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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, June 14, 1971, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem Fred D. Alexander presiding, and Councilmen Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

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INVOCATION.

The invocation was given by Councilman James D. McDuffie.

MINUTES APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the last meeting, on Monday, June 7, 1971, as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO JESSE F. MCCOY, RETIRING CITY EMPLOYEE.

Mayor pro tem Alexander recognized Mr. Jesse F. McCoy and thanked him for rendering good service to the City for 26 years, and wished for him much fun and enjoyment in his retirement. He presented Mr. McCoy with the City of Charlotte Employee Plaque.

HEARING ON AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 4, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-43, CONTINUED TO NEXT COUNCIL MEETING AND RESOLUTION APPROVING AMENDMENT ADOPTED.

The public hearing was held on the subject amendment to the Redevelopment Plan for Section No. 4, Brooklyn Urban Renewal Area, Project No. N. C. R-43.

Mr. Vernon Sawyer, Executive Director, stated the latest instruction to the Redevelopment Commission from the City Council with respect to this plan was to replan the project land - that land not needed for expressway right of way - for a combination of commercial use and park use and to do this in cooperation with the Park and Recreation Commission. He stated this has been done and the result of that planning is indicated on a map which he pointed out. This was done after many suggestions were received for the use of this land from several different sources and several alternative plans.

The plan generally provides for three large commercial sites for sale to private enterprise for development and a park located in the middle of the project that is designed to serve these commercial parcels and to enhance the whole commercial development in the project area.

Mr. Sawyer pointed to the map and stated the expressway takes off the top portion of the project leaving the lower portion between the rear properties fronting on East Morehead Street and the expressway, with McDowell Street on the west and the Pearl Street Park on the east for development. The three commercial parcels are those illustrated in yellow. The project is served by the extension of Baxter Street, from Kenilworth through to McDowell Street. The street generally follows the ravine of the creek so that two parcels are high land and one is lower about the same elevation as the creek.

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In the middle they have planned a park in cooperation with the Park and Recreation Commission. This park will serve the commercial area only; therefore, no parking in the park is provided. The park would lose its commercial character if public parking is provided and would take on the character of a neighborhood park or a city-wide park and lose its eligibility for dedication by this project. Under this concept, the Redevelopment Commission has included within its budget the money to construct this park as illustrated with the landscaping, the park furniture, benches and so forth and a pool with a fountain. The park will be completed with walkways and dedicated to the city without cost except the city will bear its usual 1/3 share of the total project cost.

Councilman Short asked if the park is contiguous to Pearl Park, and Mr. Sawyer replied no; that Pearl Street will be closed partially and Pearl Street Park lies between there and the property lines of the Thompson Orphanage property on which the post office substation is constructed. That could not be contiguous because to place it as an extension to that park would give it a city-wide emphasis and would lose its eligibility. That the extension of Baxter Street and the entrance to the Post Office substation takes off the top portion of the park but still leaves enough room for the ball park. He stated the creek will be placed in a re-enforced concrete structure.

Mr. Sawyer stated the plans for all these site improvements proposed have been reviewed by the City Engineering Department and generally have been found acceptable; they were prepared by Wilbur Smith and Associates, Professional Engineers, under contract to the Commission.

He stated there are 39.9 acres in the total project area; 21.1 of those acres are used for the expressway right of way, Baxter Street and the widening of McDowell Street. That leaves 18.8 acres for development and park. The park uses 5.4 acres, leaving 5-1/2 acres in Parcel 9, which is for sale; 4.1 acres in Parcel 1 and in Parcel 6, south of Baxter Street, 3.7 acres.

He stated there were no text changes required to implement the park concept, but there are text changes the Commission proposes in the amendment.

He stated on Page 1 of the Redevelopment Plan, an amended date has been added under the title. Under the Table of Contents, they have added, under Paragraph (D), Item (4), which is Underground Utility Lines. On Pages 2,3,4, 7, 13, 14 and 19, they have added a revised date to reflect a change in a map. These pages contain a reference to a map which has been revised, and the change on each page indicates the latest date of the revision on the four maps which are illustrated to Council today.

On Pages 3 and 4, which is the permitted uses of the Plan, they have added commercial recreational facilities to what was public parks and recreational facilities. This was done to take care of the concern about this project being coordinated with the Sugar Creek waterway project. This would permit commercial recreation along with private and public recreation in the project area.

On Page 5, under Yard and Setback Requirements, they re-wrote the Side Yard requirement just to clarify it. There was some difficulty in interpreting what constituted a side yard and how much of a side yard was to be landscaped and maintained. This was rewritten to make sure that at least a five foot strip along the side yard all the way from the front property line to the rear property line would be landscaped and maintained. They also clarified what landscaping meant. They added the phrase - "a planted area of ornamental shrubs, plants and/or trees", to let it be known that just a grass area was not sufficient.

On Page 13, under Approval of Plans by the LPA, a change was made to clarify it and to bring it more in line with current architectural terminology in the requirements for plans. That the Commission used to require preliminary

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plans about which there was some confusion; they now require in the beginning concept drawings; then they go to a middle stage, concept development, and on to a final stage, the final contract documents. This is in line with changes that have been made by amendment to other plans as they have been amended.

On Page 14 in the Proposed Street Changes, there was a minimum grade requirement for streets and a maximum grade requirement of 0.5 of one percent and 5 percent, minimum and maximum. The change proposes an 0.8 of one percent and 8 percent to bring the requirements of the plan in line with the State Highway Commission's plans for the expressway. The exit ramp that comes off the expressway and terminates is on an 8 percent grade and this merely conforms the project plan requirements to the Highway Commission requirement.

On Page 17, the phrase "Underground placement of utility lines is anticipated" is added. That this is a HUD requirement if you put utilities underground and if you intend to claim the cost as a project cost.

On Page 19, the change is made in the estimated cost and method of financing the project. That the latest figures are less than the project cost approved when the project was approved. The city's one third share as approved now is \$900,539, and the replanning of the project was done within the budget and has caused a reduction in the overall cost of the project, and consequently the city's one third share has been reduced to \$784,693, or an overall reduction of \$115,846.00. At the same time it changes the ratio of cash to work. Where there was no cash before, there is cash required now because the amount of work contemplated does not cost the entire \$784,693.00. That it will not require any new money from the city; it is all a shift from work to cash. All of this is provided for in the 1969, \$1,800,000 bond funds approved for urban renewal.

Mr. Sawyer stated the project was submitted to the Planning Commission, and the Planning Commission approved the amendment but did not approve the preliminary site plan. He pointed out a map and stated it is an official map and is officially a part of the redevelopment plan and it illustrates the park. That the Planning Commission did not approve the park concept because it was the consensus of the Planning Commission that it was not a public park; it was surrounded by commercial development and was designed basically to serve private enterprise and not the public at large.

Mayor pro tem Alexander stated this park is to be turned over to the city; that in so doing this anyone can use it. Will this not make it a public park? Mr. Sawyer replied it is public as it is in public ownership. It just does not have the parking facilities that are normally provided as a part of a public park. Mayor pro tem Alexander stated it does not deny citizens use of it. Mr. Sawyer stated there will be no parking except for the parking provided by the commercial development on the three parcels of land that will be sold for private development. Mayor pro tem Alexander stated regardless of what it is designed for, no citizen can be denied the use of whatever facilities the park has at any time; that it is open to the public use. Mr. Sawyer replied that is right; the Park and Recreation Commission worked with them and approved the park concept. It will be dedicated to the City; the Park and Recreation Commission made one request when they approved it and that was they would accept the park for maintenance provided the city appropriated extra funds for that purpose. They wanted it clearly understood that this was not the ordinary park that they accepted for dedication and maintained. That this was brought out in a discussion and not during official action. That he does not know if they carried this through when it was officially approved.

Councilman Short stated this is a park which for federal purposes is called a commercial oriented park, but for local purposes is just a park. That this is contrasted with some very much fancier types of parks suggested at one time and which went afoul of the HUD view of a commercial park. Mr. Sawyer

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replied that is correct. That a park of city-wide character would have to be completely at city expense. This means the city would have to purchase the land from the Redevelopment Commission and fund the entire cost of the improvements proposed. Councilman Short stated this is one reason why it is good that Pearl Park is located right at it and it is a general purpose park. Mr. Sawyer replied that is right and to his knowledge Pearl Street Park does not provide parking either; there is parking in the Charlottetown Mall area, and cars park on Pearl Street.

Mayor pro tem Alexander stated the fact is the city gets this park with federal funds under this provision. That the city could not have gotten it under the previous plans without financing it 100 percent. To him it is a far out technicality in regards to whether a car is parked there or not. That he is concerned with the use from a citizen's point of view. Here is another park that is made available for any citizen. The fact he walks to it, is immaterial to him.

Councilman McDuffie asked if Mr. Pentes had anything to do with the plan? Mr. Sawyer replied the Pentes Committee was given the responsibility of planning for this area; that plan was not approved by Council; at the point when it was presented Council gave it back to the Redevelopment Commission with instructions to plan it in this manner.

Mr. Sawyer stated the Redevelopment Commission considered the problem of Gordon Motor Company at its June 9 public hearing and regular Redevelopment Commission meeting. The Commission did not take any action, although it was thoroughly discussed, primarily because they did not consider that auto repair garages was a proper use to add to the list of land uses for this project. Their attorney advised the Commission it could not designate one parcel for a particular use without permitting that same use generally throughout the project. And overall, they could not guarantee Mr. Gordon anything for sure since the land must be bid and anyone interested in an auto repair garage could bid along with Mr. Gordon and perhaps could be successful. The land is zoned B-2, which under the zoning classification, does permit auto repair garages; but the redevelopment plan does not permit all uses permitted under the zoning classification; it has a very restrictive list of permitted uses and automotive uses or auto repair garages of any sort are not permitted under the plan.

Councilman Withrow asked if he could use it for parking if he were the successful bidder? Mr. Sawyer replied this was considered at the request of Mr. Harkey, Mr. Gordon's attorney, and under the permitted uses, parking is permitted only as a required part of a principal use that is permitted under the plan.

Councilman Short asked if it would solve everything if parking were allowed as a separate use? Mr. Sawyer replied it would permit Mr. Gordon, if he were the successful bidder, to use it for parking. If it is a separate use under this plan, then anyone interested in parking of any sort could bid on this property in competition with Mr. Gordon and if successful, could use it for any sort of parking. A franchised automobile dealer could bid on it and use it just for parking for inventory automobiles. There is any number of different parking uses to which it could be put under that category if it is added to the plan.

Councilman Whittington asked what it would do to this plan if we took that portion from Baxter Street up to that black line out of the plan? Would you have to have another hearing? Mr. Sawyer replied they already own the land and even if you took it out of the project, they would still have to dispose of the land. That he doubts it could be done at this time as they have already purchased the land using federal funds, and he does not believe HUD would approve changing the project boundaries to exclude land that is under the federal control.

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Councilman Short stated he feels our out is just to make "parking" in general an allowed use. That it is not all that objectionable. It is all over the city in all kinds of zones. He asked what Council would have to do to just add "parking"? Mr. Sawyer replied he would suggest that they add "Parking" as a separate category leaving the present parking as it is; this was put in to remove all doubt that parking was required with the permitted uses. If a motel operator bought one of the parcels, then he would have to provide parking as a part of that permitted principal use.

Councilman Jordan stated the possibility that Mr. Gordon may not be the high bidder would still be in doubt and someone else could bid it and he would lose out all together and that would defeat the purpose of what Council is trying to do. Mr. Sawyer replied he agrees; also in both of Mr. Harkey's letters, in his request on behalf of Mr. Gordon, he specifies a parcel of land fronting 80 feet on McDowell Street with a depth of 200 feet. He stated there is a creek that is going to be put in a culvert; that land is the low land and after the creek is re-routed through the pipe, it will all be fill. It will still have foundation problems for any sort of construction. If they take off and designate a parcel 80' x 200', it will leave just a sliver of land connected otherwise with a parcel that has other easements, and it will leave a very bad parcel of land for future sale. If he could use more land, and not leave an unsalable piece of land, it would be much better.

Councilman Whittington asked the City Attorney if he has an answer to the question of whether the boundaries of the project can be changed? Mr. Underhill replied he does not have the answer; that it is probably in the HUD guidelines of which he does not have a copy. Mr. Sawyer stated he speculated that HUD would not approve a change in boundary to exclude land that had already been purchased with federal funds. Mr. Underhill stated as this property has already been purchased with federal funds, he believes Mr. Sawyer is correct. Mr. Sawyer stated they have purchased it, relocated the families and businesses from it, and have demolished the structures and are now on the verge of letting a contract to install these improvements. All of this is with federal funds. Mayor pro tem Alexander stated as he understands it, we cannot do it; that Mr. Underhill can find out definitely.

Councilman Short stated the use plan does not show anything between that building and the creek anyway. Mr. Sawyer replied this is an illustrative plan and may or may not be where the developer chooses to locate his building. That it illustrates the building located on the back portion because that land is farthest away from the creek; that seems to be the least troublesome. However, there is an area where a building could be located and the parking and landscaping could be reversed. This would be the free choice of the purchaser of that property. That he is sure he would make that decision only after he had soil samples of the entire site.

Mayor pro tem Alexander stated there is no way to protect Mr. Gordon from competitive bidding on this property. Councilman Calhoun stated this illustrates better than any point he has seen in a long time the fallacy of illegality of negotiated sales. That he understood they were going to ratify this in this session of Legislature but it was dropped. Mr. Sawyer replied this is being introduced as a local bill.

Mr. Underhill stated to change the boundaries another public hearing would have to be held. That he does not know if HUD regulations would permit it as you are talking about property already acquired.

No opposition was expressed to the proposed amendment.

Councilman Whittington stated he would like to have the pleasure of moving the approval of this project; that it has been five years since Council started on this; this is an effort of the Redevelopment and Park and Recreation Commission; it is also a plan whereby there is park space, and a walk-in park, that many of our citizens asked that we put in a part of this project. It also has commercial property in there to bring in new revenue to the city which is the purpose of urban renewal in the beginning.

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Councilman Whittington moved adoption of the Resolution of City Council of the City of Charlotte, North Carolina, approving Amendment No. 1 to the Redevelopment Plan for Project No. N. C. R-43. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 370.

Councilman Whittington asked what it will do to add "Parking" under permitted uses? Mr. Sawyer replied it would allow Mr. Gordon to bid on a parcel of land. But unless Council also instructed the Redevelopment Commission to designate a subdivision of the parcel, in line with the Commission's policy to sell the land in the larger chunks as outlined, he would have to bid on the entire parcel in order to satisfy his needs.

Councilman Whittington stated Council has approved the plan today. That he thinks all of us realize the position that the Gordon Motor Company is in for two reasons. One, they are under the grandfather clause and the street is being widened and they are next door to urban renewal land. He asked if the attorneys for the Gordon Motor Company and the attorneys for the Redevelopment Commission, and Mr. Underhill can reach some conclusion that this can be set aside for him to bid on it for parking only by the next Council Meeting, could Council then do something about it?

Mr. Sawyer replied he believes this is a legal question. He asked the City Attorney if it is necessary for Council to take all the action that it intends to take following a public hearing immediately after the public hearing, or can some portion of it be deferred? Mayor pro tem Alexander asked if he understood Mr. Sawyer to say that in attempting to do what we are talking about now, it would place Mr. Gordon in a position where he will have to bid on a total tract rather than on the one portion we are talking about? Mr. Sawyer replied unless the Council instructs the Redevelopment Commission to designate a smaller parcel. By smaller parcel, he means some subdivision of Parcel 6. If Council does that, he hopes they will designate the entire frontage because of the easement problem which would leave them with a badly cutup parcel of land. He stated this matter was thoroughly discussed at the public hearing and made a matter of public knowledge. Councilman Withrow asked if you cut that off, how much would it be and how much would it leave? Mr. Sawyer replied it would be about 200' x 200'; it would leave about 40,000 feet, a little less than an acre.

Councilman Whittington asked that Council go on to the next item on the agenda and that Mr. Underhill, Mr. Creasy and Mr. Sawyer try to resolve this question of giving him permission to purchase the parcel.

Councilman Whittington moved approval of a revised agreement between the City and the Redevelopment Commission to reflect the various cash and non-cash grants-in-aid. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short moved that Council give consideration to segregating, or separating from Parcel No. 6 an area 200 feet deep between Baxter Street and the property line, being that portion just pointed out by Mr. Sawyer, either later in this meeting or at the next official meeting of City Council, and that it be placed on the agenda of the next official meeting of City Council. The motion was seconded by Councilman Whittington.

Mr. Underhill stated his best opinion is that the action Mr. Short's motion contemplates should be taken at the same date the public hearing is held, which is today, and is the time the public is given the opportunity to express themselves on the plan. Taking action at a later date would cause some potential legal problems. Mr. Underhill stated as he understands Mr. Sawyer that to the best of his knowledge it is legally permissible to add "parking" as one of the requirements in the sale of this parcel for parking purposes? Mr. Sawyer replied as long as it does not violate any other ordinances; that parking is a permitted use under B-2 zoning classification. Mr. Underhill stated it would be advisable for Council to take this action today rather than waiting.

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Mayor pro tem Alexander asked if this is not two separate situations? Councilman Short replied it is merely setting up for future discussion the things we have to discuss. Mr. Sawyer asked if he is saying that this parcel be severed or subdivided into a 200-foot section. Parking such as auto repair garage could not be designated for this specific parcel; it would have to be added for the project generally. However, with that and the subdivision Mr. Gordon could bid on this 200' x 200' piece of land. If he is successful, he can use it for parking, but not auto repair garage.

Councilman Short stated his motion is that we consider and discuss at a later time the severing of this piece of land and parking generally in the entire area.

Mr. Underhill asked Mr. Sawyer if this can be done without another hearing? That in effect this would be adding another use to the list of permitted uses? Mr. Sawyer replied any information discussed and brought out and presented for public discussion at this public hearing would be sufficient. Mayor pro tem Alexander stated with this motion, it gives Mr. Gordon the privilege of bidding on this parcel of the property that would be separated from the remainder of the parcel. If he successfully bids on it, he still can make use of it for parking, but not an auto repair garage. He asked if establishing parking as a permitted use in the entire project gives him any more than what he would get from the motion as originally stated? Councilman Short replied Mr. Sawyer says it has to be for the entire Section 4. Councilman Calhoun stated he did not make that statement. Mr. Sawyer stated he meant to make that statement as he drew the analogy between that and the auto repair garage land use category, which the attorney has informed the Commission must be general rather than specific on one particular parcel. Mr. Underhill stated any use added to the permitted use table in the redevelopment area would have to apply generally throughout the project area. Councilman Whittington stated all Council is doing is not closing the door on Mr. Gordon.

Mr. Sawyer stated if the intent here is to help Mr. Gordon should we consider the timing of Mr. Gordon's need with the time that this land will be offered for sale. Mr. Gordon's need is immediate. If we offered this land for sale, we would have to do it immediately; we would have to designate this particular piece and put it on the market right away. That their usual advertising period is 90 days. That unless they get special permission from HUD to shorten the period, they would have to advertise it for 90 days. He asked how that timing would fit in with the contract that has been let for construction and Mr. Gordon's need for the land and his total problem.

Mayor pro tem Alexander stated everybody is trying to give all the advantage possible to Mr. Gordon. But he does not think we can do any more on it than we can legally do. He suggested that Mr. Short let his motion stand void of the expanded provision he added about parking, and see how it fits in. Councilman Short replied if parking is not included, there is no point in severing this piece of land. Mayor pro tem Alexander asked about continuing the hearing to the next meeting of Council? Mr. Underhill replied it can be done. Mayor pro tem Alexander suggested that Councilman Short withdraw his motion and moved to continue this hearing and with all the discussion today, to come up with a legal answer so that it can be resolved at the next meeting of Council.

Councilman Short asked the situation when Council has already passed the resolution and then moves to continue the hearing? The City Attorney replied the matter can be further considered at a continuation of the public hearing and the motions approved at the meeting today subsequently amended at the continuation of the public hearing to accomplish the amendment relating to parking.

Councilman Short withdrew his motion which withdrawal was approved by Councilman Whittington, who seconded the motion.

Councilman Short then moved that the hearing be continued to the next official meeting of Council, on Monday, June 28th. The motion was seconded by Councilman Whittington and carried unanimously.

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COMPLAINTS CONCERNING PICK UP OF TRASH AND GARBAGE IN NORTH CHARLOTTE AREA.

Mr. Paul Horne, President of North Charlotte Action Association, stated he is here to speak to the problem of garbage and trash in our city. He stated during the recent election campaign, each of the Councilmembers in some way expressed a need of changing the red ribbon-bow-tie method of picking up trash. The public was elated, they were concerned for its welfare and they were elected. Maybe not on this issue alone, but this issue played some part in their election or re-election. Now they have been elected, the people notice the Councilmembers are doing what they have said, making a change in the requirements for trash pick-up. The change, instead of being for the better, is for the worse. He stated the people will be paying double for the service for which they have paid taxes already. He stated they propose to the City Council that it initiate a return to the trash pick-up policies which were in force prior to the red-ribbon-bow-tie era. These new policies of 1970-71 have put the major burden of responsibility on the elderly and the poor, not to mention the middle income people of this city. These people cannot afford to hire someone to come to bundle and tie their trash.

Mr. Horne passed around a poster showing pictures of trash which has been lying at the curb side, some for three to five weeks. He stated these pictures are of just a few streets in their area, which is the North Charlotte area. He stated this kind of service is conducive to the attraction of rats and the breeding of other insects as well.

He stated they will expect of each Councilman the fulfillment of their promises to represent all the people; they shall expect Council to make changes in the trash pick-up requirements which will give both service for taxes and concern for the welfare of all the people. The public has sought time and time again to express itself through many articles in personal chat, letters to the editors, editorials and articles in the news media concerning the impropriety, the ineffectiveness, the burdens of getting the trash together, and the unsightly piles of litter on our city streets.

Mr. Horne stated they are formally requesting Council to hold a public hearing on this matter in the immediate future before any further action is taken on the problem of trash pick-up at a time when the public at large will be better able to attend. All they are requesting is that the public who is affected most be heard on such a vital matter.

Councilman Jordan stated he has a motion he intends to make today regarding what Mr. Horne has said, and he will probably do this before the end of the meeting today. Mr. Horne replied they would appreciate it if the public had an opportunity to meet with Council when it is more convenient to discuss this matter.

Mayor pro tem Alexander asked the City Manager to get with Mr. Horne and get the location of these places where he says the trash has been standing and see if something can be done about it.

Mayor pro tem Alexander stated Council has a Litter Committee that is studying this matter now, and it has not had a chance to report back to Council. That a report is expected soon; that he thinks Council should hear this report and the Committee's recommendations before attempting to take any further action.

Councilman McDuffie asked if the public wants the city to pick up refrigerators, and things like that? Mr. Horne replied he expects the public would; however, he does not know it is the feasible thing for refrigerators and couches and such; the main problem on the streets now is not the large items; the main thing is sticks, leaves and trash which have been on the street for two or three weeks.

Councilman McDuffie asked how soon the report will be ready, and Mayor pro tem Alexander replied he hopes it will be ready for the next session of Council.

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Mr. Horne stated the North Charlotte Action Association would like to have some communication from Council as to what and when a public meeting will be held on the matter.

REQUEST THAT TIME LAPSE BE SET BETWEEN TIME OF NOMINATIONS TO PLANNING COMMISSION AND ACTUAL APPOINTMENT IS MADE.

Mr. Bill Allan, representing the Charlotte Apartment Association, stated they would like for Council to change the procedure on nominations of members to the Planning Commission. That they feel with the notices of vacancies and nominations coming up the same day and the appointment the next week, the public is not being adequately notified that a vacancy is going to exist in the Planning Commission. That under Item 34 on the agenda today there is a nomination made last week that will be voted on today. That they have no objection to this particular nomination.

He stated they would like some time gap between the announcement that a vacancy will come up and the time when the nominations and appointments to the Planning Commission are made.

Mayor pro tem Alexander asked if they do not have a copy of the members of the Planning Commission and the time the appointments expire? Mr. Allan replied they do; but ordinarily, when a present member's term expires; the appointments are more or less routinely made.

Mr. Allan stated when a vacancy occurs on the Planning Commission due to a resignation in mid-term or due to the fact that a member may not wish his term renewed, they would like to have a week or two time lapse in between so that some public announcement can be made. That would give them an opportunity to petition the Council that certain people be considered for nominations. They feel right now there is not adequate notice.

Mayor pro tem Alexander advised Council will take the request under advisement.

Councilman Whittington stated there are two people from Mr. Allan's profession on this Board. One is Mr. Allen Tate and the other is Mr. William Godley.

REVISED AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT COMMISSION FOR GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78, APPROVED.

Mr. Vernon Sawyer, Executive Director, stated the subject revision is merely an internal change in the use of the money. It does not increase the city's obligation for this project at all. The total obligation of the city, which has already been approved, is \$4,915,636.00. At that time, there was included as a part of the total project cost the cost of improving the park in the same manner that they proposed to improve the one that was just discussed in Project 4, and then dedicating it to the city. He stated HUD has not allowed this park to be done in that manner because it truly is a city-wide park; it is a park of about 16 or 17 acres and is right in the middle of the project. By disallowing it for that kind of improvement, the city can still buy the land, improve it with its own money and then the project will give the city 100% credit for that expenditure. This merely shifts some of the cash the city has already contracted to put into this project, and puts it into the improvement category without changing the cost otherwise to the City.

Councilman Short moved approval of the subject revised agreement which obligates the City to purchase the proposed park in the Project Area and to develop it by using \$145,050 of the cash grants-in-aid to the project provided by the original agreement. The motion was seconded by Councilman Withrow.

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Councilman Whittington stated suppose the city decides it does not want to do what HUD says to do? Mr. Sawyer replied this leaves it up to the city to improve the park in any manner it chooses to; that HUD is in total agreement that there should be a park; the only problem is the way it was proposed to be furnished and improved runs afoul of some of the federal regulations. This is going around another way to accomplish the same purpose. Part of the federal law is that the credit for any park that serves the project area must be calculated on the basis of the total area it serves. They have agreed this park is 100 percent service to this particular project area, but that it is a city-wide park and is a supporting facility rather than a project improvement.

The vote was taken on the motion and carried unanimously.

PETITION NO. 71-14 BY ROBERT OSCAR BOWMAN FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF THREE LOTS FRONTING 150 FEET ON THE SOUTH SIDE OF SHAMROCK DRIVE, DENIED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

PETITION NO. 71-29 BY GREEN ACRES, INC. FOR A CHANGE IN ZONING FROM R-9 AND R-9MF OF A TRACT OF LAND ON THE WEST SIDE OF FARM POND ROAD, DENIED.

Councilman Whittington moved to deny subject petition as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 134-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF YORK ROAD, AT ARROWOOD ROAD AND EXTENDING 2,095 FEET NORTHWARD, AND ORDINANCE NO. 147-Z CHANGING ZONING FROM R-12 TO B-1SCD, ADOPTED.

Motion was made by Councilman Jordan and seconded by Councilman Short to adopt the subject ordinance changing the zoning of approximately 20 acres of land from R-12 to R-12MF and a 7.11 acre tract of land from R-12 to B-1SCD with a re-designed plan of development as recommended by the Planning Commission.

Mr. McIntyre, Planning Director, explained the re-designed plan to Council and advised the Petitioner has agreed to the change as proposed.

The vote was taken on the motion and carried unanimously.

The ordinance/^{No. 134-Z}is recorded in full in Ordinance Book 18, at Page 210. Ordinance No. 147-Z is recorded in full in Ordinance Book 18, at Page 223.

REQUEST TO RE-HEAR PORTION OF PETITION NO. 70-79 WHICH WAS DENIED BY COUNCIL ON SEPTEMBER 14, 1970 OF PROPERTY EAST OF SUGAR CREEK ROAD AND SOUTH OF NEW SERVICE ROAD CONNECTOR TO INTERSTATE 85, APPROVED.

Mr. Underhill, City Attorney, advised that Mr. Sam Williams, Attorney, is requesting permission to file a petition for rezoning on a portion of property prior to the elapse of the two year period, which is the normal period that must run before a petition to amend can be filed once it has been denied.

Mr. McIntyre, Planning Director, pointed out the location of the property on a map and stated the access road which was planned at the time of the previous hearing has been revised by the State. That the Planning Commission, in reviewing the request said that in its judgement this was a significant change in the character of the area to warrant a re-hearing of the piece of property.

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Mr. Williams stated in May or 1970 there was a petition involving a 46 acre tract; a portion of the 46 acres tract was zoned B-1; a portion O-6 and a portion B-2. No change was made in the east side of Sugar Creek Road even though the Planning Commission had suggested approval of B-1 zoning. In the first instance the petitioners, the McConnell group, petitioned for a change from R-9 to B-2 of a 46 acre tract. He stated they are asking for a change from R-9 to B-1 of a 2-1/2 acre tract. He stated the question is does that request come within Section 23-96(c)? That they have discussed this point with the Planning Staff and the City Attorney and it was determined that not withstanding they were seeking B-1 when the first petition sought B-2 and not withstanding they are a little small tract and the first petition was a large tract. That they had to follow the second alternative under the code provision which is to request the Planning Commission to hear them, which they did; then, the Planning Commission would suggest to the City Council that they considered there were substantial changes of conditions and circumstances warranting a re-hearing.

Mr. Williams stated before, the entire parcel was R-9. Now his client's parcel is situated directly across the street from a large B-1 parcel. Before Sugar Creek Road was a two lane road; now it is 60 feet of pavement and five lanes. Before there was a loop road which was proposed to run cutting off the property between Interstate-85 and the subject parcel. Now on the new road, which is a service road, and which will be carrying two to three thousand vehicles a day, the road parallels Hidden Valley. He then pointed out the location of the road on a map, and stated it has been widened from the original two lanes to what will be five lanes.

Councilman Short stated there is a change there and a different category is sought. But what is wrong with giving the people who protested the change originally the courtesy of stating their position on this request? Mr. Williams replied there is no problem about the courtesy; but he is asking today that Council decide whether these five elements involve substantial changes in conditions. If Council does then, they are saying that he is permitted to file a petition to rezone. There would be a public hearing on that petition. At that time, the protestants can come and present their objections. He stated there is a 100-foot buffer between the parcel and Hidden Valley.

Councilman Whittington moved that Mr. William's client be allowed to refile a petition prior to the elapse of the two year period for a change in zoning to B-1. The motion was seconded by Councilman Calhoun.

After further discussion, the vote was taken on the motion and carried, as follows:

YEAS: Councilmen Whittington, Jordan and Calhoun.
NAYS: Councilmen Short, McDuffie and Withrow.

Mayor pro tem Alexander broke the tie, voting in favor of the motion.

Councilman Whittington requested Mr. McIntyre to make an effort to get Council together to go out there and go over this area at this intersection again before this hearing.

RESOLUTIONS APPROVING MUNICIPAL AGREEMENTS WITH THE STATE HIGHWAY COMMISSION FOR IMPROVEMENTS TO SHARON ROAD, FROM NEAR COLONY ROAD TO NEAR FAIRVIEW ROAD, AND ON YORK ROAD (N. C. 49) AT THE YORK ROAD LANDFILL.

Motion was made by Councilman Withrow and seconded by Councilman Calhoun to adopt the following resolutions:

- (a) Resolution approving a municipal agreement with the State Highway Commission for improvements to Sharon Road, from near Colony Road to new Fairview Road to provide a turning lane in front of the SouthPark Shopping Center.

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- (b) Resolution approving a municipal agreement with the State Highway Commission for improvements on York Road (N. C. 49) at York Road Landfill to provide one additional traffic lane and a turning lane at the landfill entrance.

Council was advised the agreements obligate the city to acquire the right of way, perform all engineering and to administer the construction contracts for this work; that the State agree to pay the construction costs not to exceed the amount estimated for the projects; that the right of way costs on the Sharon Road Project will be reimbursed to the City; and the property owner has donated the right of way necessary for the York Road project.

Mr. Hopson, Public Works Director, stated these are two state projects; the city drew the plans; the right of way on the Sharon Road project will have to be acquired but the State will reimburse the city and will pay for all construction. That the right-of-way on the York Road Project has been donated free of charge. The State will reimburse the City as soon as the work is completed and the City bills them. He stated that will be early next year. The estimated cost of the right-of-way is from \$30,000 to \$40,000 on the Sharon Road project. Most of the project is in construction.

Councilman McDuffie asked the city's policy on other shopping centers that need a turn lane? Mr. Hopson replied this is an agreement with the State to do all this work at the city's request; particularly at York Road, to help the City get into the landfill. Councilman McDuffie stated he can appreciate the York Road being needed. That he has tried to find out and is interested in knowing when new shopping centers are built the city's requirement and why turn lanes were not provided on this new shopping center? Mr. Hopson replied the road was there many years before the shopping center was built. Mr. Hoose, Traffic Engineer, stated the sections being bought are two small parcels of land that were sold prior to SouthPark Shopping Center being developed. That Mr. Harris gave 25 feet of right-of-way all the way through the whole project. These two parcels of land were sold prior to the development of SouthPark and when SouthPark was being built, they negotiated with the Highway Department for these lanes and they will reimburse the city for this. That this is a state project, not a city project. The City did the engineering and the right-of-way acquisition.

Councilman McDuffie stated if we want to do this later on Tryon Mall on Sugar Creek Road, will the State participate? Mr. Hoose replied maybe. Councilman McDuffie asked if the City has a policy to try to get the land donated? Mr. Hoose stated yes; that they have a policy called a main traffic generator. The Department studies the entrance and establishes a main traffic generator. Before it is built, they go to the developer and say this is the main traffic generator and that they are allowed so many entrances, and that it is to be built in this way and someday, they may qualify for a traffic signal. That they have the right to build them or they do not have to build them. He stated so far they have been 99% on all shopping centers. Tryon Mall is the only one that would not abide by this. Councilman McDuffie stated it would appear if the City had an ordinance requiring that this be done, it would build in some flexibilities for the Traffic Engineer, and the City would be better off. He stated a shopping center is proposed on York Road and it is in the perimeter area; he asked if Mr. Hoose has any control over this, and Mr. Hoose replied they do control the perimeter area. That the developer has to submit their plans.

Councilman Whittington asked it would be better to not have an ordinance? Mr. Hoose replied that is right as they feel they are not forced into this, and you can appeal to them that it is for their own good.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 373.

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ORDINANCES AUTHORIZING THE TRANSFER OF FUNDS.

Councilman Jordan moved adoption of Ordinance No. 135-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance, authorizing the transfer of \$125,000 of the Unappropriated General Fund Balance to the Capital Improvement Budget to cover the cost of the acquisition of right of way and the construction of additional traffic lanes on Sharon Road necessary because of the increased traffic generated by SouthPark with the understanding this expense will be fully reimbursed by the N. C. State Highway Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 211.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting Ordinance No. 136-X, Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$40,000 of the Unappropriated General Fund Balance to the Capital Improvement Budget to cover the cost of construction of additional traffic lanes in front of the City's landfill on York Road to avoid congestion of traffic due to the landfill operation, with the understanding this expense will be fully reimbursed by the N. C. State Highway Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 212.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 137-X authorizing the transfer of \$24,054.96 from the Independence Boulevard sewer main replacement project into the South Boulevard-Seneca Place sewer line project to provide sewer service to an area along South Boulevard annexed in 1960 was adopted.

The ordinance is recorded in full in Ordinance Book 18, at Page 213.

Motion was made by Councilman Jordan to adopt Ordinance No. 138-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$10,500 from the Unappropriated Balance of the Powell Bill Fund into the Powell Bill Rental and Purchase of Equipment Account to buy four material spreaders for use in the ice and snow control. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 214.

Councilman Withrow moved adoption of Ordinance No. 139-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$25,000 from various accounts to the Workable Program Housing Study. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 215.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, adopting Ordinance No. 140-X Authorizing the transfer of \$40,000 from the Redevelopment Bond Fund to pay the final settlement to complete the City's one-third obligation for the Dilworth Urban Renewal Project.

The ordinance is recorded in full in Ordinance Book 18, at Page 216.

AGREEMENT BETWEEN THE CITY AND SOUTHERN RAILROAD PERMITTING THE CITY TO PERFORM THE SHEET PILING CONSTRUCTION WITHIN THE SOUTHERN RAILROAD RIGHT OF WAY IN CONNECTION WITH THE CIVIC CENTER, APPROVED.

Motion was made by Councilman Jordan and seconded by Councilman Calhoun to approve an agreement between the City and the Southern Railroad permitting the City to perform the sheet piling construction within the Southern Railroad right-of-way in connection with the Civic Center which agreement obligates the city to follow all the requirements of Southern Railroad and to pay Southern for work they perform in connection with the contract estimated to be \$6,940.00.

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Councilman McDuffie stated this is part of the Civic Center site; that before he came on Council the site was determined, and all that goes with it such as parking. He would like the record to show that down the road, we are going to have to pitch in a lot more money for parking and allied facilities and he cannot vote for this, and the things that might come along to support it because the money we have will not do all it is supposed to do.

The vote was taken on the motion and carried as follows:

YEAS: Councilmen Jordan, Calhoun, Short, Whittington and Withrow.
NAYS: Councilman McDuffie.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY AND DUKE POWER COMPANY FOR THE CONSTRUCTION OF A TRANSMISSION LINE ACROSS CITY AIRPORT PROPERTY IN THE VICINITY OF WILKINSON BOULEVARD AND MARSHALL DRIVE, APPROVED.

Councilman Whittington moved approval of a right of way agreement between the City and Duke Power Company for the construction of a transmission line across City Airport Property in the vicinity of Wilkinson Boulevard and Marshall Drive as recommended by the Airport Department. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF STRUCTURES LOCATED ON LAND ACQUIRED BY THE CITY OF CHARLOTTE FOR THE AIRPORT EXPANSION PROGRAM.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution authorizing the sale of structures located on land acquired by the City of Charlotte for the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 7, at Page 377.

CONTRACT BETWEEN THE CITY OF CHARLOTTE/MODEL CITIES DEPARTMENT AND CHARLOTTE CITY COACH LINES, INC. TO PROVIDE TRANSPORTATION SERVICES WITHIN THE MODEL NEIGHBORHOOD.

Councilman Whittington stated when Council was talking to various City Manager candidates from across the country, one of the things talked about was this type of transportation. One they talked to in particular said the bus company in his particular city agreed to a five cent fare, and the number of passengers quadrupled, and the bus company became a profit-making organization. That this took a lot of cars off the streets and the bus company was rendering a real service to the community. He stated this is something that Council should have Mr. Hoose and Mr. Burkhalter to do with our own City Coach Line to see if this type of service can be promoted all over town. That he does not believe we should have it for one group and not have it for everyone else.

Mayor pro tem Alexander stated there is one problem and that is the problem of this being funded through Model Cities Program. Councilman Whittington stated he understands that and it would have to be funded by city funds; that this is not an immediate thing but is something that can be considered later.

Mr. Burkhalter, City Manager, stated he was not the candidate Mr. Whittington mentioned. Having just subsidized \$430,000 worth of bus transportation, he recognizes it is a real difficult problem.

Councilman Short moved approval of the contract between the City of Charlotte/Model Cities Department and the Charlotte City Coach Lines, Inc. to provide transportation services within the Model Neighborhood by providing regularly scheduled morning and evening peak-hour bus service, five days a week, and unscheduled services on 24-hour advance notice for special activities, in the amount of \$16,770.00. The motion was seconded by Councilman Whittington.

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Councilman Withrow stated the first year this was approved, he understood it was a pilot program. Council has not received a report on that program and now is being asked to approve another program. Mr. Carstarphen, Assistant City Manager, stated the response the Model Cities had to this subsidized bus service was less than anticipated, and substantially less than would support continuation of the service at the first year level. Evaluation of that service basically resulted in the proposal before Council today, which is a reduced level of service. That while Council has not seen a written evaluation of the program, the evaluation has taken place in the staff and resulted in the proposal today.

The vote was taken on the motion and carried unanimously.

CONTRACT BETWEEN THE CITY OF CHARLOTTE/MODEL CITIES DEPARTMENT AND CENTRAL-PIEDMONT COMMUNITY COLLEGE TO PROVIDE ADULT BASIC EDUCATION SERVICES WITHIN THE BELMONT-VILLA HEIGHTS AREA OF THE MODEL NEIGHBORHOOD.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the subject contract with Central-Piedmont Community College in the amount of \$8,300.00 to provide adult basic education within the Belmont-Villa Heights area of the Model Neighborhood to provide a minimum of 40 adult residents with instructions in basic reading, writing and mathematics.

MAYOR REQUESTED TO WRITE ST. PAULS CHURCH EXPRESSING APPRECIATION FOR GOOD CITIZENSHIP IN PARTICIPATING IN ADULT BASIC EDUCATION SERVICES WITHIN BELMONT-VILLA HEIGHTS AREA OF MODEL NEIGHBORHOOD.

Councilman Short moved that the Mayor be asked to write St. Pauls Church a letter of thanks for their good citizenship in participating in the Adult Basic Education Services within the Belmont-Villa Heights Area of the Model Neighborhood. The motion was seconded by Councilman Withrow, and carried unanimously.

ORDINANCE NO. 141 RE-ADOPTING AND CONTINUING IN FORCE CHAPTER 11, "LICENSE", OF THE CODE OF THE CITY OF CHARLOTTE FOR THE FISCAL YEAR BEGINNING JULY 1, 1971 THROUGH JUNE 30, 1972.

Council was advised that a preliminary investigation reveals there is merit to the need for a study of the privilege license tax ordinance to update levies. That due to time constraints on printing and mailing license applications for the upcoming fiscal year, the City-County Tax Collector is recommending that Council proceed with the adoption of the ordinance and a detailed study can be made later and the ordinance amended to reflect any recommendations that Council may wish to adopt.

Councilman Whittington stated he does not think that is a very good excuse from the Tax Collector. He asked if this is adopted today, when will the study begin? Mr. Burkhalter, City Manager, replied it has already begun. Councilman Whittington stated if Council should receive the results of the study by the next Council Meeting, can the ordinance be amended and the increase or decrease effective at that time? The City Attorney replied amendments can be made at any time during the year; it does not necessarily have to be done in conjunction with the adoption of this ordinance. Mr. Burkhalter stated Council will find that most of the amendments will require State action as the State has eliminated a long list of people that the City cannot touch. Councilman Whittington asked if anyone has ever gone to the State and asked them to consider this? Mr. Underhill replied every year for the last ten years this has been a part of the City's legislative package; that the General Assembly has never acted upon that request. That the League of Municipalities has also made it a part of its legislative program since 1960, and the General Assembly has never studied the matter except to refer it to the Tax Study Committee at one time, and that Committee made a recommendation but no action was ever taken.

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Councilman McDuffie asked if Mr. Sykes gave the City Manager the list he had prepared, and Mr. Burkhalter replied Mr. Sykes had misplaced his list but he did discuss it with him orally.

Councilman Jordan moved adoption of an Ordinance Re-Adopting and Continuing in Force Chapter 11, "License" of the Code of the City of Charlotte for the fiscal year beginning July 1, 1971 through June 30, 1972. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 217.

Councilman Short stated a request has been made to make a change in piano and organ and stereo dealers. He asked the City Attorney if Council can actually do that? Mr. Underhill replied he assumes they are not totally exempt from local privilege license; that what is recommended is that some consideration be given to a charge on the gross sales; that can be done at a later time; it does not necessarily have to be done now.

ORDINANCE NO. 142-X ORDERING THE REMOVAL OF TWO ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of subject ordinance ordering the removal of two abandoned motor vehicles located at 1825 Statesville Avenue. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 218.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS 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 Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass:

- (a) Ordinance No. 143-X ordering removal of weeds and grass at 2612 East Fifth Street.
- (b) Ordinance No. 144-X ordering the removal of weeds and grass at 1001 Garringer Place.
- (c) Ordinance No. 145-X ordering the removal of weeds and grass adjacent to 2108 Roslyn Avenue.
- (d) Ordinance No. 146-X ordering the removal of weeds and grass adjacent to 1126 Clement Avenue.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 219.

ENCROACHMENT AGREEMENTS WITH STATE HIGHWAY COMMISSION FOR SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the following encroachment agreements were approved:

- (a) Encroachment agreement with the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of Monroe Road to serve Idlewild Road and Independence Boulevard at Old Monroe Road.

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- (b) Encroachment agreement with the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of Idlewild Road to serve Idlewild Road and Independence Boulevard.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE SHARON LANE WIDENING, ADOPTED.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of construction easement on property belonging to James Cole Link, located at 1911 Sharon Lane, for the Sharon Lane Widening Project. The motion was seconded by Councilman McDuffie, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 378.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of construction easement on property belonging to Allen A. Bailey and wife, Evoydeene W., located at 2231 Sharon Lane, for the Sharon Lane Widening Project.

The resolution is recorded in full in Resolutions Book 7, at Page 379.

Upon motion of Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of construction easement on property belonging to John L. Stickley, Sr., and wife, Jeannie McM., located at 2270 Sharon Lane, for the Sharon Lane Widening Project.

The resolution is recorded in full in Resolutions Book 7, at Page 380.

ACQUISITION OF PROPERTY FOR EASTWAY DRIVE WIDENING AUTHORIZING.

Councilman Jordan moved approval of the acquisition of 36.38' x 69.34' x 99.83' x 75' at 3745 Eastway Drive, from Bertha U. Funderburk (widow), for the Eastway Drive Widening, at \$8,050.00. The motion was seconded by Councilman McDuffie, and carried unanimously.

CONTRACT WITH IDLEWILD UTILITIES, INC. FOR CONSTRUCTION OF ADDITIONAL WATER MAINS AND FIRE HYDRANTS TO SERVE FOUR SEASONS SUBDIVISION, APPROVED.

Councilman McDuffie asked if the city has any written policy on master meters for water service? Mr. Bobo, Assistant City Manager, replied there is not a policy per se; that each case is evaluated as it comes up. Councilman McDuffie asked that Mr. Franklin, Superintendent of the Water Department, give Council his opinion on whether the city can discontinue the use of master meters. That some of the cities he has talked with do not allow them. He stated the city should make the extra revenue. That apartment houses, along with sewage collection, where they are in the city, get a benefit that the regular residents do not receive. That somewhere we are going to have to stop subsidizing people who live behind one meter. He requested the City Manager to talk with Mr. Franklin and get his position on this.

Councilman Jordan moved approval of a supplementary agreement, to contract dated November 12, 1962 and May 3, 1971, with Idlewild Utilities, Inc., for the construction of 620 feet of additional water mains and one fire hydrant to serve the Four Seasons Subdivision, outside the city limits, through a master meter, at an estimated cost of \$2,700.00, with the applicant to finance all pipe lines and system and will own, operate and maintain same and retain all revenues derived until such time as any part or all of the mains or systems are incorporated into the city, at which time the lines and system will become the property of the city, without cost to the city of further agreements. The motion was seconded by Councilman Withrow, and carried unanimously.

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CONTRACTS FOR THE EXTENSION OF SANITARY SEWER LINES, AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, approving contracts for the extension of sanitary sewer lines, as follows:

- (a) Contract with William Trotter Development Company for the extension of 140 lineal feet of 8-inch trunk and 1,030 lineal feet of 8-inch main to serve Eastbrook Woods, Section III, inside the city, at an estimated cost of \$9,403.85. 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.
- (b) Contract with Thrift Dye Works for the extension of 1,130 lineal feet of 10-inch main and 16,144 lineal feet of 6-inch pressure line to serve Thrift Dye Works, outside the city. The applicant will bear all cost of the project.

Approved by Community Facilities Committee on June 1, 1971.

- (c) Contract with Northside Christian School for the extension of 800 lineal feet of 8-inch main and 500 lineal feet of 8-inch trunk to serve the school property on Old Concord Road, outside the city, at an estimated cost of \$10,884.02. All cost of construction will be borne by the applicant whose deposit in the amount of \$1,088.40, which represents 10 percent of the total estimated project cost, has been received and will be refunded as per terms of the agreement.

Approved by Community Facilities Committee on June 1, 1971.

- (d) Contract with William Trotter Development Company for the extension of 797 lineal feet of 8-inch main and 704 lineal feet of 8-inch trunk to serve Eastbrook Woods, Section VI, outside the city, at an estimated cost of \$11,581.42. All costs 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.

Approved by the Community Facilities Committee on June 1, 1971.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS IN URBAN RENEWAL AREAS NO. 4 AND NO. 5, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject Change Order was approved in contract with Crowder Construction for street improvements in Urban Renewal Areas No. 4 and 5, increasing the contract price of \$287,890.31 by \$4,808.00.

APPRAISAL CONTRACTS, AUTHORIZED.

Councilman Jordan moved approval of the following appraisal contracts; which motion was seconded by Councilman Short, and carried unanimously:

- (a) Contract with D. A. Stout for appraisal of one parcel at a fee of \$375.00.
- (b) Contract with James L. Varnadore for appraisal of one parcel at a fee of \$375.00.
- (c) Contract with John Huffaker for appraisal of one parcel at a fee of \$175.00.
- (d) Contract with Charles E. Owens for appraisal of one parcel at a fee of \$175.00.
- (e) Contract with W. L. Frickhoeffler for appraisal of one parcel at a fee of \$150.00.
- (f) Contract with Alfred E. Smith for appraisal of one parcel at a fee of \$150.00.
- (g) Contract with Leo H. Phelan, Jr. for appraisal of one parcel at a fee of \$150.00.

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- (h) Contract with William W. Finley for appraisal of one parcel at a fee of \$150.00.
- (i) Contract with T. R. Lawing for appraisal of one parcel at a fee of \$150.00.
- (j) Contract with B. Brevard Brookshire for appraisal of one parcel at a fee of \$150.00.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

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

- (a) Knollgate Drive, from 190 feet south of centerline of Coronado Drive to 400 feet north of centerline of Coronado Drive.
- (b) Coronado Drive, from 190 feet west of centerline of Knollgate Drive to 210 feet east of centerline of Farmingdale Drive.
- (c) Farmingdale Drive from centerline of Coronado Drive to 200 feet north of centerline of Galenda Court.
- (d) Galenda Court, from Farmingdale Drive to end of cul-de-sac 180 feet east of Farmingdale Drive.

REQUEST OF THE SUPERINTENDENT OF THE BUILDING INSPECTION DEPARTMENT TO DESTROY CERTAIN PERMITS WHICH HAVE BEEN MICROFILMED, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, certain permits which have been microfilmed were authorized to be destroyed by the Superintendent of the Building Inspection Department with the permission from the State of North Carolina Department of Archives and History.

CLAIM BY MR. JOHN B. WHISNANT FOR PROPERTY DAMAGE, DENIED.

Councilman Whittington moved that the subject claim, in the amount of \$545.00, by Mr. John B. Whisnant, for alleged property damage when the sewer line in his neighborhood caused his home to be flooded by water overflowing from his bathtub and commode, be denied, as recommended by the City Attorney. The motion was seconded by Councilman Short, and carried unanimously.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED FOR ONE YEAR TO MR. FIELDON F. ELLIOTT.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, to renew a Special Officer Permit to Mr. Fieldon F. Elliott, for a period of one year for use on the premises of SouthPark Shopping Center.

TRANSFER OF CEMETERY LOTS, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Calhoun, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mr. Thomas Pierce Hayes and wife, for Graves No. 3 and No. 4, in Lot No. 440, Section 6, Evergreen Cemetery, transferred from Mr. W. L. Capps and wife, at \$3.00, for transfer deed.
- (b) Deed with Mr. W. L. Capps and wife, for Graves No. 1 and No. 2, in Lot No. 440, Section 6, Evergreen Cemetery, at \$3.00, for new deed.
- (c) Deed with Mr. and Mrs. Ronald E. White for north 1/2 of Lot No. 19, Section X, Elmwood Cemetery, transferred from Mrs. H. Earl White, at \$3.00, for transfer deed.

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CONTRACT AWARDED HICKORY CONSTRUCTION FOR THE PROPOSED RETAINING PILES TO RETAIN THE SOUTHERN RAILWAY SWITCHLEAD BETWEEN EAST TRADE STREET AND EAST FOURTH STREET.

Councilman Jordan moved award of contract to the low bidder, Hickory Construction Company, in the amount of \$78,940.00, for the proposed retaining piles to retain the Southern Railway Switchlead between East Trade Street and East Fourth Street. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Hickory Construction Company	\$78,940.00
Southern Foundation Corporation	81,440.00
Crowder Construction Company	81,565.00
F. A. Triplett, Inc.	95,828.88
Blythe Brothers Company	101,640.00

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR FOUR MATERIAL SPREADERS.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, A. E. Finley & Associates, Inc., in the amount of \$10,028.00, on a unit price basis, for four material spreaders.

The following bids were received:

A. E. Finley & Assoc., Inc.	\$10,028.00
N. C. Equipment Co.	12,300.00
E. F. Craven Company	12,832.00

CONTRACT AWARDED STETSCO SERVICE COMPANY FOR PAINTING TWO ELEVATED WATER TANKS.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded to the low bidder, Stetsco Service Company, in the amount of \$10,694.00, on a unit price basis, for painting two elevated water tanks.

The following bids were received:

Stetsco Service Company	\$10,694.00
Charlotte Tank Lining Co.	12,340.00
Petroleum Tank Service, Inc.	16,800.00

CONTRACT AWARDED BROWN CONSTRUCTION FOR ADDITION TO IRWIN CREEK SEWAGE TREATMENT PLANT.

Councilman Short moved award of contract to the low bidder meeting specifications, Brown Construction Company, in the amount of \$197,200.00, for addition to Irwin Creek Sewage Treatment Plant. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Brown Construction Co.	\$197,200.00
Crowder Construction Co.	204,900.00
C. W. Gallant, Inc.	209,300.00
Hickory Construction Co.	215,000.00

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CONTRACT AWARDED BEAM ELECTRIC COMPANY, INC. FOR THE ADDITION TO IRWIN CREEK SEWAGE TREATMENT PLANT.

Motion was made by Councilman Jordan, seconded by Councilman Calhoun, and unanimously carried, awarding contract to the low bidder, Beam Electric Company, Inc., in the amount of \$5,478.00, for the electrical work for the addition to Irwin Creek Sewage Treatment Plant.

The following bids were received:

Beam Electric Co., Inc.	\$ 5,478.00
National Electric Co., Inc.	5,600.00
Electrical Contracting & Engineering Co., Inc.	7,330.00

NOMINATION OF WILSON BRYAN TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO REMAIN OPEN UNTIL NEXT COUNCIL MEETING, AND MRS. JOHN BLANTON RE-APPOINTED FOR A THREE YEAR TERM.

Councilman Withrow stated he would like to hold the nomination of Mr. Wilson Bryan to the Planning Commission open for two weeks until someone else is nominated.

Councilman Short stated that Mrs. Blanton's term will expire on June 30 and that she would like to be re-appointed to a three year term; that she was filling out an unexpired term, and under his motion, she will be appointed to a full three year term.

Councilman Short moved the re-appointment of Mrs. John Blanton to the Planning Commission for a three year term. The motion was seconded by Councilman Whittington, and carried unanimously.

MAYOR AND COUNCIL REQUEST THAT AN APPROPRIATE PLAQUE BE PLACED IN THE IBM CORPORATION BUILDING ON PARK ROAD INDICATING IT IS THE BIRTHPLACE OF NOTED EVANGELIST, BILLY GRAHAM.

Councilman Calhoun stated he understands that the IBM Building in Charlotte on Park Road is being erected on the site of the actual birthplace of the noted evangelist, Billy Graham. He stated Mr. Temple has received a request that an appropriate plaque be placed in this building to indicate that it is the birthplace of Billy Graham. Councilman Calhoun stated the IBM Corporation thinks well of this idea but they want a formal request on the part of the Mayor and City Council before they do so. It has been suggested that a resolution be passed requesting that this be done.

Councilman Calhoun moved that a letter be written to IBM requesting that this be done. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER REQUESTED TO ASK CHAIRMAN OF THE COLISEUM AUTHORITY TO SEND REPRESENTATIVE TO NEXT COUNCIL MEETING TO DISCUSS A BUDGET FOR THE COLISEUM.

Councilman McDuffie requested Mr. Burkhalter, City Manager, to ask the Coliseum Authority Chairman to send a representative to the next meeting of Council to discuss whether or not they will agree to having a budget, and if not, to explain their feelings on the matter.

REQUEST THAT GRASS IN URBAN RENEWAL AREAS AND ON STATE HIGHWAY PROPERTY BE CUT.

Councilman McDuffie stated he has been concerned about why the grass is not cut on Independence and some of the other areas where urban renewal or the city is responsible for the property. He stated he hopes the city can have some communication with urban redevelopment as to what their position is on the Independence Boulevard properties where the grass grows out over the sidewalk. That this is not a very good example for the rest of the citizens to keep their grass cut. He asked the City Manager to give him the position of the State Highway on their maintenance inside the city on grass. He stated the place down by the YMCA should be a beauty spot and it is a sore spot. He stated it is never cut until it is three weeks or a month later.

SUGGESTION THAT LAW ENFORCEMENT OFFICERS BE GIVEN JURISDICTION TO GO ON PRIVATE PARKING LOTS TO INVESTIGATE ACCIDENTS.

Councilman Withrow stated he has received a lot of calls about people who park in private parking lots such as K-Mart, Coliseum and the different lots where people bump their cars and have accidents. He asked if the City can do anything to give law enforcement people jurisdiction to go in and decide who is at fault in these cases. The City Attorney advised it will require some change in the state law. Councilman Withrow stated he thinks the city needs this jurisdiction as a number of people are having their cars bumped, doors caved in and such and they have no way to file a claim against the person who damaged their car. Something needs to be done to protect these people.

Mr. Burkhalter, City Manager, stated the only difference is that the police do not make the investigation of the accident; they do not collect the damage or do any of the other things involved in filing the claim.

PLANNING COMMISSION TO INVESTIGATE REQUEST TO CHANGE NAME OF PORTION OF THRIFT ROAD TO TUCKASEEGEE ROAD.

Councilman Whittington stated on the request of several citizens on the west side of town, he would like Mr. Burkhalter to ask the Planning Commission to consider Tuckaseege Road which begins at the intersection of West Fourth Street and then goes to a point where it intersects with Berryhill, and then Berryhill goes on in a southwesterly direction and Tuckaseege goes off in a northwesterly direction. The question is should that portion of Thrift Road also be called Tuckaseege Road.

He stated he is merely suggesting that the Planning Commission investigate Thrift Road, Tuckaseege Road and Berryhill Road which all come together and go off in different directions and all have different names after they do so.

LETTER OF COMPLAINT ABOUT CONDITION OF PARK ON CRAIG AVENUE REQUESTED REFERRED TO PUBLIC WORKS DIRECTOR, PARKS AND RECREATION COMMISSION AND COMMUNITY IMPROVEMENTS SECTION.

Councilman Whittington stated all members of Council have received a copy of a letter from a Mrs. Patricia A. Brownd, at 3510 Craig Avenue, in which she was complaining about the money the city is spending for beautification and not doing anything about litter and broken glass and debris in our parks. That she cited particularly the Oakhurst Park on Craig Avenue.

Councilman Whittington requested the City Manager to refer Mrs. Brownd's letter to Mr. Hopson, Public Works Director, and to the Park and Recreation Commission and perhaps Chris Griffin, Community Improvements, for some action to try to get that particular park cleaned up.

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CITY MANAGER TO CONTACT PEOPLE INVOLVED AND NOTIFY THEM THAT THE COURTHOUSE REPLICA WILL BE PLACED IN THE GOVERNMENTAL PLAZA.

Councilman Whittington stated when Council talked about the replica of the Mecklenburg County Courthouse some time back, we stated we wanted to put this courthouse in the Governmental Plaza. That this is included in the minutes of Council and in the minutes of the Governmental Plaza Committee.

Councilman Whittington stated he would hope that Council would concur that this Courthouse Replica be placed in the Governmental Plaza. This is where it should be as it will be a governmental plaza and will be a historical park with an amphitheater. For the City to put this replica in a commercial project such as Carowinds, or to move it anywhere else, other than the Governmental Plaza, would be a mistake.

Councilman Whittington stated with the agreement of Council, he would like to ask that the City Manager see whomever he should see about this particular courthouse and notify the particular people that it will be placed in the governmental plaza, and then contact J. N. Pease & Company, the architects for the Governmental Plaza, and notify them of the Council's intent.

Mr. Bobo, Assistant City Manager, stated the replica has been turned over to the City by the Centennial Committee, and the City made arrangements some months ago with the Redevelopment Commission to transport it to the Governmental Plaza.

PLANNING DIRECTOR REQUESTED TO DISCUSS CHANGES RECOMMENDED IN SUBDIVISION ORDINANCE AS IT RELATES TO THE REPORT ON PEDESTRIAN SAFETY, AND FINANCE DIRECTOR TO MAKE RECOMMENDATION ON HOW MUCH BOND ISSUE COULD BE SUPPORTED BY \$100,000 A YEAR.

Councilman Short stated in connection with the report on Pedestrian Safety by the Sidewalk Committee, he would suggest to the City Manager that we ask Mr. McIntyre or Mr. Bryant to come into Council at a conference session and discuss the changes recommended in the subdivision ordinance. That there are several changes mentioned by Mr. Campbell and Mr. Horack. That he would also suggest that Council get information from Mr. Jack Fennell, Finance Director, as to how much bond issue could be supported by \$100,000 a year, and this information be given to Council for use in its planning and its consideration of the report that has been submitted to Council today.

Councilman Short stated he has in mind perhaps getting together this \$50,000 plus \$50,000 that is mentioned here, and use it on a pay-as-you-go basis for a while and someday when we are having a bond issue, perhaps we can use this same amount of money to implement the bond issue. That this is a suggestion some of Council had in mind some years ago when it first got into this sort of discussion.

DISCUSSION OF PEDESTRIAN SAFETY STUDY REPORT AS IT RELATES TO SIDEWALK CONSTRUCTION AND CITY MANAGER REQUESTED TO GIVE COUNCIL HIS RECOMMENDATIONS IN WRITING IN TWO WEEKS.

Councilman Short moved that the City Manager and city administration, and particularly Mr. Hoose, Traffic Engineer, be instructed by Council to reinstitute the program they previously had for keeping clear the right of way - this would be those portions of the street where the public would walk, that is, the unpaved portion, or that portion of the right of way not used by vehicles. That the slides which were shown in the Conference Session speak for themselves, and if Council does not do this, it is just forcing citizens and children to walk out in the street. The motion was seconded by Councilman McDuffie.

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Councilman McDuffie asked if there is any time limit on when Mr. Hoose will enforce this? Mr. Hoose replied there is no time as it involves an investigation. In some cases, it involves a location of the property line to find out where the right-of-way is in order to move the fence back. That one of the first things they will do is to stop anything that would go in the way in the building of fences. That they give a ten-day notice or two weeks to have it moved. That they also would have to notify people who sell the fences that they should not sell past the property line. That this was one of the fallacies last time as they said they could put the fence anyplace they wanted to because it became a sale of fence. In some cases, it will involve a little discussion and a lot of backing up from Council. He stated they tried to handle it very discreetly last time and in two or three sections did a remarkable job and ran into a little trouble in Hidden Valley. That they did get about 35 of 60 people to do it without anything at all; then they ran into one and from then on, it bogged down.

Mayor pro tem Alexander asked if Mr. Short's motion is approved today, it would mean that enforcement of this motion would be the city's responsibility to instruct everyone who has fences and shrubbery and everything else in this right of way to remove it? Councilman Short replied this is indeed it; that it is a right formable thing. On the other hand, the way it is now, we are keeping the public off the public's land, and not only that but forcing the public out into a situation of danger.

Mayor pro tem Alexander stated there is no point in Council passing a motion if we are not going to see that it is enforced. That Council has done too much in passing motions to pacify someone's demands and yet has never seen that it is enforced. That this motion covers the whole town and it means there will be a wholesale of citizens putting fences back and digging up shrubbery and things of that sort. That he wants to be sure Council understands what it is doing, and is ready to tell everyone who has to see that the ordinance is enforced that it is done. If this is not going to be done, there is no point in making the motion. That he thinks it can be taken care of better by going into the sidewalk proposal and let a normal notice be given to the public to no longer plant anything on this right-of-way and stop the fence companies from building out that far. That he thinks we are making ourselves look like monkeys to pass this motion unless we are going to enforce it.

Councilman Jordan asked if this is going back under the grandfather clause and all these people who have these fences and things will have to tear them down? Mr. Hoose replied there is an ordinance now which says they cannot do it. The fact is the city has not enforced the ordinance; that he thinks Mr. Short is saying we should have enforced this ordinance which they attempted to do. Now it has gotten out of hand.

Mayor pro tem Alexander stated his point is whether we are going to enforce what we have without another motion. Councilman Short replied he is saying that the City recommence the enforcement program of the existing ordinance.

Councilman Jordan asked if ^{if} the city is going to go to the people who have the fences and shrubs and make these people take them up and move them back? Mr. Hoose replied if it is in the sidewalk area; that this is one of their problems. Mayor pro tem Alexander stated we have to begin somewhere but we have to use some judgement because out of our own negligence, we have what we have today.

Councilman Withrow stated he would like to leave this until we begin building the sidewalks. He asked what we will do with the grass between where the fence is moved back and the street; the city will have to keep all that grass mowed. Mr. Hoose replied most of the property owners do that themselves in areas where we have them.

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Mr. Hoose stated this can be handled discreetly; that it should be cleared from the right of way because if it is not being stopped now, and they attempt to and the property owner says, well, the man down the street has his fence, then I'm going to build my fence out. That the city has miles of this right now. It is not only in one section. There is one section that is very bad. There have been two or three bad accidents. One was very bad when a child got off the bus and there was only 12 inches between the bus and the fence; that happened this year. In some areas, it is going wholesale. There will be a five or six foot limit for a walking area, and they will go to the people and say give us a place to walk; that is all they are asking. That they are not going out and say clean out the eleven feet, twelve feet or eighteen feet you have. Mr. Hoose stated in some cases, the city's right of way is six feet, fourteen feet or twenty feet. It varies.

Councilman Withrow asked Mr. Short if he will change his motion and let Mr. Hoose handle this discreetly? Councilman Short stated he does not think this is exactly a situation where you can put it on a grandfather clause. When you have a child wedged in between the fence and a bus, you cannot say, well, this is something that came before we decided to get strict. That he thinks it has to be handled comprehensively. We have the prevention feature, but it has to be handled for the past and the future.

Mayor pro tem Alexander stated there is an ordinance to prevent anyone from building in this right of way, but it is not being enforced. The only point is how to begin enforcing an ordinance that has never been enforced. Mr. Hoose replied last time his office sent out a letter stating the ordinance and saying the property owner was in violation of the ordinance, and the city would appreciate it if they would move back.

Mayor pro tem Alexander stated this was only in cases where it impeded traffic. What Council is talking about now governs everything. Councilman Short replied his motion is to recommence what Mr. Hoose was doing before. What he was doing before was a discreet, careful, reasonable effort to get some walking space in these areas. Mayor pro tem Alexander stated he would like for Mr. Short to not make any motion today and then see how the city can best approach what it has been negligent in doing over the years. Councilman Withrow suggested that from here on fences can be built only on the property lines; and then, if the city builds the sidewalks, make the other people move it. Why not let Mr. Hoose handle it and say from here on out fences cannot be built on city property.

Mr. Burkhalter, City Manager, stated if people turned over to the city all the right-of-way it owns to maintain tomorrow, the city could not afford it. From time immemorial, people have beautified city-owned property. This is something you want them to do. That there are two areas in which this normally becomes a problem. One for site distance in safety in driving, and the other is for sidewalks and sometimes for necessary widening. Normally, you would not, under any circumstances, allow people to build a fence on your right of way. Any man-made improvement should not be permitted on any right-of-way. That he thinks Mr. Hoose and the Public Works Department should be instructed that no permits or anything be given for any man-made improvements on street right-of-ways.

Councilman Whittington stated this is the meat of the whole thing. If the city was required tomorrow to maintain all the right of way of these streets, it could not do it. That as long as he can recall in this city, people who front on a street or side upon the street, looked upon that property to the curb as theirs; they have mowed it and beautified it. If Mr. Short will amend his motion to say that the city will remove or stop the erection of anything man-made in the city right of way, he will vote for it. But we can not do what Mr. Short intends to do until we get into the permanent sidewalks on both sides of residential street and thoroughfare streets such as Park Road and others. Council will be down here in a fight every Monday. This is a city of beautiful homes and gardens.

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Mr. Burkhalter stated it would be very poor policy to go out and just start clearing whether it was needed for use or not. But where a sidewalk is necessary for safety tomorrow, then the city should proceed to remove the obstruction. Councilman Short stated what he has tried to say is that Mr. Hoose recommence doing what he was doing before; that what he was doing before was done in a careful, reasonable way. That if you want specifics on this, suppose we incorporate the man-made structure type feature and also vegetation which completely blocks passage. This would include things such as a hedge. He asked Mr. Hoose if the motion could be on that basis? Mr. Hoose replied it can be; all Council has to do is to back him on enforcing the ordinance. That a walkway could be back of a bush or a crepe myrtle; that he is not saying it has to be right out at the curb. That when a child has to walk out in the street because of an obstruction, then he thinks it should be removed.

Mayor pro tem Alexander stated everytime a building permit is issued, the people can be told that they cannot build in the right of way.

Councilman Short amended his motion to say that Council ask Mr. Hoose to recommence his program on the basis that man made structures will be removed and the ordinance will be enforced to this extent, and also vegetation matter will be asked to be removed when it completely blocks passage on the public right of way. Councilman Jordan stated this is still the same; that Mr. Whittington and Mr. Withrow have asked him to amend his motion that when you begin to build a sidewalk, if there is a fence there, then have them remove it; that the City Manager has said you cannot, under any circumstances, take care of all the city right of way right now.

Councilman McDuffie made a substitute motion to ask Mr. Burkhalter to give Council his recommendation in writing in two weeks to conform to what Mr. Hoose can do and what Council might do. The motion was seconded by Councilman Calhoun and carried unanimously.

CITY ATTORNEY AND CITY MANAGER REQUESTED TO WRITE DELEGATION AND INFORM THEM COUNCIL WILL USE THE PROPOSED HOTEL-MOTEL TAX FOR THE PURPOSE OF ERECTING PEDESTRIAN SAFETY DEVICES.

Councilman Whittington moved that the City Attorney and the City Manager write the Chairman of the Delegation saying it will be the purpose of Council, if the motel-hotel tax is passed, to use monies from this tax for the purpose of erecting new sidewalks, bike trails, pedestrian walkways and pedestrian safety devices. The motion was seconded by Councilman Short, and unanimously carried.

PEDESTRIAN SAFETY STUDY REPORT APPROVED.

Councilman Jordan moved that the Pedestrian Safety Study Report submitted in the Conference Session be approved. The motion was seconded by Councilman Short, and carried unanimously.

STATEMENT BY COUNCILMAN JORDAN REGARDING GARBAGE AND TRASH PICK UP.

Councilman Jordan made the following statement:

"There is a movement to start charging a \$5.00 fee to pick up trash on the street if it is not, according to the workers, tied up properly. I definitely do not agree with this. I think people are paying enough money in taxes for the services they are receiving. Many people have called this week concerning their garbage service. They are completely dissatisfied anyway without the \$5.00 payment for extra pick-ups. Some people have told me the route men have finished their sections by noon and stop work at this time. Some have said they take the time to separate garbage that is in their cans and leave things they don't want to take. If the garbage is not placed

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exactly right nor prepared right, then it is left on the street. Some say they have put garbage out and it was not picked up all week. Ride around Charlotte and look at it on garbage days. We have lost the name of the beautiful city with ugly garbage cans in front of every home.

I am real concerned about the garbage service and sincerely feel we should go back to the old service of picking up all garbage from the back of the homes. I surely do not think a person should cut down a tree or have large limbs and expect our servicemen to pick them up.

This also includes old appliances or great piles of trash. Most people are willing to pay to have these things hauled away because it does not come under the heading of "garbage". We can have crews or private enterprise for this service. The public should be given a phone number to call for this extra service.

I would like to make a motion that we take this matter up immediately and see if we can go back to the old pick-up service; what it will take in the way of money. I believe our citizens are more deserving and due the best service we can give them and I think we can, with the help of the sanitation workers, do it! Forget the red bows on the shrubbery cuttings. Also open landfills on Saturday and Sunday for people to take trash out, and let them dispose of it."

Councilman Jordan stated he talked with Mr. Hopson last week about people taking garbage out to the landfill on Saturday and Sunday. That he hears when these people get out there, the person on duty will not let them unload it. That he has heard this many times this week. That a man stopped him and the Mayor on the street this week and said he had tried to dispose of garbage the previous Saturday and the attendant would not let him dispose of it.

Mr. Hopson replied if that is true, then the man made a mistake as the orders are to keep the landfill open until 4:00 o'clock on Saturday. In addition, there are three to five large containers where small amounts of household garbage can be disposed of. That these are available all the time as it is outside the fence. He stated he will again re-iterate with his people they are to let the trucks in if they are covered. He stated he has checked some of the complaints and has found it was the lack of cover, and has told them to go back and let them dump.

Councilman Jordan stated just this past week, he has gone all over the city on the days the garbage and trash were supposed to be picked up and with all this trash out for two or three days a week, we do not have a beautiful city any more. Mr. Hopson stated if you look back a year ago today, trash that was shown in those pictures today was all over the city in that condition; before the ordinance. That they are getting to every home in this city three times a week right now. If the trash is prepared in any reasonable manner and it is not picked up, then it is the foreman's fault in not telling that householder what she will have to do to comply. Everything north of Independence is collected on Mondays and Thursdays from the backyard. Everything south of Independence is collected on Tuesdays and Fridays. That is in every backyard in the City of Charlotte. A year ago today they were getting into the backyard once a week, with a little luck, and curb service once a week, with a little luck. In addition, every Wednesday, any trash that is set at the curb, they pick up. Mondays the crews are working 8-10 hours a day; Tuesday, they are working 8-10 hours a day. They are working real long and hard days. Wednesdays, the crews do get in around 1-2 o'clock. On Thursdays and Fridays, they get in about the same time. They are putting in 32, 36 and 38 hours a week. He stated they are working with their consultants all the time to try to equalize these routes. That he thinks we do forget what was happening a year ago before the ordinance went into effect.

Mr. Hopson stated he has just checked the number of service calls they have received in the last four months, and they are down over 50%. Councilman Jordan stated he is not saying that he can cut down a tree and put it in the front yard and expect the city to pick it up that he feels he should pay to have that picked up. If he put old furniture or old appliances out on

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the street, he does not expect the city to pick up that unless he pays for it. But he does not know anyone in private enterprise to call to pick it up. Mr. Hopson stated they have tried to find someone who is interested; but until they can get enough material to pick up, they are not going to send out trucks to pick up. Councilman Jordan replied then, it will stay on the street. Mr. Hopson stated that is the reason the committee is working on some of this subsidized charge. The Committee will come up with its recommendation. The only person they could get who was interested in picking up this type of refuse was the largest private scavenger in the city and they said the minimum would be \$100 a day for a man and a truck.

Councilman Jordan stated this is nothing against Mr. Hopson, or the garbage workers, but Council is receiving more complaints and more problems with the garbage and pick up now than he can remember in all the years he has been down here. That he receives this all the time and he is sure other members of Council do. Councilman Jordan stated all he is doing is asking that a survey be made to see if we can improve this service.

Mr. Hopson stated Durham, Greensboro and Raleigh are doing the same thing that Charlotte is doing now. Councilman Jordan stated he knows these other cities are doing these things; but he would like for Charlotte to do something on its own some time. That he always hears that Winston Salem is doing this and Raleigh is doing that and someone else is doing it; that he gets a little fed up with the idea that we have to do something that Winston Salem or Raleigh is doing. That he wants Charlotte to do something.

Mayor pro tem Alexander asked that the Litter Committee be given an opportunity to report to Council on this matter. That it is unfair to assign a committee to do some work and then anticipate their work and never give them a chance to give a report. That we should hear the Committee and if we are not satisfied with what they say, then we have to treat the problem.

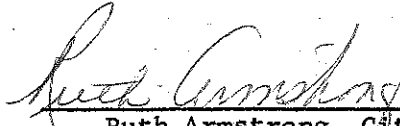
Councilman Short stated the Committee will study and already had in mind to consider immediately, and in fact Mr. Hopson and he talked last Friday of what it would cost to resume the former type of service. That will be included in the Committee's report.

ANNOUNCEMENT OF DRUG ABUSE CONFERENCE ON JUNE 15 AND 16 AT WHITE HOUSE INN.

Mayor pro tem Alexander stated the Drug Abuse Conference will be held in Charlotte on June 15 and June 16 at the White House Inn. It is in conjunction with the city's drug abuse program. That the Deputy Director of the Bureau of Narcotics and Dangerous Drugs will be present. That Mr. Charles Dunn, Director of North Carolina State Bureau of Investigation, will participate. That the Conference is sponsored by the City Community Drug Action Committee which is Chaired by Mr. John Ryan. He asked that each Councilmember spend some time at the conference.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk