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

ABSENT; None.

* * * * *

INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

MINUTES APPROVED, AS AMENDED.

Councilman Short requested that the Minutes of the regular meeting on April 19, 1971, be amended to include the following discussion on the subject of the CATV franchise transfer on Page 202:

"Councilman Short stated he would like to ask Mr. Braun a question about the basic industry. That the second order and report which Mr. Fleming has given to Council mentions on the first page 'advertising being authorized in certain points in the program.' He asked if the idea is to divorce cable casting and broadcasting to create a situation where there will be a second TV system with more carefully controlled advertising and a greater emphasis on pay by subscribers? Mr. Braun replied that is not the aim; the Commission very wisely saw that cable television in the city is an entirely different animal where it simply provides a supplementary antenna service. Under the circumstances in the city where it can and does make a selective appeal to an audience not only possible but feasible and a reality, it then becomes possible to selectively program to a very small audience that would never even be remotely practical for the broadcaster as he cannot do this as he does not have enough hours of service. Cable provides multiple channels of access to the same cause, and thereby allows very narrow casting, and provides potentially a whole power of new service. This is what the Commission realistically has addressed itself to in the most recent proceedings which puts their focus on this."

Motion was made by Councilman Short, and seconded by Councilman Withrow, to approve the Minutes of the Regular Meeting on April 19, 1971, as amended and the Minutes of the Special Meeting on April 23, 1971, as submitted.

The vote was taken on the motion and carried unanimously.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO BOYCE W. HELMS, EQUIPMENT OPERATOR, SANITATION DEPARTMENT, ON RETIREMENT.

Mayor Belk recognized Mr. Boyce W. Helms, Equipment Operator, in the Sanitation Department, and presented him with the City of Charlotte Employee Plaque. He stated Mr. Helms was employed on November 27, 1967 and retired April 2, 1971.

FOREIGN EXCHANGE STUDENTS RECOGNIZED AND SOUVENIRS PRESENTED TO MAYOR BELK.

Mrs. Elsie Byrum, Executive Director of Charlotte Exchange Student Program, stated they are very happy to be present today. She stated it is not often that foreign students have the opportunity to observe a City Council.

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She presented the following exchange students:

Carlo Tasso, Italy	Horst Haar, Germany
Madeleine Ribbing, Sweden	Ana Maria Kraan, Argentina
Heidi Forsman, Finland	Maria Gonzalez, Argentina
Hans Fundingsrud, Norway	Sylvie Olivier, France
Erika Meier, Switzerland	Susanne Kraus, Germany

Carlo Tasso from Italy presented Mayor Belk with a souvenir and a letter from the City of Udine, Italy.

Mrs. Byrum stated she has recently returned from South America. That the Mayor of Mendoza, Argentina has given her a medal which she would like to present to Mayor Belk. She also presented him with a letter and stated it has been translated. Mrs. Byrum stated it is very nice to be here and they look forward to many years ahead working with this group.

Mayor Belk expressed appreciation to the students and to Mrs. Byrum and stated he and Council appreciate the fine work they are doing and look forward to seeing more of the students while they are in Charlotte.

ACTING CITY MANAGER, CITY ATTORNEY AND SUPERINTENDENT OF INSPECTION DEPARTMENT TO MEET AND DISCUSS QUESTIONS RAISED BY CITIZEN REGARDING THE HOUSING CODE.

Mrs. Miriam Dunbar stated she has a rather legal looking instrument which she received by certified mail from Mr. Cuthbertson, Chief Housing Inspector. She stated it is rather confusing. That this is a complaint notice which says that the house she owns at 1408 North Davidson Street is unfit for human habitation because of a housing code adopted January, 1962. She asked in view of the fact that it refers to the 1962 Housing Code and it is her understanding that was revoked when the new housing code was adopted if she has a legal document? That it does not say it is not in compliance with the current housing code; it says it is not in compliance in certain respects with something that has been revoked.

Mrs. Dunbar stated it has been five months since the new ordinance was passed and to date copies are not available to the public; that she cannot get one. That she would like Council to take some kind of action to make copies available so they will know what they are doing wrong.

She stated there is another amendment to the old code which she thinks the City Council meant to have included, but it did not get included. That during the last discussion on the Housing Code, Mr. Withrow brought up the question as to whether or not the owner must supply the heat for a building. That Mr. Selden said this could be delegated to a tenant. That he went on to ask who would decide what adequate heat would be, and the answer was that if the tenant is satisfied with the heat supplied, you have completed your responsibility. However, that is not included in the amendment, and it is not in the hands of the Building Inspectors, and they are operating on the basis that the owner is responsible for supplying the heat. If it is the intent of this Council that that not be a part of the housing code in view of the fact that no formal motion was made on this, she wonders if the Council wants to correct that by having a formal motion so that the amendment could be included and you could do what you thought you were doing in the first place.

Councilman Whittington requested the City Attorney, Mr. Bobo and Mr. Jamison, to have a meeting and clear up these discretions Mrs. Dunbar has brought up, and if necessary then ask for a motion at the next Council Meeting.

Mrs. Dunbar stated this is the third time in the last two and half years that they claim they have inspected this house. The first two times the letter revealed they had not even been in the house because they said certain things were there that were not there. This last time they did go in because it is accurate. However, they tell her they can go in there every two weeks if they want to. If she makes these corrections, and they are all minor, what is to

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keep them from going back in there; what protection will she have. What protection does the owner of a piece of property have from them running in every two weeks and finding something else wrong. This house is 30 years old. Mr. Cuthbertson, himself, just told her that you can walk into a brand new house and find something wrong with it. That the Council Members know, the Building Inspection Department knows and the public knows that the housing code passed is one that not a house in Charlotte can meet. In view of this fact, anytime they want to select a house, they can constantly go in on one house and have inspection after inspection when there are other sections in town that have not been looked at in 15 or 20 years. She stated if she makes these corrections, what protection will she have to keep them from running back everytime she turns around and sending her another letter with a notice.

Mrs. Dunbar stated she thinks there should be some legal steps whereby it would apply not just to her as it is happening to other people. That she is not saying this is illegal; that she is saying the housing code passed is ridiculous and it sets up things whereby people can be harrassed. The only way to protect the property owner is to change or amend the housing code which is now on the books.

Councilman Withrow stated he thinks Mrs. Dunbar has a legitimate complaint. That he thinks when Mr. Bobo, Mr. Jamison and Mr. Underhill get together they should study this. He stated he has received a lot of calls because of the stand he took when the ordinance was adopted.

Mrs. Dunbar stated she has been informed today that when a tenant has not paid his water bill or his light bill, that the Inspection Department can go in and make them move. This, they say is within their rights because they claim the Housing Code says you must have lights and water. She stated even though you have supplied it, if they do not pay their bill and it is turned off, this can turn into a harrassment problem. She stated every tenant she gets sometime or other has his lights or water turned off. That right now she is working with Duke Power to keep them from turning off on the current tenant. That is not fair. She stated she would be back down here every six months if some of these things are not corrected; that if she is not here someone else will be here.

She stated it seems if you are on the selling end and the City of Charlotte wants to buy your property, it does not have any value. But when paying taxes, it does have value. On this particular house which is said to be unfit for human habitation, the taxes and the valuation have been raised on it. If it is not fit for human habitation, she does not think she should even pay taxes. Another point is that she has a lot which the City bought some right of way on; the Right of Way Department told here it was valueless because it had a big Duke Power line right through the middle of it and they offered her a token \$50.00 for 1,250 square feet. Even though they said the lots were valueless at that time and they took 1,250 feet, leaving a lot that does not have the square footage to meet the city's requirements for a house, they have more than doubled the valuation on the lot so that she now has that much more taxes to pay on a piece of lot which you say does not have a value.

Councilman Thrower stated he would like to make something absolutely clear for the public to hear. That this City Council, nor does any other City Council in the State of North Carolina, have any responsibility or authority to set property tax evaluations. This is a responsibility of the county government; the county government has done this, and no one could possibly know whether their taxes are increased or decreased until the City Council makes it's budget at the end of July of this year.

Mrs. Dunbar stated she is trying to point out that you hire city appraisers; you send two city appraisers out to decide the tax value; they say the property is worth a certain amount of money. You also send two city appraisers out to determine how much it is worth if you want to buy it. They come back with two opposite evaluations. City money has been paid for four people to look at a piece of property. One says it is valueless and the other raised it, doubled it from what it was to begin with.

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Councilman Short stated Mrs. Dunbar said that "they" had said to her that someone could be thrown out of his house for failure to pay a water bill. Mrs. Dunbar stated Mr. Cuthbertson, Chief Housing Inspector, told her that; that she did not know it before. That this house was a three bedroom house until the City said the bedroom had to be seven feet instead of six and a half feet. Now that bedroom is no longer useable and she can only use it for storage, and she did not see why she had to fix the light fixture in it. But they sent her a notice that said she had to fix the light fixture. And he says not only does she have to fix the light fixture, but if the lights were not on, they can throw the tenant out. Councilman Tuttle replied that is a technicality; that no one would do that anticipating paying the bill. All the Code is saying is there must be running water in the house, and if the bill is not paid and there is no running water, then it is in default. But they are not going to put anyone out who is temporarily involved to the extent they cannot pay their water bill; they will be given time to pay the bill. If they do not and try to live in a house without water, then he imagines they will put them out, and rightfully so.

Mrs. Dunbar stated at one time the city was planning to widen Davidson Street, and sent some appraisers out and they surveyed. That has been abandoned; she has been informed there are no plans anywhere to buy any property in that area for street widening or for the park which she had heard was going on the creek bank right behind the property. They tell her now they are not going to buy and have no intentions of buying any of this property. In view of that fact, she would like to request permission from Council to see the file which they have on her piece of property in the Right of Way Department. Since they are not planning to buy it, it would not come under this real estate thing where you do not want anybody to know what is going on. If you are not going to buy it, why can't she see it.

Mayor Belk advised that all these things will be checked out by Mr. Bobo, Mr. Jamison and Mr. Underhill in their meeting.

AMERICAN LEGION GRANTED PERMISSION TO USE SOUND SYSTEM URGING CITIZENS TO VOTE IN ELECTION.

Mr. Ray Rankin stated as a member of the American Legion and interested in the Americanism Program, they would like to ask for approval of a permit to operate a portable sound system to urge our citizens of Charlotte to get out and to vote on election day. He stated the system will be operated during the daylight hours, on Tuesday, Wednesday, Thursday and Friday of this week. That no candidates will be mentioned; it is just to urge the citizens to get out and vote.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the request.

RECOMMENDATIONS OF SPCA TO BE TAKEN UNDER ADVISEMENT AND REPORT MADE TO COUNCIL.

Mrs. Martha Hendren, President of the Mecklenburg County Society for Prevention of Cruelty to Animals, stated this is "Be Kind to Animals Week".

She stated we read in the press almost daily of the human population explosion in this country and throughout the world and the dire results facing us unless ways are found to control this situation. Another equally serious situation of which the public as a whole is largely ignorant is the Population Explosion among Domestic Dogs and Cats for which there are two prime reasons.

- (1) The governing bodies of the City and County who appear to feel their responsibility ends when they budget sums of money, invariably inadequate for the building and operation of animal shelters and dog pounds.

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- (2) The public at large have an equal responsibility for, either due to ignorance or indifference, they allow their female pets the freedom of the streets when in season and then pass the responsibility for the unwanted puppies and kittens back to swell the population in the animal shelter or dog pound.

In due course, the more fortunate dogs and cats are purchased for a nominal sum by the public and when they are females, the whole cycle is repeated over and over again.

She stated not many but some of the more enlightened cities across the country - Los Angeles to mention one - realizing that this overpopulation problem was getting out of hand requires that every female dog or cat sold from the animal shelter or dog pound be spayed by a veterinarian before leaving the premises if not on arrival. This is not the complete solution to this increasingly serious problem and one can almost hear the outcry from City Hall that there is no money for such a project. But with proper leadership the public could respond and the cost could be added to the price of the animal sold. At the same time an educational program should be launched with emphasis on the responsibility of the owner to prevent indiscriminate breeding of their female dog or cat.

She stated there is an impression among the public that a female dog makes a better house pet since it is less likely to wander but this is far from the truth for a female dog, in season, will use every subterfuge to get out of the house, usually resulting in five or eight mixed-bred puppies that few people want, and they end up at the pound.

The local branch of the Society for the Prevention of Cruelty to Animals, a small group of highly dedicated people, are working literally night and day to combat this problem, but it has reached a point that nothing short of legislation from City Hall, and the education of the residents of both city and county and greater responsibility of the public at large, is going to reduce if not eliminate this pressing problem. Tax deductible donations will help but a willingness by the dog and cat owning community is imperative.

Mrs. Hendren stated she is not speaking of the dogs and cats people buy for breeding purposes. It is the mixed breed dogs that you get at the city pound where people get them just for a pet. They allow these dogs and cats to get out to breed and it develops in over-population. Then the City and County shelters have to pick up the animals as some of the more heartless people throw the animals out on the highway, thinking they are doing them a service.

Mrs. Hendren referred to some graphs she had made and stated she nor the SPCA has all the answers to the problem. But she does wish the City would start a program of spaying at the city pound. She stated last year the city shelter impounded 9,272 dogs and 6,977 cats, making a total of 16,249. Out of those impounded, 8,689 were destroyed. Of all the animals that came to the pound 3,363 were sold and the sales came to almost \$22,000. Before the leash law went into effect on August 1, 1968, the actual expenditures of the city pound, for personal services, was \$70,000 and non-personal \$13,000. The capital outlay was \$1,400.00, making a total of \$85,604.00. When the leash law went into effect, the Pet Department budget was increased by \$17,000.00 - they added three men and bought three trucks to enforce the leash law. With inflation, the City budget for the Pet Department, ending July 1 of this year, has already risen to almost \$144,000.

She stated SPCA is so saturated with dogs and cats they cannot find homes for them, and they want some kind of legislation started so that perhaps the city pound could hire a veterinarian, just out of school, to go down and work at the pound and spay all the female dogs and cats that people want. That this could be done cheaper than taking them to a private veterinarian. The price of the spaying could be added to the cost of the purchase of the dog or cat. She stated the SPCA has wondered for a long time if the City Council could help them to get a spaying program started at the pound.

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Mrs. Hendren stated one veterinarian said he would be glad to give the SPCA a price or give the City Pound a reduction price on the spaying. If the owner's who buy their dog at the pound would bring their dogs out to his clinic, he would spay them in the morning and they could go home in the afternoon.

Councilman Tuttle asked if she is suggesting that it be compulsory if you get a female from the pound that it must be spayed? Mr. Hendren replied she would not want to use the word compulsory but people could be educated to the fact that once they get their female spayed, it would make a better pet. That she does not like to use the word compulsory but she thinks it should be that the City Pound would enforce having the female spayed.

Councilman Jordan moved that Council take these recommendations under very serious consideration to see if something can be done to help with this program. The motion was seconded by Councilman Short.

Councilman Short asked Mrs. Hendren if she has any statistics about the increase in dog and cat population such as five years ago, it was 50,000 and now it is 200,000? Mrs. Hendren stated she does not have those figures, but it is increasing very rapidly; that she thinks there are about 35,000 or 40,000 dogs alone in Mecklenburg County.

Councilman Alexander asked if SPCA has reviewed any ordinances that are existing in other cities concerning this problem? Mrs. Hendren replied no, but she knows it has worked in Los Angeles, and they are doing it in Philadelphia, Pennsylvania.

Mr. Bobo, Acting City Manager, stated he will write these other cities to find out what they are doing and will bring a recommendation back to Council shortly. Mayor Belk asked that he contact Mrs. Hendren in studying this request also.

RESIDENT OF WEST FIRST STREET REQUESTS THAT SHRUBBERY AND LIMBS BE PICKED UP FROM FRONT OF HER PROPERTY.

Mrs. M. L. Nicklson, 1100 West First Street, stated her problem is cleaning up. That she has cleaned out some very big shrubbery and no one will move them. That she has a big truck load, and she called Action Line to have it picked up, and it has not been picked up yet. That she hopes something will be done to get it picked up.

Councilman Alexander stated Mrs. Nicklson has problems about the length and the size of limbs, and she should talk to the Public Works Office about that.

Mrs. Nicklson stated it is a health hazard, and a fire hazard. That she is trying to clean up a yard that has not been cleaned up in years. Every week she has to put out whiskey bottles. That she is renting this property and she did not notice all of this when she moved in as she was anxious to get into a house that was not leaking before the snow came along.

Mrs. Nicklson stated she is not having any problems with the small trash and garbage; it is just with these big limbs and things.

Mr. Bobo, Acting City Manager, stated he will have someone from the Sanitation Department to contact Mrs. Nicklson and see what her problem is and see if they cannot get it straightened out. Mayor Belk stated if she is cleaning up we certainly want to encourage that.

Councilman Alexander stated Mr. Hopson, Public Works Director, is present and it would be well if he would talk with Mrs. Nicklson and tell her the provisions of the ordinance.

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ATTORNEY FOR GORDON MOTOR COMPANY AND BUTLER SEAFOOD ASKED TO BE HEARD PRIOR TO CONDEMNATION OF PROPERTY FOR WIDENING MCDOWELL STREET:

Mr. Henry Harkey, Attorney, stated present with him today is Mr. Bill Gordon, Jr. and Mr. Bill Gordon, Sr. and Mr. Bill Butler. He stated they are present to ask Council to give them an opportunity to be heard before Council condemns the property of Gordon Motors and Butler Seafood for the widening of South McDowell Street. That he has written the City Manager asking that they be notified when it will come to Council for condemnation.

Mr. Harkey stated some ten or twelve years ago, the question of widening South McDowell Street came up; also the question of how much to widen and from whose property it should be taken. As you go out towards Morehead Street, should it all be on the left or all on the right or some on the right and some on the left. At that time several of the Councilmembers were familiar with the property, and it was tentatively agreed that the property should be taken from each side porportionately, or equally half from the Addison Apartment side and half from the Seafood side in order to widen McDowell Street.

Mr. Harkey stated the problem is that map makers and surveyors have been down there this past week and have surveyed taking a total of 40 feet from the left as you go out McDowell Street, with the whole 40 feet to be taken from Gordon Motors and Butler Seafood, literally destroying both buildings. This will have the net effect of putting Gordon out of business as there is not enough ground space left over for his building and his parking area to operate there. That he understands there have been some surveys of possibly taking 20 feet from the Addison Apartment side. Mr. Harkey requested that each member of Council ride by this property and see whether or not it would not be just and equitable to widen this street equally by taking a portion from each side - 20 feet from the Addison side and 20 feet from the Gordon side. This would jeopardize their businesses but the business could stay and not be destroyed.

Mr. Bobo, Acting City Manager, stated a report is being readied for Council's consideration, possibly next week, with a recommendation. That all these things Mr. Harkey has mentioned are being taken into consideration, and the merits of each are being weighed.

Councilman Tuttle stated he would like for them to consider another thing. That Mr. Underhill and Mr. Bryant might be able to comment on this also. He stated he knows that Mr. Gordon is operating under the grandfather clause, but he thinks it is grossly unfair for the City to condemn a piece of a person's property, and as a result of the city's condemnation, the property owner is thrown into a new and higher zoning, which in this case would be B-1 and Mr. Gordon cannot operate his business under a B-1 zoning. That he does not think the City has any right to go in and condemn a piece of his building and then tell him he cannot operate his garage, and that is the way the situation stands now. Immediately when he makes the repairs and the building is built back, he is making a major alteration and that would throw him into a new zoning. He is non-conforming now.

PETITION NO. 71-19 BY A. H. RODDEN, SR. FOR A CHANGE IN ZONING OF LAND WEST OF NEAL ROAD, NORTH OF MINERAL SPRINGS ROAD, ADJACENT TO THE I. R. MISENHEIMER PROPERTY, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to deny the subject petition for a change in zoning from R-12 to R-MH as recommended by the Planning Commission.

PETITION NO. 71-29 BY GREEN ACRES, INC. FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE WEST SIDE OF FARM POND ROAD, SOUTH OF ALBEMARLE ROAD, DEFERRED FOR ONE WEEK.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, decision on the subject petition was deferred for one week.

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ORDINANCE NO. 79-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE BY APPROVING OFF-STREET PARKING ON THE WEST SIDE OF CHERRY STREET, BEGINNING ABOUT 100 FEET SOUTH OF BAXTER STREET.

Councilman Thrower moved adoption of the subject ordinance approving off-street parking on property now zoned R-6MF on the west side of Cherry Street, beginning about 100 feet south of Baxter Street, as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 155.

ORDINANCE NO. 80-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE BY APPROVING OFF-STREET PARKING ON PROPERTY ON BOTH SIDES OF CHERRY STREET EXTENDING TO TORRENCE STREET, SOUTH OF BAXTER STREET.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, adopting subject ordinance approving off-street parking as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 156.

ORDINANCE NO. 81-Z AMENDING CHAPTER 23, SECTION 23-40.02 OF THE CITY CODE TO APPROVE OUTDOOR COMMERCIAL AMUSEMENT ON PROPERTY NOW ZONED I-1 ON CRISMAN STREET AT PACIFIC STREET IN FREEDOM VILLAGE SHOPPING CENTER AREA.

Motion was made by Councilman Jordan and seconded by Councilman Whittington, to adopt the subject ordinance approving outdoor commercial amusement under Section 23-40.02 on property on Crisman Street at Pacific Street in Freedom Village Shopping Center Area as recommended by the Planning Commission.

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

YEAS: Councilmen Jordan, Whittington, Short, Thrower, Tuttle and Withrow.
NAYS: - None.

Councilman Alexander abstained from voting.

The ordinance is recorded in full in Ordinance Book 18, at Page 157.

ORDINANCE NO. 82-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF BRUNS AVENUE, BEGINNING 298 FEET WEST OF TRADE STREET.

Councilman Tuttle moved adoption of the subject ordinance changing the zoning from R-6MF to B-2 of a portion of a lot on the north side of Bruns Avenue, beginning 298 feet west of Trade Street, as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 158.

ORDINANCE NO. 83-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-9MF TO O-6 OF A LOT AT 225 MARSH ROAD.

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

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Councilman Thrower stated this is the absolute end as far as the office zoning is concerned is it not? Mr. Bryant of the Planning Office stated he certainly hopes so; as far as the Planning Commission's recommendation is concerned, that is right. That the Planning Commission pointed out this is a logical end and they are not in favor of increasing it down Marsh Road.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 159.

ASSISTANT PLANNING DIRECTOR ADVISES COUNCIL THE PLANNING COMMISSION RECOMMENDATION ON PETITION FOR CONDITIONAL PARKING ON DREXEL PLACE SHOULD BE READY PRIOR TO NEXT MEETING.

Councilman Whittington asked Mr. Bryant, Assistant Planning Director, if they are still in conference with Mr. Brevard Myers about the conditional parking on Drexel Place? Mr. Bryant replied a meeting was held last Thursday with Mr. Myers and the residents on Drexel Place. The end result of that was not much of an improvement in the various positions of the two groups. The Planning Commission did discuss the petition at a meeting this morning, and it expects right now to complete its deliberations at a meeting Wednesday evening. A recommendation should be made for Council before next Monday.

ORDINANCE NO. 84-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF ARROWOOD ROAD, WEST OF IRWIN CREEK, ADOPTED.

Petition No. 71-18 by Lewis H. Parham, Jr. for a change in zoning from R-12 to R-6MF of 43.9 acres of land on the north side of Arrowood Road, west of Irwin Creek, was presented for Council's consideration. Council was advised that the Planning Commission recommends the petition be denied.

Councilman Alexander asked Mr. Bryant, Assistant Planning Director, if he has received any information from the Petitioner that they would accept an R-9MF zoning on this property? Mr. Bryant replied at the public hearing, the petitioner stated he would be amenable to having this considered for R-9MF instead of R-6MF. That the final decision of the Planning Commission was to recommend a denial of any request for multi-family; however, if any change is to take place, obviously the R-9MF should be more agreeable than the R-6MF. But the Planning Commission's recommendation, even considering the R-9MF, was for denial.

Councilman Alexander asked the steps taken to amend such a petition; can it be amended now to R-9MF? Mr. Bryant replied it can be approved for R-9MF instead of the R-6MF.

Councilman Whittington stated he does not agree with the Planning Commission on this recommendation; that he has been out there and all over this property on both sides of the road all the way back to the nearest subdivision towards the city. If the type of development that he believes is conducive for this particular plot of land is put in there with this lake, he thinks it would be a real improvement and an asset to that community.

Councilman Whittington moved that the zoning be changed from R-12 to R-9MF. The motion was seconded by Councilman Alexander.

Councilman Withrow asked Mr. Bryant to speak to the question of cluster housing. Mr. Bryant replied it would be possible under the existing zoning to evolve the clustering of the plans as long as you are talking about single family housing. That clustering is a process of reducing the lot size and accumulating useable open space area at various points in the development. Councilman Thrower asked if he is aware there are only 14 acres of the land

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useable for development out of the 40 acres? Mr. Bryant replied he knows that most of the property is subject to flooding.

Councilman Short stated this piece of land is completely surrounded by single family zoning, mostly R-12; with large reaches of R-12 zoning going on for a considerable distance. Part of it from the eastern side is zoned R-9. It appears to him this is one of the few areas along Arrowood Road between Highway 49 and I-77 that is going for single family; it is actively being pursued as a single family area now; people out there want to keep it that way. That speaking generally everywhere else in town we are getting more and more pushed for apartments. This is one area that is going single family. That it is a little difficult to keep this R-12 and to force these huge lots out there in the country.

Councilman Short made a substitute motion to change the zoning from R-12 to R-6; that on the cluster basis they could then get a large number of units in there and make a real good use of this property, and still be single family. The motion was seconded by Councilman Withrow.

Councilman Withrow asked the difference in the number of units that can be placed on the ground? Councilman Thrower asked if Council has the legal authority to change the zoning to R-6 cluster? Mr. Bryant replied you do not zone for R-6 cluster; you just zone it R-6. Councilman Short stated the cluster arrangement is arranged administratively; that he mentions cluster because he thinks it is a natural for this area; that his motion is to change from R-12 single family to R-6 single family preserving the single family type of neighborhood in the area.

Mrs. Crowe stated she lives on Arrowood Road; that she is between York Road and I-77. When you get just beyond I-77, there is a turnkey project; if you go out the other way, by York Road, there is the landfill, and they would like to keep the area single family but they do not want the R-6 single family. Even if they cluster the houses, they will get credit for all the flood land and can put everything so much closer. How many houses would they have out there? Mr. Bryant replied if it is changed to R-6 with the idea of going to clustering, you really do not achieve anything additional by going to cluster as 6,000 is the smallest lot under any circumstances; if you go to the R-9 classification, there is an advantage to going to the cluster system, because you can then reduce your minimum lot size to 7,200 square feet, rather than the conventional 9,000. This would mean about six units per acre. In R-6 you are talking about seven and half units per acre.

Councilman Jordan asked Mrs. Crowe if she is objecting to R-6 and she replied that she is. She stated she would rather that it not be changed to R-9 but would prefer R-9 rather than R-6. Councilman Short stated Mr. Whittington's motion is for R-9 multi-family, and his motion is for R-6 single family. Mrs. Crowe replied she thinks even the R-9 multi-family would be better than the R-6 single family.

The vote was taken on the substitute motion to change the zoning to R-6 and failed to carry by the following vote:

YEAS: Councilmen Short and Withrow.

NAYS: Councilmen Whittington, Alexander, Jordan, Thrower and Tuttle.

The vote was taken on the original motion to change the zoning to R-9MF and carried by the following vote:

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

NAYS: Councilman Short.

The ordinance is recorded in full in Ordinance Book 18, at Page 160.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS NOS. 71-33 THROUGH 71-42 FOR ZONING CHANGES, ADOPTED.

Councilman Whittington moved adoption of the subject resolution providing for public hearings on Monday, May 24, 1971. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 297.

RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR GRANT ASSISTANCE TO THE UNITED STATES DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, FOR THE DEVELOPMENT OF A CHARLOTTE-MECKLENBURG CRIMINAL JUSTICE INFORMATION SYSTEM.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the subject resolution was adopted authorizing the Mayor to file an application for grant assistance to the United States Department of Justice, Law Enforcement Assistance Administration, for the development of a Charlotte-Mecklenburg Criminal Justice Information System.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 298.

LEASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE CHARLOTTE-MECKLENBURG PILOT CITY PROGRAM FOR OFFICE SPACE IN THE LAW ENFORCEMENT CENTER, APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, approving subject lease-agreement between the City of Charlotte and the Charlotte-Mecklenburg Pilot City Program providing for the lease of approximately 800 square feet of office space in the Law Enforcement Center for a period of 14 months, at the rate of approximately \$5.50 per square foot.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON REQUEST OF VICTORY CAB COMPANY FOR TWENTY ADDITIONAL CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Councilman Withrow moved adoption of subject resolution fixing date of public hearing on Monday, May 31, 1971, on request of Victory Cab Company, for twenty (20) additional certificates of public convenience and necessity. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 300.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY AGAINST SIXTEEN TAX ACCOUNTS.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing the refund of certain taxes in the total amount of \$401.99 which were collected through clerical error and illegal levy against sixteen tax accounts.

The resolution is recorded in full in Resolutions Book 7, at Page 301.

RESOLUTION ENDORSING AN APPLICATION BY THE CENTRAL PIEDMONT REGIONAL COUNCIL OF LOCAL GOVERNMENTS FOR A RESOURCE CONSERVATION AND DEVELOPMENT PROJECT PLANNING GRANT FROM THE U. S. DEPARTMENT OF AGRICULTURE AND APPOINTING COUNCILMAN MILTON SHORT AS THE CITY OF CHARLOTTE'S DELEGATE TO THE CENTRAL PIEDMONT RESOURCE CONSERVATION AND DEVELOPMENT AGENCY.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, adopting subject resolution.

The resolution is recorded in full in Resolutions Book 7, at Page 302.

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CONTRACT FOR SURVEYING SERVICES BY GENERAL SURVEYORS, INC. FOR WORK TO BE PERFORMED IN RELOCATING IRWIN CREEK OUTFALL FROM OAKLAWN AVENUE TO SUNSET ROAD, APPROVED.

Councilman Thrower moved approval of a contract for surveying services by General Surveyors, Inc. for work to be performed in relocating Irwin Creek Outfall as part of the construction of Interstate-77, from Oaklawn Avenue to Sunset Road, at a cost not to exceed \$7,000.00. The motion was seconded by Councilman Withrow.

Councilman Whittington asked if the City has, or is the city going to, run any sewer lines that far to the northwest, and Mr. Bobo, Acting City Manager, replied the City does not and is not going to run the lines.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH TALBERT, COX & ASSOCIATES, INC. FOR ENGINEERING SERVICES AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract with Talbert, Cox and Associates, Inc., was approved for engineering services to be rendered in reviewing the existing Airport Layout Plan and Completion of detailed plans and specifications for strengthening Runways 5/23, 18/36 and related taxiways.

ORDINANCES ORDERING THE REMOVAL OF 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, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, adopting the following ordinances ordering the removal of abandoned motor vehicles:

- (a) Ordinance No. 85-X ordering the removal of an abandoned motor vehicle at 839 Reliance Street.
- (b) Ordinance No. 86-X ordering the removal of an abandoned motor vehicle adjacent to 731 Tennyson Drive.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 161.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Councilman Whittington moved adoption of the following ordinances ordering the demolition and removal of dwellings which motion was seconded by Councilman Withrow:

- (a) Ordinance No. 87-X ordering the demolition and removal of a dwelling at 224 Nelson Avenue.
- (b) Ordinance No. 88-X ordering the demolition and removal of a dwelling at 231 Coxe Avenue.
- (c) Ordinance No. 89-X ordering the demolition and removal of a dwelling at 516 North Myers Street.

Council was advised the property owners would not contest the demolitions.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 163.

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PRIVILEGE LICENSE FOR PRIVATE DETECTIVE WILLIAM BENJAMIN JONES, AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, application of William Benjamin Jones, State License No. 56, for private detective license for one half year, at \$18.75 was authorized.

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION PERMITTING THE CITY OF CHARLOTTE TO CONSTRUCT A SANITARY SEWER LINE WITHIN THE RIGHT OF WAY OF MOUNTAINBROOK ROAD, TO SERVE MCMULLEN CREEK OUTFALL AT MOUNTAINBROOK ROAD.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the subject encroachment agreement to construct a 27-inch sanitary sewer line within the right of way of Mountainbrook Road, to serve McMillen Creek Outfall at Mountainbrook Road.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR PROPERTY AT 3816 COMMONWEALTH AVENUE FROM LOIS L. FOX, FOR EASTWAY DRIVE WIDENING.

Councilman Whittington moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property at 3816 Commonwealth Avenue, from Lois L. Fox (widow), at a condemnation price of \$36,000.00, for the Eastway Drive Widening. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 303.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR PROPERTY AT 3715 COMMONWEALTH AVENUE FROM GRACE WHITE PROCTOR FOR THE EASTWAY DRIVE WIDENING.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of 50' x 249.21' x 50' x 249.20' of property at 3715 Commonwealth Avenue from Grace White Proctor (widow), at a condemnation price of \$13,000.00 for the Eastway Drive Widening.

The resolution is recorded in full in Resolutions Book 7, at Page 304.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR PROPERTY AT 3721 COMMONWEALTH AVENUE FROM NED W. SPURLIN AND WIFE, ANNIE S., FOR THE EASTWAY DRIVE WIDENING.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of 184.22' x 100.30' x 98.20 x 50' of property at 3721 Commonwealth Avenue, from Ned W. Spurlin and wife, Annie S., at a condemnation price of \$15,200.00 for the Eastway Drive Widening.

The resolution is recorded in full in Resolutions Book 7, at Page 305.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR PROPERTY ON NEW DIXIE ROAD IN BERRYHILL TOWNSHIP FROM HEIRS OF JOE MCLAIN, HEIRS OF JOE SADLER AND HEIRS OF NALIE SADLER, FOR THE AIRPORT EXPANSION.

Councilman Short moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of 17.736 acres of property on New Dixie Road in Berryhill Township, from Heirs of Joe McLain, Heirs of Joe Sadler, if any, and Heirs of Nalie Sadler, if any, at a condemnation price of \$55,250.00, for the Airport Expansion. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 306.

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PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Tuttle, to approve the following property transactions:

- (a) Acquisition of 3' x 125' of easement at 3124 Amy James Avenue, from Bernice H. Quist (widow) and Michael L. Stegall, at \$1.00, for Amy James Avenue Sidewalk.
- (b) Acquisition of 3' x 195' of easement at 3100 Amy James Avenue, from Bernice H. Quist (widow), and Michael L. Stegall, at \$1.00, for Amy James Avenue Sidewalk.
- (c) Acquisition of 3' x 142' of easement at 3200 Amy James Avenue, from Wade Hampton Ferguson and wife, Gertrude, at \$1.00, for Amy James Avenue Sidewalk.
- (d) Acquisition of 246.06' x 189.46' x 162.49' x 126.70' of property at 3737 Commonwealth Avenue, from Ruby Bell Price (widow), at \$18,300.00, for Eastway Drive Widening.
- (e) Acquisition of 248.92' x 43.05' x 6.21' x 212.83' x 50.11' of property at 3729 Commonwealth Avenue, from Grace Lee Payne (widow), at \$14,200.00 for the Eastway Drive Widening.
- (f) Acquisition of 227.20' x 97.25' x 230.33' x 96.60' of property at 525 North Church Street and 215 West 9th Street, from Edwin L. Jones and wife, Annabel Lambeth, at \$70,000 for Charlotte Fire Department Station No. 4.
- (g) Acquisition of 50' x 100' of property at 1808 Wayt Street, from Victoria Granger (widow of J. E. Granger), at \$1,500.00, for Small Neighborhood Parks Project, Open Space N. C. OSC-51.
- (h) Acquisition of Tract No. 1 of 120' x 511' x 180' x 549' and Tract No. 2 of 138' x 725' x 800' x 150' at the northwest and southwest corner of Double Oaks Road at Horne Drive, from C. D. Spangler, Jr. and wife, Meredith R. Spangler, at \$20,500.00 for Small Neighborhood Parks Project, Open Space N. C. OSC-73.
- (i) Acquisition of 30' x 412.76' of easement on 47 acres on Old Union County Road, from Allen Crews Stewart, Jr., Estate, at \$413.00, for McMullen Creek Outfall.
- (j) Acquisition of 10' x 10' of easement at 7501 South Boulevard, from King Motor Center, Inc., at \$1.00, for sanitary sewer to serve Gowen Oldsmobile, Inc.
- (k) Acquisition of 10' x 327.61' of easement at 4650 New Dixie Road, from State of North Carolina National Guard, at \$1.00, for sanitary sewer to serve 4633 New Dixie Road (Avis Rent-A-Car).
- (l) Acquisition of 5.66' tapering to zero x 122.52' of property at 2178 Sharon Lane, from William V. Williamson, Jr. and wife, Sara B., at \$1,500.00, for Sharon Lane Widening.
- (m) Acquisition of 435.01' x 23.26' x 419.88' x 20.26' at 4400 Sharon Road from Sears, Roebuck and Company, at \$1.00, for right of way for widening Sharon Road and Fairview Road.

Councilman Alexander asked that the record show he abstained from any consideration of Item (h) for the acquisition of property at the southwest corner of Double Oaks Road at Horne Drive, from C. D. Spangler, Jr. and wife, for the Small Neighborhood Parks Projects.

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Mr. Bobo, Acting City Manager, stated for some time the City has been looking for property to relocate Fire Station No. 4; that Council included in the past bond package funds to rebuild the old fire station. That two sites were under consideration, and they have finally settled on the property at Church and Ninth Streets. The site has been reviewed by the Planning Commission, Water Department, Traffic Engineering Department, and Public Works Department and the recommendation is that this is a suitable site for the Fire Station. That if the purchase of the property is approved today, then next week a contract will be brought to Council for approval for the design of the station.

The vote was taken on the motion and carried unanimously with Councilman Alexander abstaining from the vote on Item (h).

CONSTRUCTION OF WATER MAINS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the construction of water mains as follows:

- (a) Contract with William Trotter Development Company for the installation of 1,055 feet of water main and one fire hydrant to serve Section VI of Eastbrook Woods Subdivision, inside the city, at an estimated cost of \$3,900.00. The Applicant will advance the full cost of the mains and will be reimbursed 50% of the sum over a period of time, according to revenue yield, all in compliance with the Partnership Plan.
- (b) Revised contract of contract dated May 6, 1968 with John Crosland Company for the installation of 5,370 feet of water main and three (3) fire hydrants to serve a portion of Hampshire Hills Subdivision, inside the city, at an estimated cost of \$24,000.00, with the City to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 12% of the total construction cost.
- (c) Supplementary contract to contract dated December 12, 1969, with Idlewild Utilities, Inc. for the installation of 7,200 feet of additional water main and seven (7) fire hydrants, to serve the Four Seasons Subdivision, outside the city limits, at an estimated cost of \$36,000.00. The applicant will finance all pipe lines and system, and will own, operate and maintain same until such time as any or all of the mains or systems are incorporated into the city at which time it will become the property of the City without further agreements or costs to the city.
- (d) Supplementary contract to contracts dated March 21, 1966 and June 2, 1969 with the Ervin Company for the installation of 13,994 feet of water main and ten (10) fire hydrants to serve Olde Providence Subdivision No. 8, and Olde Providence East Subdivision, outside the city limits, at an estimated cost of \$63,136.15. The cost of the project will be borne by the applicant. All provisions of the pre-existing contracts will be retained, except the cost of all mains 8 inches and larger will be reimbursed to the extent of 100% and all mains 6 inches and less to the extent of 50% of the total cost all in accordance with the Partnership Plan.

WAIVER OF SUPPLEMENTARY AGREEMENT WITH ERVIN COMPANY FOR INSTALLATION OF WATER MAINS TO SERVE OLDE PROVIDENCE NO. 4, APPROVED.

Councilman Short moved approval of a waiver of supplementary agreement with Ervin Company, dated March 21, 1966, for the installation of water mains to serve Olde Providence No. 4, outside the city limits. The motion was seconded by Councilman Alexander, and carried unanimously.

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CHANGE ORDER NO. E-2 IN CONTRACT WITH NATIONAL ELECTRIC COMPANY, INC. FOR ALTERATIONS AND ADDITIONS TO WATER DEPARTMENT STORAGE FACILITIES, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, Change Order No. E-2 was approved in contract with National Electric Company, Inc., for alterations and additions to Water Department Storage Facilities, 811 Fairmont Street, increasing the contract price of \$25,432.00 by \$399.28.

CLAIM BY MR. E. E. BARRIER, FOR PROPERTY DAMAGE AT 2908 PARK ROAD, DENIED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, to deny the subject claim in the amount of \$284.00, for property damage as a result of a clogged sewer line on January 14, 1971, as recommended by the City Attorney.

SPECIAL OFFICER PERMIT AUTHORIZED.

Councilman Jordan moved approval of the renewal of a Special Officer Permit for a period of one year to Mr. Jack L. Moore, for use on the premises of Belk Brothers Company. The motion was seconded by Councilman Alexander, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with the Estate of Mrs. Ourania Anderson for Lot No. 77, Section 4, Evergreen Cemetery, at \$252.00.
- (b) Deed with James O'B. Sangster, Jr. for Graves No. 3 and 4, in Lot No. 706, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mrs. Doris Lowe for Graves No. 1 and 2, in Lot No. 705, Section 6, Evergreen Cemetery, at \$160.00.
- (d) Deed with Mrs. Dorothy L. Kemp for Graves No. 1 and 2, in Lot 747, Section 6, Evergreen Cemetery, at \$160.00.
- (e) Deed with Mrs. Thomas C. Evans for Graves No. 1 and 2, in Lot No. 803, Section 6, Evergreen Cemetery, at \$160.00.
- (f) Deed with Thomas D. Newell and wife, Marcella B. Newell for Graves No. 3 and 4, in Lot No. 945, Section 6, Evergreen Cemetery, at \$160.00.

ORDINANCE NO. 90-X AUTHORIZING THE TRANSFER OF FUNDS FROM THE BALANCE OF THE TAGGART CREEK OUTFALL PROJECT TO THE YARDLEY PLACE TRUNK LINE PROJECT TO BE USED FOR THE ACQUISITION OF RIGHT OF WAY AND CONSTRUCTION OF THE YARDLEY PLACE TRUNK LINE.

Motion was made by Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, adopting subject ordinance authorizing the transfer of \$56,662 from the balance of the Taggart Creek Outfall Project to the Yardley Place Trunk Line Project to be used for the acquisition of right of way and construction of the Yardley Place trunk line.

The ordinance is recorded in full in Ordinance Book 18, at Page 166.

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ORDINANCE NO. 91-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE, TRANSFERRING FUNDS TO THE LASALLE STREET IMPROVEMENTS TO PROVIDE STREET IMPROVEMENTS NECESSARY TO OPEN LASALLE STREET.

Councilman Alexander moved adoption of subject ordinance transferring \$8,750 to the LaSalle Street Improvements to provide street improvements necessary to open LaSalle Street, between Melita Avenue and Lakewood Avenue near the new bridge over Stewart Street. The motion was seconded by Councilman Thrower.

Councilman Alexander stated he has raised a lot of questions about LaSalle Street to determine whether or not it would be opened all the way through to Highway 16. That he has been convinced this will not open LaSalle Street all the way through but will stop at a little development, and it has moved in this direction in order to allow those people an exit, and that is as far as LaSalle Street will go. That he is satisfied that this is the end of LaSalle Street.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 167.

CONTRACT AWARDED ASPHALT CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS TO LASALLE STREET.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Asphalt Construction Company, Inc., in the amount of \$8,367.75, on a unit price basis, for street improvements to LaSalle Street.

The following bids were received:

Asphalt Const. Co., Inc.	\$ 8,367.75
Rea Construction Company	9,031.00
Blythe Brothers Company	10,295.00

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR SPRING ASPHALT RESURFACING OF VARIOUS STREETS.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Blythe Brothers Company, in the amount of \$185,168.16, on a unit price basis, for spring asphalt resurfacing of various streets.

The following bids were received:

Blythe Brothers Company	\$185,168.16
Rea Construction Company	186,627.25
Asphalt Const. Co., Inc.	190,865.50
Dickerson, Incorporated	215,941.10

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION FOR FOXCROFT EAST, PHASE II.

Councilman Withrow moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$35,080.00, on a unit price basis, for sanitary sewer construction for Foxcroft East, Phase II. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Crowder Construction Co.	\$35,080.00
Propst Construction Co.	36,598.30
Thomas Structure Company	39,563.50
Sanders Brothers, Inc.	40,867.85

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CITY SWEEPERS AND WASHERS REQUESTED USED IN CLEANING STREETS WHERE DIRT AND MUD IS LEFT ON STREETS BY CONTRACTORS.

Councilman Jordan stated there is a lot of construction going on uptown and in the last few days there has been so much rain, and the construction crews have been hauling away a lot of dirt. He asked if the City cannot use its sweepers and washers to wash these streets down. He stated one that has been bad is at the back of the County Building, and he believes Mr. Hopson, Public Works Director, knows the others he means. He asked that the Public Works office look into this and wash these streets down.

PUBLIC, CITY FORCES AND CONTRACTORS REQUESTED TO COOPERATE AND WORK TOGETHER ON PROBLEM OF STREET BEING TIED UP BY CONSTRUCTION WORK.

Councilman Jordan stated there are some traffic problems on the streets where there is a lot of construction. He stated he would like for the public, the contractors and the city forces to cooperate and work together on this problem. That this is especially true of East and West Third and Fourth Streets in the mornings and afternoons. He stated the city should try to do a better selling job with the public as well as the contractors and the city forces.

CITY MANAGER REQUESTED TO PRESENT REQUEST FOR PARK & RECREATION TO ASSIST IN MENTAL RETARDATION PROGRAM DURING BUDGET SESSION.

Councilman Jordan stated all members of Council have received letters from different organizations regarding Mental Retardation, asking the City Council to work with the Park and Recreation Commission, and if at all possible to appropriate some funds to help this work. He stated he would like very much for Council to give this every consideration in the budget. That he would like to see the City participate in this if it is possible. He requested the City Manager to have this for Council's consideration at budget time.

STATE HIGHWAY PRIORITY LISTINGS REQUESTED PLACED ON THE OFFICIAL DOCKET FOR CONSIDERATION BY COUNCIL.

Councilman Whittington stated with the Council docket this week, each Council member received the priority listings for state highway improvement. That the memorandum stated since there is very little change from last year, that they did not recommend an informal session on this but that it be presented to Council for approval at the May 3 meeting.

Councilman Whittington stated he would not like to pass on this in this way and moved that it be put on the official docket and that Mr. Hoose, and Mr. Hopson be present to tell Council specifically what these minor changes are; that he does not want to approve of anything so important, that affects so many people and not know what the minor changes are. The motion was seconded by Councilman Tuttle, and carried unanimously.

PUBLIC INFORMATION DIRECTOR REQUESTED TO INCLUDE WAY FOR CITIZENS TO MAKE SUGGESTIONS OR ASK QUESTIONS IN THE INFORMATION BULLETIN SENT OUT WITH WATER BILLS.

Councilman Whittington stated several people have suggested that the Public Information Office information bulletin sent out with the Water Bill include some way for the citizens to send back suggestions or questions that they have on their minds about problems as it relates to the city. Hopefully, we could get some excellent suggestions about the city from citizens. That he thinks this is one way to communicate with the citizens. He suggested that Mr. Woodard, Public Information Director, consider this in the next bulletin that is sent out, and that it be considered as a routine matter each time.

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PUBLIC INFORMATION DIRECTOR REQUESTED TO LOOK INTO POSSIBILITY OF STUDENTS PAINTING TRASH RECEPTACLES IN DOWNTOWN AREA.

Councilman Tuttle stated at one time there was a great deal of interest created among the schools with art work on the fence at First Union National Bank. He stated the town is full of these white, plain trash receptacles downtown. That it has been suggested to him, and the new litter ordinance goes into effect on June 1, that this is an opportunity to engage the schools again with some type of prize, and turn the students loose doing their psychedelic work on these litter boxes. That the receptacles have to be painted periodically anyway, and this art work would not last, but it would be a means of creating interest among the schools and the young people. The only requirement would be that they stay within the bounds. He requested Mr. Woodard, Public Information Director, to look into this request and see if he can come up with some recommendations.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE THE USE OF PROPER MARKINGS SO THAT TRUCKS WILL NOT USE ASHLEY ROAD AS TRUCK ROUTE: TO CHECK WITH STATE HIGHWAY ABOUT TAKING DETOUR OFF EASTWAY DRIVE, AND TO CHECK LIGHT AT INTERSECTION OF MONTEPELIER ROAD, DELCHESTER AND ARCHDALE DRIVE.

Councilman Tuttle stated he has been told that out on the west side, Ashley Road has become a truck route. He asked if it is supposed to be used by trucks? That the trucks come off Wilkinson Boulevard, and cut across to I-85. The people say it is because there are no proper markings for the truck routes.

Mr. Hoose, Traffic Engineer, replied he does not believe this is an official truck route and he will check on this. Councilman Thrower stated as a matter of record, he can say it is not a truck route.

Councilman Whittington asked Mr. Hoose when he is going to take the trucks off Eastway Drive? Mr. Hoose replied that is the 301 detour and will be removed when work is completed. Councilman Whittington stated the sign says it is a 601 detour and that is in Union County, between Concord and Monroe. Mr. Hoose stated they do not have any other way to get back over to Monroe without coming this route; that there is a bridge out. He stated he will find out how much longer the detour will be in effect.

Councilman Whittington stated this is not exactly kosher for the State of North Carolina to build a road in another county and detour all the trucks going from Highway 74 to Highways 29, and I-85 through Charlotte. There is nothing fair about it, and it has been going on now for over six months, and the City is not doing anything about it. He stated he thinks we should complain to the State. The people who live out there should complain as they are concerned for the safety of their children, for the construction of their houses, and everything else; there is nothing fair about the arrangement. He stated he hopes Mr. Hoose will try to do something about it.

Councilman Tuttle stated he received a call on April 24 about a number of accidents in the last four days at Delchester, Montpelier and Archdale. There is a blinking light there but no stop light. He requested the Traffic Engineer to look into this. That the people say they cannot get in and out during the rush hours. He requested Mr. Hoose to look at this intersection.

SUGGESTION OF CONNECTING THE PLAZA WITH PECAN AVENUE REQUESTED PLACED ON CONFERENCE SESSION AGENDA FOR DISCUSSION BY COUNCIL.

Councilman Short suggested to Mr. Bobo, Acting City Manager, that between now and the finalizing of the capital improvement budget that the Council have some discussion in a conference session about connecting the Plaza with Pecan Avenue. This has been mentioned by citizens and Councilmen periodically for some years. Not only would this be good for general circulation and general traffic but it would make two of the hospitals much more readily available from northeast Charlotte.

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ACTING CITY MANAGER REQUESTED TO HAVE ENGINEERING DEPARTMENT LOOK INTO MATTER OF ABANDONING STUB STREETS CREATED BY THE CONSTRUCTION OF THIRTIETH STREET AND GRIFFIN VIADUCT.

Councilman Short requested the Acting City Manager, to have the engineering forces or the proper department to examine a little into some of the little stud end streets created by the building of 30th Street and the Griffin Viaduct to see if the city does not want to abandon the right of way of some of the streets. In one instance some people are just taking it over and using it for a yard, and it seems the City might want to consider on its own motion abandoning some of that right of way. He stated there are about half dozen street involved - Pinkney, Charles, Wesley, Clemson, Whiting, Duncan and Lee Street. That this would clear up some confusion and some title situations in the future.

HOUSING APPEALS BOARD APPOINTMENTS REQUESTED PLACED ON AGENDA FOR COUNCIL CONSIDERATION.

Councilman Short suggested for consideration shortly and placing on the agenda that Council proceed with the appointing of the Housing Appeals Board. This is the Board called for in the new Housing Ordinance as a part of the workable program. That we have this ordinance now operative, and Mrs. Dunbar and at least one other individual are concerned about some phases of it. If we are going to have this ordinance operative, we should have this appeals board so that the people could take their matters up with the Board. He suggested that it be put on the Council agenda one day, and let Council think of the candidates they would like to appoint.

CITY ATTORNEY REQUESTED TO OBTAIN COPY OF CHICAGO ORDINANCE DEALING WITH NOISE LEVELS OF MOTORCYCLES, AND OTHER VEHICLES.

Councilman Short requested the City Attorney to get Council a copy of the ordinance adopted in Chicago setting noise levels for motorcycles, vehicles and soforth. That he is referring to the fact that the Charlotte News pointed out the difficulty of getting into this area this past week, but they also pointed out the need. Over the years he has had consistent contacts from citizens about motorcycles noises. That apparently Chicago has gone about this in a technical way and has come up with something that perhaps is good in handling what is obviously a very difficult problem in how much noise someone can make without being illegal.

RESOLUTION EXTENDING SYMPATHY UPON THE OCCASION OF THE DEATH OF THOMAS B. HUMBLE.

Councilman Short presented the following resolution:

"WHEREAS, it is with deep regret that the City Council of the City of Charlotte takes note of the death of Thomas B. Humble on Monday, April 26, 1971, in South Bend, Indiana; and

WHEREAS, Tom Humble was director of Charlotte's Little Theater for thirty-eight years, during which time he encouraged, trained and developed some 6,000 aspiring actors in all facets of the theater; and

WHEREAS, Tom Humble was completely dedicated to the theater believing that it should serve the entire community, and he provided the citizens of Charlotte many hours of fine entertainment with non-professional talent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that this Council does hereby declare its deepest regret at the passing of Thomas B. Humble, and does convey its sincere sympathy and condolences to this family; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family and that this resolution be spread upon the minutes of this meeting."

Motion was made by Councilman Short, seconded by Councilman Thrower, and Carried unanimously as everyone stood for a moment of silent prayer.

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COUNCILMAN SHORT LEAVES MEETING.

Councilman Short left the meeting during the next discussion and was absent for the remainder of the Session.

ACTING CITY MANAGER TO LOOK INTO PROVIDING TEMPORARY CONTROL OF TRAFFIC PROBLEM AT BEATTIES FORD ROAD AND INTERSTATE 85.

Councilman Alexander stated on several occasions he has raised the question about the traffic problem in the morning peak hour and the afternoon peak hour at I-85 and Beatties Ford Road. Each time in response to his request he has received a diagram of the proposed ramp that is to be constructed there. He stated he is well aware of what is to happen there and has received several designs of the ramps that will be there. He stated he is concerned with some form of direction for the traffic out there in the early morning hours and the afternoons if it can be done. At the rate it is going, traffic is going to back up to Huntersville soon. Everybody on that side of town and the county is up in arms about the delays that take place by the traffic not being able to move when it hits that spot. He asked Mr. Hoose, Traffic Engineer, if he can tell Council what can be done, or if the City can do anything; whether someone should be out there directing the traffic.

Mr. Hoose replied the drawing is the answer to the problem. The problem is that the bridge is only two lanes wide, and there are four lanes going into two lanes with four ramps. That the Beatties Ford Road change is under construction now, and two of the ramps on Beatties Ford Road will be removed. That as far as construction is concerned, he cannot do anything; there is no way to signalize it.

Councilman Alexander asked if there is anyway for a Police Officer to direct the traffic? Mr. Hoose replied it would take two officers because you have the same problem on the left turn going down the ramp beside the traffic on Beatties Ford Road; that the width of the bridge is the cause of the problem; that he has never taken it up with the Police Department on this particular site. He stated he will look into this and let him know. That part of it is out of the city and it would have to be handled by the County Police Department.

Councilman Alexander stated since this is a temporary situation and since nothing can really be done about it permanently until the construction is completed that some temporary assistance should be provided for traffic control if it requires placing a policeman there in the mornings and in the afternoons.

Mr. Bobo, Acting City Manager, stated he will look into the request with the Police Department and Mr. Hoose, and either put this into effect or come back to Council with whatever recommendation they present.

COUNCIL NOTIFIED THAT CITY EMPLOYEES ON MODEL CITIES EQUIPMENT WERE TAKING EARLY LUNCH BREAK RATHER THAN LOAFING ON THE JOB WHEN SEEN ON HAWTHORNE LANE RECENTLY.

Councilman Alexander stated several weeks ago, Councilman Whittington was concerned over seeing some city employees on the Model Cities equipment taking time out in what to him appeared to be loafing on the job. He stated this concerned him as the Model Cities program is close to him, and he has found out that these people go to work earlier than the regular crews so they have their lunch hour a little earlier, and they were on their lunch hour at that time.

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Councilman Whittington stated he appreciates Mr. Alexander's interest and his statement. That he raised the question because it was eleven o'clock and they were under a shade tree and there was no parking on the street and three trucks were parked there with the City of Charlotte on the side of the trucks and it looked bad.

Mr. Hopson, Public Works Director, stated that is not the way they like to see their employee work or eat lunch, and he hopes that situation has been cleared up. They were on their lunch break, but they should have picked another location to take their break.

COUNTY COMMISSIONERS TO BE REQUESTED TO TAKE ACTION ON THE MASS TRANSIT COMMITTEE AT THEIR NEXT MEETING.

Councilman Thrower stated Council has taken action on the Mass Transit Committee and he requested the City Manager to respectfully request the County Commissioners to look at this and act or react on this at their next meeting.

COUNCIL ADVISED THAT RECOMMENDATION ON TREE PROGRAM WILL BE BROUGHT TO COUNCIL FOR CONSIDERATION SOON.

Councilman Withrow stated he was hoping Council would have the program for the planting of trees today. He stated he has received numerous letters from people who are interested in the program; that he has received quite a few letters from garden clubs.

Mr. Bobo, Acting City Manager, stated this request is being studied, and it is a good request; that Charlotte is known for its trees. That some of our people who have some knowledge of trees have looked at them and found that they have been neglected. That he hopes to have a program outlined shortly for Council's consideration. That it will involve some additional personnel, and it would be appropriate to consider it at budget time.

Councilman Alexander asked if they are considering re-instituting Arbor Day and having the school children plant trees as they did when he was a boy?

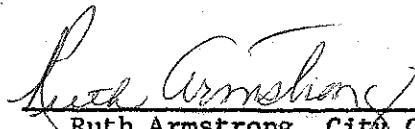
ORDINANCE NO. 92-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO THE PERSONNEL DEPARTMENT BUDGET.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, adopting the subject ordinance transferring \$8,667.00 to Personnel Department to be used to pay the salary of an Administrative Intern from June 14, 1971 to June 1, 1972.

The ordinance is recorded in full in Ordinance Book 18, at Page 168.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk