Councilman Tuttle requested the City Manager to get with Mr. Hopson, Public Works Director, and see if they can come up with some idea or something that can be done, if for no other time then Springtime. He stated to keep people from calling up constantly, possibly we can have a minimum fee for making a special trip to pick these things up; that it has gotten out of hand and a lot of people are just fed up with the situation.

Mr. Bobo stated a report will be before Council regarding this problem shortly.

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Councilman Thrower stated that was the only reason he voted against the trash ordinance to start with and as this thing progresses, it is going to get progressively worse. That he saw some limbs stacked eight feet high yesterday. Councilman Tuttle stated he did not feel the City was responsible for an eight foot high stack and this is why we need something special so they can pay to get it hauled off.

REPORT ON NORFOLK AND SOUTHERN RAILROAD CLEAN UP IN NORTH CHARLOTTE.

Councilman Tuttle asked Mr. Bobo if the Norfolk and Southern Railroad has started their clean up in North Charlotte, and Mr. Bobo replied they are working on it now.

SUGGESTION THAT LEGAL DEPARTMENT OF CITY CONSIDER EMPLOYING OUTSIDE TRIAL LAWYERS FOR CONDEMNATION PROCEEDINGS IN THE FUTURE.

Councilman Tuttle stated with no reflection whatsoever on our legal department, he would like to say that Mr. Underhill does not have a staff of trial lawyers in his department.

He stated a real estate man called his attention to the fact that in his opinion, and he had discussed it with other real estate men, that there have been cases on condemnation lately where we have gone before the courts and they felt ridiculous amounts of money were granted.

Councilman Tuttle asked Mr. Underhill if this was correct and Mr. Underhill replied this is the experience of the State Highway Commission, the Redevelopment Commission, the City and any other agency that has the authority for the right of eminent domain. In most instances, condemnation cases are of their very nature, boring to a jury. That they do not like to listen to them; they listen to one side, put up three people who say the property is worth so-and-so and the other side will put up three people who say the property is worth so-and-so. They are wide apart and these people sitting on the jury do not have any specialized knowledge of real estate value - they simply add up all the figures given to them and divide by the number of figures and that is their verdict.

Councilman Tuttle stated this is no criticism of Mr. Underhill's department but he would like to suggest that consideration be given to some of the larger cases going to an outside firm who specializes in trial work. Mr. Bobo, Acting City Manager, stated the City is already using an outside firm for the condemnation work at the Airport. Mr. Underhill stated his office is in court at least two times a week doing this type of work.

SUGGESTION THAT SOMETHING BE DONE REGARDING THE PROBLEM OF CITY OF CHARLOTTE RESIDENTS PLACING GRASS AND SHRUBBERY PICKUPS ON MEDIAN STRIPS.

Councilman Short stated he would like to know if Mr. Bobo is going to provide something further on the grass and shrubbery pickup matter. That he would like for him to include whether we can strengthen our provision to keep people from piling their trash out on the street median, which is a sort of loophole which is a hard situation to deal with; he would hope Council, or Mr. Bobo, can come up with something.

Mr. Bobo, Acting City Manager, stated we are working on this problem, but the ordinance passed today will help us a great deal.

Councilman Jordan stated a few weeks ago he brought to Council's attention the fact that pickups were being placed along Providence Road where people just pile it out there and leave it.

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Mr. Bobo called Council's attention to the door knob notices which the City plans to hang on the doors of the houses where this practice is being done.

Councilman Short stated he would like to compliment Mr. Bobo and Mr. Hopson, Public Works Director, on their insistence in enforcing the ordinance as we have it, but he feels the median matter is one which the Council must work further on.

STAFF REPORT ON THE FEDERAL RELOCATION ASSISTANCE ACT OF 1970 REQUESTED FOR COUNCIL'S STUDY.

Councilman Short stated about two or three weeks ago Mr. Gene Randall, from the Model Cities Organization came to Council and at that time he made some suggestions on relocation assistance for individuals in the Model Cities area and Council put it aside and did not take any action on it.

He stated he would like to ask for a staff report on the Relocation Assistance Act of 1970, a federal enactment, as Council ought to know something about it.

Mr. Bobo, Acting City Manager, stated Council postponed acting upon a relocation plan the other week and Mr. Jim Wilson is now preparing a report on this.

Councilman Short stated we did not take action because this was applicable only to the Model Cities area. Mr. Bobo stated Mr. Wilson does plan to come back on this matter at a later date.

SUGGESTION MADE FOR COUNCIL TO STUDY THE "HOME RULE BILLS" PASSED BY THE LEGISLATURE IN 1969 FOR POSSIBLE USE IN CHARLOTTE.

Councilman Short stated the Local Government Study Commission authored and arranged the passage, in 1969, through the Legislature, several so-called "Home Rule Bills", designed to allow local government some measure of authority and discretion over its own processes and procedures without having to run to Raleigh.

He stated this was done, in part, at the request of Charlotte, which had been asking for many years for home rule opportunities, but yet we have paid no attention to this legislation for obvious reasons; that Council should examine into these acts of the legislature and see if they might be helpful to Charlotte. He stated he makes this comment because it is something we should think about.

REQUEST THAT PLANNING DIRECTOR REPORT ON POSSIBLE STUDY OF FOURTH WARD AREA AT NEXT COUNCIL MEETING.

Councilman Short stated he mentioned to Council before regarding a study of the Fourth^{Ward} area and indicated some possibilities he felt this area offered through Urban Redevelopment.

He stated he has checked out this matter with all of the Councilmen and with the Redevelopment Director and Chairman and with the Planning Director and Chairman and everybody seems to be of the mind that Council should take a look at this area for possible redevelopment.

Councilman Short moved that the City Manager, the Redevelopment Commission and the Planning Commission, with the assistance and cooperation of all the city forces, be requested by Council to study this area for possible redevelopment and report to Council as soon as possible. The motion was seconded by Councilman Thrower.

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Councilman Tuttle stated he did not recall being one of the Councilmen with whom this has been discussed as he is not in favor of this; that there is a great big question mark in his mind with regard to establishing an industrial area right in the heart of Charlotte. He stated at the rate this town is going, we will have a city of office buildings and apartments wrapped around an industrial area so he does not want to be counted in as being enthusiastic about this idea.

Councilman Short stated he is simply asking for a study of this area by Mr. McIntyre and Mr. Vernon Sawyer as they always do when we initiate urban renewal in an area. That his own ideas are not necessarily involved at all here.

He stated he continues to think his idea has some merit and apparently a great many other cities think the same but this is purely a wide open opportunity given to Mr. McIntyre to come back and report to us after studying this area as to whether it is eligible for urban renewal.

Councilman Jordan asked that Council be given a little more time to think about this, possibly two weeks or more, as there are some things about this that he would like to look into before he votes on this issue.

Councilman Withrow asked what is wrong with just a study and Councilman Tuttle replied studies cost money and we have more studies going on than anything else.

Councilman Thrower stated Councilman Short is not asking for any appropriation; that the City has the personnel to do this study. Mr. Bobo, Acting City Manager, stated the only comment he has is that the Planning Staff is overloaded as they have a backlog of projects to work on at this time; that he sees nothing wrong with this request and Mr. McIntyre might want to come back and comment on this at a later time and then a decision could be made as to Council going further with this.

Councilman Tuttle asked if it would be just as well to ask Mr. McIntyre to come back in two weeks to comment on this rather than setting up this where they will have to do a study?

Councilman Short amended the motion to read that this item be placed on the docket in two weeks and have Mr. McIntyre report to Council. The motion was seconded by Councilman Thrower and carried unanimously.

CITY ATTORNEY DIRECTED TO PREPARE BILL FOR LEGISLATURE ENABLING CITY TO USE FUNDS FOR CHARLOTTE SYMPHONY PROGRAM.

Councilman Alexander asked how other cities subsidize symphony orchestras and Councilman Tuttle replied he does not see why the City of Charlotte cannot use non-tax funds.

Mr. Underhill, City Attorney, replied tax funds, or non-tax funds, have to be used for public purposes; in order to have this declared as a public purpose, it would have to be done by the General Assembly.

Mayor Belk asked Mr. Underhill to find out what would be required and Mr. Underhill replied we would need enabling legislation to allow us to appropriate these funds.

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Councilman Alexander stated he is concerned because this is one side of community programming he feels has some importance, certainly to the development of our youngsters. That in years past, the Charlotte Symphony has been conducting programs to expose our city school children and have borne the expenses of getting these children back and forth. He stated these children look forward with keen interest to these visits to the symphony as was conducted through our school system.

Councilman Alexander stated Mr. Rowe, who served as the President of the Symphony for quite some time, has for many years underwritten the deficit of the symphony. That he feels this is a part of community development and a part of aesthetics of our culture. This is one of the interests that can be developed so that children do get a chance to have an element of culture that some never get otherwise.

Councilman Alexander stated we have reached the stage where we have to give consideration to how people think; that one of the blights of Charlotte is the fact that we have not given as much attention to the cultural side of our community as we should have and yet we close our eyes to the fact that we have a high criminal record among our juveniles. Yet many of the things that we could do in the early stages to detract them from a life of crime, we do not give much attention to.

He stated we ought to start to give some consideration to this; that he would like for our City Attorney to see how we can go about making it possible to give some consideration to the symphony orchestra, even to the point of seeing what can be done aside from legislation, or along with it, so we can accomplish this.

Mr. Underhill stated the only way we could fund this is to have a local bill enacted by the General Assembly which would permit the city to appropriate non-tax revenues in its discretion for the Charlotte Symphony.

Councilman Alexander stated we spend lots of money trying to do something about crime and yet here is a thing that could be directed as a deterrent and we ignore it. He stated we do not do anything about it. We have got to look upon the face of our community from every angle which affects our problems, especially the problems of children and delinquents.

Councilman Jordan stated he appreciates Mr. Alexander's thoughts on this. That he has talked with Mr. Rowe and for about twenty-odd years, the American Federation of Musician's Recording Industry has, through a trust fund, appropriated money for the symphony orchestra as well as other charitable institutions in the city where children receive free music.

He stated it is paid out of the trust fund and through his office they have expended more than one quarter of a million dollars. That he would like very much to see something done in this behalf as they never have enough to meet their budget. These youth concerts are very worthwhile, but unfortunately, at this time, they have no money to help but he certainly hopes we can get the legislature to do something about this situation.

Councilman Tuttle stated we are not talking about total subsidy but only a donation. The public will still be involved in raising the principal part of the funds. He stated when he went to grammar school in Atlanta, once a month they got on a street car and went to the old Atlanta Theatre and had a whole morning of music; they explained the instruments, tones and sounds and today he is a music lover and feels this program helped him.

He stated he feels it would be a crime for a city with a quarter of a million people to not have a symphony and a crime for the children not to have the opportunity to learn to enjoy and appreciate fine music. This is one thing that keeps us at home and makes us behave.

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Councilman Tuttle moved that the City Attorney prepare a bill for the Legislature to enable us to help with this matter. The motion was seconded by Councilman Thrower.

Councilman Thrower stated he has a son playing in this and he noticed in their budget this year, that the school children contributed in excess of \$20,000 themselves and he feels this is commendable and Mr. Rowe is to be commended for his many, many years of service and contribution.

Councilman Jordan stated very few people know of the Music Performer's Trust Fund which is funded out of the American Federation of Musician's Recording Industry. That this fund has been going on for years and years and has distributed millions and millions of dollars. He stated he doubts that anyone in this room knows it furnishes music day-in and day-out, week-in and week-out, to Veteran's Hospital in Salisbury, to Edwin Towers, to the Golden Years people, to all the hospitals, to the County Homes, to the Festival in the Park, to all civic affairs, where they do not have the money to pay for these things.

He stated they have been doing this through his office for twenty some years and have expended over a quarter of a million dollars in this town alone for this type music. That the bands playing at Hawthorne Center and around town are playing through the Music Performer's Trust Fund and is a great service which has rendered year-in and year-out for 20 years.

Councilman Alexander stated he does not know if Council is aware or not but the school children will not be taken to the symphony this year for the first time.

A vote was taken on the motion and carried unanimously.

REQUEST FOR STUDY OF STREET LIGHTS BEING PROVIDED IN CERTAIN AREAS OF THE CITY.

Councilman Withrow stated about two years ago some citizens committee had a program called "light the night". He stated he has quite a few calls on putting street lights on certain streets; that in certain parts of the city, we have light on all the streets, but in other parts, we do not have very many street lights at all.

He stated if we could possibly have a study to check certain streets which need the lights for crime purposes where there is a lot of crime, Council could help by bringing back a similar program and also make a study of these areas.

Mr. Bobo, Acting City Manager, stated this is a very good point and will be brought to Council at budget time; that a study is now going on and Mr. Hoose, Traffic Engineer, will be presenting this at budget hearings.

Councilman Short stated he had an idea similar to this about five or six years ago but when it showed up in the budget, it was a tremendous expense.

Councilman Withrow stated we can do it in some areas, and in other areas we do not have the necessary lights.

Councilman Tuttle stated if we are talking about covering the entire city, we are talking about an enormous amount of money.

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Councilman Tuttle stated if we are talking about covering the entire city with street lights, we are talking about a mess of money; that in the six years he has been on Council, he cannot recall where anyone who called and said they had a dark area was refused a street light.

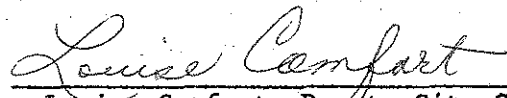
DISCUSSION OF POSSIBLE ZONING STUDY FOR THE ENTIRE CHARLOTTE AREA.

Councilman Withrow asked if the City is required every ten years to look at the rezoning of the whole city and Mr. Underhill replied no. Mr. Bobo, Acting City Manager, stated this is a worthwhile idea and more and more we are receiving rezoning requests and he would think it is getting close to time for Council to take a look at the overall zoning of the entire city.

Councilman Thrower stated he would hope this time everyone will be informed of this because last time we rezoned, it was four or five years before people knew their property had been rezoned. Councilman Jordan stated there were about eight public hearings held during the day and also at night before those areas were rezoned.

ADJOURNMENT.

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



Louise Comfort, Deputy City Clerk