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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 1, 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, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman James D. McDuffie.

MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, approving the minutes of the meeting on October 18th by substituting the following discussion for the fourth paragraph, on Page 98 of Minute Book 56:

"Councilman Short asked the response of the Addison residents, and Mr. Pharr replied they had 100%. Councilman Short stated they agreed to it. He stated the arrangement Mr. Pharr is telling us about is arrangements he has made with them? Mr. Pharr replied yes. Councilman Short stated Mr. Pharr is not proposing in any way to make a deal with the Council? Mr. Pharr replied no in no way. Councilman Short asked how Mr. Pharr is going to effectuate the restrictions? Mr. Pharr replied under this arrangement taking place, Council will exercise its own discretion in the matter. If it were to move favorably upon that, then they will record an instrument which will effectively restrict the property in the same fashion as you would a deed restriction. Councilman Short stated it would be in effect a private restriction. Mr. Pharr replied yes, that he would like to make it clear this in no way attempts to restrict Council's discretion in the matter; that Council will continue to have full discretion, but this is an arrangement they (the petitioner) attempted to make to try to put the interest of theirs together with the property owners in a way which they feel benefits both of them."

and approving the minutes of the meeting on October 27, 1971, as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO RETIRING EMPLOYEE.

Mayor Belk recognized Mr. George Cunningham, Laborer with the Sanitation Division of the Public Works Department and stated Mr. Cunningham was employed on November 7, 1960 and retired October 26, 1971. He thanked Mr. Cunningham for the services he has rendered and presented him with the City of Charlotte Employee Plaque.

HEARING ON AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 3, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-37.

The public hearing was held on Amendment No. 4 to the Redevelopment Plan for Redevelopment Section No. 3, Brooklyn Urban Renewal Area Project No. N. C. R-37.

Mr. Vernon Sawyer, Executive Director, stated the Redevelopment Plan for Project No. 3 of the Brooklyn Urban Renewal Project Area contains regulations, controls and restrictions pertaining to signs which are placed on property or buildings within the project area after we dispose of the land. These restrict the design, the type of sign permitted, the number of signs and maximum area of signs within the project area.

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He stated the main change proposed is that the Commission would be empowered to grant a variance from the sign regulations, control and restriction if requested and where adequately justified solely within the discretion of the Commission up to the control contained in the zoning ordinance. That is always the limit. As things stand now, the Redevelopment Plan does restrict the signs permitted, much more than the zoning ordinance does. That is the primary change that is being proposed at this time. Otherwise they are simply combining two paragraphs within the sign regulations for clarity including one limiting phrase as suggested by the Planning Commission to limit the heights a sign may extend above the parapet of the roof to 20 feet. This is also within the zoning ordinance.

Mr. Sawyer stated before going to 20 feet there was no height limit. There was a formula that related to 20% of the height of the building. Actually the zoning ordinance limits it to 20 feet, and the Planning Commission felt the Redevelopment Commission's regulation was misleading in that it was possible under the formula to go higher than 20 feet provided you had a high enough building.

Councilman Short asked if the Planning Commission has made its comments on this matter? Mr. Sawyer replied they have presented this amendment to the Planning Commission. At the time it was presented to the Planning Commission, there was a limitation beyond any that we have here. Subsequently the Redevelopment Commission changed that. They feel it must either go back to the Planning Commission or get some concurrence from the Planning Commission for the Council's benefit before action is taken.

Councilman Short asked if the Council should hold the hearing open until its next meeting and get some comments from the Planning Commission? Mr. Sawyer replied he does not believe so; Council can hold its public hearing and close it receiving all the information desired. All Council needs to do is to defer action.

No opposition was expressed to the proposed amendment to the Plan.

Council decision was deferred for comments from the Planning Commission.

**RESOLUTION AUTHORIZING MAYOR TO SUBMIT THIRD YEAR COMPRENEHSIVE CITY DEMONSTRATION PROGRAM FOR MODEL CITIES TO U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, DEFERRED FOR ONE WEEK.**

Councilman Alexander moved that action on the subject resolution be deferred for one week. The motion was seconded by Councilman Withrow, and carried unanimously.

**CONSIDERATION OF DISPOSITION OF CITY-OWNED PROPERTY AT 1017 EAST MOREHEAD STREET, KNOWN AS THE VETERAN'S RECREATION CENTER, DEFERRED.**

Mr. Robert Robinson stated he is present on behalf of the Children's Theatre. That they understand Council will consider the disposition of the Veteran's Recreation Center, and they are present to indicate their interest, and to acquire the use of it. Back in July, they initiated an inquiry into the use of the property. Subsequently they understand the Park and Recreation Commission desires to use the property for the handicapped, mentally and physically, children. He stated they think they can work out a joint arrangement if the Council is seriously considering that. They would like to discuss with the City Manager's office the joint use of this property with the Parks and Recreation Commission.

Mr. Robinson requested the City Council to authorize the City Manager to discuss with representatives of the Park and Recreation Commission their use of the property and the Children's Theatre's use of the property.

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Mr. Robinson advised that in the early 30's, the Junior League started sponsoring the Children's Theatre; they put on the plays and formed the cast. Shortly after World War II, the children began to be a part of the cast for plays designed for children in the elementary schools. That Mr. Henry Harkey, an attorney, chartered the group about 1960 and has worked closely with it since then. Mr. Robinson stated they would like to expand their services but cannot without the facility from which to operate. It needs a facility in which to practice the plays, and in which plays can be given, and from which the officers and members of the Children's Theatre can work. He stated the Children's Theatre is wholly involved with the school system; they want to continue their services for the elementary schools and want to expand it into the junior highs and senior highs.

Mr. Robinson stated the makeup of the Children's Theatre members is about 100; it is a non-profit corporation organized to further the interest of fine literature and the theatres among the children of Charlotte. He stated the charge is nominal; there are four performances each year at \$2.00; there is a TV play and the \$2.00 helps deter the cost of the TV play. The tryouts are public and the children come to the schools and tryout. At present they are storing the props in an upstairs part of Dilworth Methodist Church, and they are meeting in another part of the Dilworth Methodist Church, rehearsing in Dilworth School, and they give the plays in the Myers Park High auditorium. He stated they need to consolidate their work.

Mr. Robinson stated they think they can turn this into a fine arts center someday for Charlotte; that they can turn its image at this location as it is ideally situated; it has a stage; it is big and is in disrepair and is in disuse, but with some cleaning up, they think it can be turned around. He stated the building appears to be structurally sound, and they think the main need would be cleaning up.

Councilman Short asked to what extent the organization is self-sustaining? Mr. Robinson replied it has been self-sustaining since its inauguration some 22 years ago as a corporation. The members pay some \$5.00 a year dues; it has not solicited except in some recent campaign to try to raise money for a building fund. Councilman Short asked to what extent the organization is prepared to participate in the refurbishing? Mr. Robinson replied they can participate to a degree, but he does not know how much is needed.

Councilman Whittington asked how many children are involved yearly? Mr. Robinson replied there are about 4,000 tickets sold. That just about reaches the maximum accommodation under the present circumstances in the Myers Park Auditorium. They put on about five plays during the course of a week-end. They are troubled with trying to schedule them in the schools as there is so much demand on the auditorium. They would schedule more if they had a place. There are about 500 to 600 students in each of the play tryouts.

Councilman Alexander stated at the last Council Meeting, Council asked that this matter of the Veterans Recreation Center be placed on the agenda for consideration at this meeting. That Council has both of these requests coming to it, both appear similar in character to a certain extent, and what is before Council implies there is a possibility there could be a meeting of the minds on the operation of these programs.

Councilman Alexander moved that Council take the two requests under advisement and ask the representatives of the Charlotte Children's Theatre to get with the Park and Recreation Commission and the City Manager, and see if any resolve can be made as regards the matter and report back to Council. The motion was seconded by Councilman Whittington.

Councilman Short stated while this discussion and conferencing is in process, he asked the City Attorney to advise Council whether it can do this. This is a matter of providing for a private organization, but one which has public overtones and public purposes, a tax free operation, in effect.

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Councilman Alexander stated this is one reason for his motion, so that they can have an opportunity to look at this and suggest and come back to Council.

The vote was taken on the motion and carried unanimously.

Mr. Stan Brookshire, former Mayor, stated he would like to endorse this request for the Children's Theatre. That this is not a dissimilar use to which it has been put by a non-governmental agency in the past, namely, the Veteran's Recreation group.

REQUEST FOR PERMIT AND APPROVAL OF CARROUSEL CARNIVAL AT THE SOUTHEAST CORNER OF MCDOWELL AND INDEPENDENCE BOULEVARD FOR PERIOD OF NOVEMBER 24 THROUGH NOVEMBER 28TH APPROVED.

Mr. Stan Brookshire, with the Carolina's Carrousel, stated this is the 25th Anniversary of the Carolina's Carrousel, and a dozen or more events have been planned that should make Thanksgiving week an outstanding week of important events here in Charlotte. He stated most of the events cost money instead of making money. But they have planned one event they hope will make money as well as permitting the performances and good attendance. That is a Carrousel Carnival. He stated they have gone to the Redevelopment Commission and have their approval to use redevelopment land, that which is situated in the Brooklyn area, on the southeast corner of McDowell Street and Independence Boulevard.

Mr. Brookshire requested Council to give them a permit and approval for this Carrousel Carnival. He stated they are dealing with a company out of Miami, Florida; the firm has been investigated through the National Association of Outdoor Entertainers, and it has a good reputation. They will furnish a \$10,000 performance bond which means the Carrousel nor anyone else in the community should have any responsibility for any debts they might leave if they have a bad week. They also have provided them with a certificate of \$1.0 million public liability policy which they think is adequate to cover them.

He stated the permission on the part of the Council for the permit will require some city services such as police surveillance and there will be some trash and garbage connected with it. He stated it will be from November 24 through the 28th. The operator makes his own arrangements with Duke Power for light services.

Councilman Whittington moved approval of the request as presented. The motion was seconded by Councilman Short, and carried unanimously.

PROPOSAL BY MINNESOTA TWINS TO SELL CLARK GRIFFITH PARK TO THE CITY OF CHARLOTTE TAKEN UNDER ADVISEMENT BY THE CITY COUNCIL.

Mr. Arthur "Red" Dwyer, President, Charlotte Baseball & Amusement Company, stated he is representing the Minnesota Twins today.

That the Minnesota Twins desire to sell Clark Griffith Park, consisting of 12.24 acres of land, located at 400 Magnolia Avenue to the City of Charlotte for the sum of \$135,250.00. That copies of a certificate of valuation prepared by the Charlotte Board of Realtors have been given to Council; that they feel this represents a fair market value for the property in question. He stated the City could then turn the ball park over to the Parks and Recreation Department since they are equipped to handle such facilities. The Minnesota Twins and Hornets are then prepared to rent the ball park for a term of five years at a base rate of \$5,000 per year. The Parks and Recreation Department could furnish the ball park for high school, American Legion and county league baseball games. This would be the first time the City of Charlotte would have a baseball facility to offer its residents. It should not be overlooked that this facility would be a suitable location for any outdoor city promotion.

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The only stipulation would be that the Charlotte Baseball Club would have exclusive use of the park on all days that the Southern League Schedule had them at home. This would cover any exhibition, all star or post season games. The City would furnish all utilities and maintenance.

Mr. Dwyer stated the Minnesota Twins, formerly the Washington Senators, feel that over the many years they have been located in Charlotte they have spent and brought in a great sum of money to the great City of Charlotte. This money has been spread over the entire city and not just one section. Charlotte is a growing city with a wonderful future ahead.

He stated should this outline as proposed not be acceptable to the City of Charlotte, the Minnesota Twins will give no guarantee as to operating a Double A franchise in the City of Charlotte. While the relationship between the Minnesota Twins and the City of Charlotte has been a great one for better than thirty years, the cost of operating the Charlotte Hornets in recent years has grown to astronomical heights. For that reason, the Minnesota Twins need some relief in its overhead for operating the Charlotte Hornets Baseball Club in the City of Charlotte.

Councilman Alexander asked who owns the parks in other cities where there is a professional baseball team? Mr. Dwyer replied all the other ball parks in the Southern League are owned by the City and the ball clubs rent from them. That the following cities own the ball parks: Asheville, N. C., Birmingham, Alabama, Columbus, Georgia, Jacksonville, Florida, Montgomery, Alabama, and Savannah, Georgia.

Councilman Jordan moved that this proposal be taken under advisement. The motion was seconded by Councilman Calhoun, and carried unanimously.

Mayor Belk requested the City Manager to give the Park and Recreation Commission a copy of the proposal.

PETITION NO. 71-84 BY GLADDEN REALTY, INC. FOR CHANGE IN ZONING OF TWO LOTS AT 2930 CLYDE DRIVE, DEFERRED AND PLANNING COMMISSION REQUESTED TO COMMENT ON SUGGESTION OF A STORAGE AND WAREHOUSE ZONE.

Councilman Whittington moved that the subject petition for a change in zoning from R-6 to B-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow.

Councilman Short suggested that Council defer action on the subject petition and ask the Planning Commission to present to Council at such time they can a suggested storage and warehouse zone. There are a number of cities that have such a zone, and this zone would be basically oriented towards business and industrial uses which do not bring in many people and are not noisy. That this zone perhaps would not be exclusionary like the other industrial zones, and it might actually be conditional, which also makes it different from the other industrial zones. That this type of zone might be useful in several ways. It might help to zone some land in ways that the banks would back what we would be zoning the land for, and we have some situations now where they have not wanted to back what we were able to pick out as the proper zoning. He stated in the present case, it seems to him to be out of order to harm this gentlemen's storage activities on these lots to preserve such residential character as exists on this street, Clyde Drive. On the other hand the zoning he is asking for, B-2, does not seem to be in order for this location at all. That he cannot think of any zone we have that really fits this Clyde Drive. That this suggestion might make this a useful street and enhance the values without hurting anyone.

Councilman Short made a substitute motion to defer action on the subject petition, and ask the Planning Commission to comment on the possibilities of this suggestion. The motion was seconded by Councilman Alexander.

After further discussion, the vote was taken on the substitute motion and carried unanimously.

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ORDINANCE NO. 295-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING A PORTION OF A 3.081 ACRE TRACT OF LAND NORTH OF CENTRAL AVENUE, WITH FRONTAGE ON CARRIAGE DRIVE, ON PETITION OF FIVE STAR INDUSTRIES, INC. AND MRS. L. A. LOVE.

The subject petition for a change in zoning from R-9 to R-9MF of 3.081 acres of land north of Central Avenue at the end of Tamer Lane and Belshire Lane with frontage on Carriage Drive, and on which a protest petition has been filed and is sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property was presented.

Council was advised that the Planning Commission recommends that the portion of the property adjacent to the existing residential area be denied and the remainder be approved.

Mr. Fred Bryant, Assistant Planning Director, stated at the last meeting, Council requested him to contact the protestants to the subject petition. That the staff immediately sent out a letter, along with a map, to show the recommendation of the Planning Commission to about 15 people. These were made up of the adjacent property owners who had signed the legal 3/4 Rule protest, and in addition, there were about nine or ten names they had in their files of people who had corresponded directly with the Planning Office. He stated they did not attempt to send this to the broad scale general petition signers. As a result they had about two or three contacts in the office. At least one person indicated they would be present today to perhaps have something to say in response to the proposal. That the general response was they were obviously more acceptable to a proposal that would guarantee some space between the apartments and the single family homes. Nothing very dramatic came from this by way of feedback from the people.

Mr. Bryant stated Councilman Short asked for some figures on the number of units that would be permitted under the various proposals.

He stated under the existing zoning, it would be possible to build 319 units. Under the zoning requested by the property owners, it would be possible to build 383 units. Under the proposed zoning as suggested by the Planning Commission recommendation, it would be possible to build 358 units. He stated the actual revised plan of development submitted by the property owners for consideration shows 336 units. He stated that is not legally binding. It would be permissible, if the zoning is granted, to have up to 358 units.

Mr. Bryant stated under the plan they have submitted, the closest building to an existing single family house, at the end of either of the two dead end streets would be approximately 100 feet. He presented the latest development scheme and pointed out Tamer Lane and Belshire Lane. He pointed out the present property lines, and stated these streets are presently just dead-end streets. Under this proposal those streets would be cul-de-sacs. He stated there would be no access to these dead end streets. One building is 165 feet from the property line; another is 110 feet, another 155 feet and another is 70 feet which is at the rear of the property rather than a side line. Actually the nearest building to the side lines of any one of the existing houses would be 110 feet.

Councilman Withrow stated in connection with the 336 units they say they will build, what would R-12MF allow them to build? Mr. Bryant replied it would be difficult to figure as the R-12 is only on a strip of land; it would not affect it that much as the remainder of the property is already zoned R-9MF.

Councilman Short stated two of his acquaintances live in this area; he pointed out on the map the locations of their homes and stated they cannot understand why the 25-foot line did not cut through. Mr. Bryant replied the only reason it did not was because these lots face on Wilora Lake and this would be a rear lot relationship rather than a side lot relationship. That it could be done very easily. Councilman Short asked if this is done would it knock out an entire building? Mr. Bryant replied it would not knock out a building; it would require that one building be moved a bit.

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Councilman Short asked Mr. Don Lassiter, Attorney for the petitioners, if what he is asking can be done? Mr. Lassiter replied they have no objections to this.

Mr. Lassiter stated they are going to build 336 units; that they will assure Council of that. That Mr. Beard, Vice President of Redmon, who is in charge of this project, is present and he will also give that assurance.

Councilman Short moved approval of the request as recommended by the Planning Commission except that an area along the north side of the property will remain R-9 with the area varying in depth from 25 feet to 100 feet. The motion was seconded by Councilman Calhoun.

Councilman Whittington stated he does not dispute that the petitioner will do what he says he will do, but it should be put into the record that Council approves this for 336 units with the deletion of the 25 feet. Councilman Short replied R-9MF does not allow Council to approve 336 units. Councilman Whittington stated that is what they say they plan.

Mr. Beard stated their plan is to build 224 units at the present time, and at such time as they become occupied, then build the second phase. That he will be willing to accept the 336 units which would be the total project. Councilman Short stated he does not mind including that in his motion, but he does not think it would be ultra vires, as Council does not have that authority.

Mr. Lassiter replied he thinks Mr. Short is right, but they will give Council that assurance.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 390.

PETITION NO. 71-16 BY SCHLOSS OUTDOOR ADVERTISING TO AMEND THE TEXT OF THE ORDINANCE TO PERMIT ADVERTISING SIGNS ON PREMISES OCCUPIED BY OTHER USES PROVIDED THE SIGN IS AT LEAST 50 FEET FROM ANY BUILDING, AND WITHIN FIVE FEET OF THE PROPERTY BOUNDARY, SCHEDULED TO BE RE-HEARD IN JANUARY.

Mr. Ben Horack, Attorney for the subject petitioner, stated this matter was heard last March 15. At that hearing those on the Council were impressed enough with some observations and comments that suggested there were some inequities and unfairness in the application of the present sign ordinance as it relates to outdoor advertising that it merited a look-see and hopefully, a getting together between himself on behalf of the petitioner and the Planning Commission. Through no one's fault it was not until June that he got together with the Planning Commission; again at no one's fault, the Planning Commission did not reach a recommendation about it until early September. It was placed on the Council's agenda on September 13 and at that time Council was advised of his extended absence from the City and deferred it for his return.

Mr. Horack stated it was only a week ago that he had an opportunity to consider the recommendation of the Planning Commission. Having done so, he feels there are some very definite opportunities to get at the main thrust of what the advertising people are concerned about, and at the same time not violate the main thrust of the concerns of the Planning Commission as set forth in their recommendations. He stated as long outstanding as this has been, he would like for the Council to delay the matter to see if something can be worked out that will evolve something that is more fair and equitable and considerate to the advertising people.

Councilman Whittington moved that the petition be delayed. The motion was seconded by Councilman Calhoun.

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Councilman Short stated he wonders if this is not similar to the B & W mobile home petition where two new members arrived on the scene and it was considered wise to re-hear that zoning petition. He stated he wonders for the benefit of Mr. McDuffie and Mr. Calhoun if Council should not re-hear this petition by advertising and re-hearing it again.

Councilman Whittington stated he would want to do anything Mr. McDuffie and Mr. Calhoun wants done. But this is a technical question relating to zoning and the sign ordinance and it is something the Planning Commission should make recommendations to the Council. That since it has been heard and no action has been taken to this time, he would hope the Planning Commission would make the bends, if there are going to be any made, with conferences between Mr. Horack and the petitioner and the Staff and the Commission. Mr. Horack stated the composition of the Planning Commission has changed also. Councilman Whittington stated the Planning Commission and staff could best view this than Council can in a public hearing.

Councilman McDuffie stated based on the recommendation of the Planning Commission, he is about as strongly in favor of denying as they are. But in fairness to <sup>the</sup> petitioner, if they want to present something he would be glad to listen and observe, and he will vote to defer it, but he is very much in favor of less advertising signs, interstate highway systems without signs and Independence Boulevard with fewer signs.

Councilman Short moved that the subject petition be advertised and re-heard on Council's motion. The motion was seconded by Councilman Alexander, and carried by the following vote:

YEAS: Councilmen Short, Alexander, Withrow and McDuffie.

NAYS: Councilmen Whittington, Calhoun and Jordan.

Councilman Whittington requested that the hearing be set on a day other than a regular zoning hearing date. Mr. Bryant stated if the Planning Commission will be asked to be in attendance at this hearing, out of consideration for them, he would ask that the hearing not be held until after the first of the year. That the Commission has been meeting on about a twice a week schedule in preparation of the perimeter changes, and they have been under a very heavy schedule for the past several months. If they are to be present on a non-hearing date, he would ask this consideration. Mr. Horack stated this would meet with their approval, and early January would be alright.

Mr. Burkhalter, City Manager, stated according to his understanding, this hearing will be scheduled after the first of January at a meeting other than the regular zoning hearing date.

**AMENDMENT TO CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND EARL M. REDWINE AND ASSOCIATES.**

Councilman Whittington moved that the subject amendment be deferred until Council takes up the Model Cities Budget. The motion was seconded by Councilman Withrow.

Councilman Alexander stated the money for this contract is money that is already appropriated. That this is not the same as the item of the Third Year Budget.

Mr. Wilson, Director of Model Cities, stated Mr. Redwine has been working on the second year action year; that the business as it relates to the first year activity came up towards the end of this contract; that it has become necessary to go all the way back and include the revisions in the first year in order to make their situation legal with respect to HUD. That at a late date, an appropriation ordinance for the budgeting of the first year was presented. That it was impossible to complete the revisions necessary in the second year until they in fact cleared out the first year.



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Councilman Withrow stated he would like Council to set aside a night or five nights to go into the whole model cities program so that we can learn more about it and try to understand the program. That he does not know whether Council understands all the model cities programs to appropriate money as is appropriated.

Mr. Underhill, City Attorney, asked Mr. Wilson if part of the contract before Council includes an amendment as to the extension of time? Mr. Wilson replied it does. Mr. Underhill stated if this is the case we are probably talking about a new contract rather than an amendment.

Councilman Alexander stated we are talking about money that is already existing; that this will not change the Third Year plan operation as nothing here is pertaining to the Third Year Plan. In fact, if we set here three nights and discussed this one item alone, we would not be any further in our ideas of why it happened than we are today.

Councilman Alexander made a substitute motion to approve the amendment to the contract as presented. The motion was seconded by Councilman McDuffie.

Councilman Alexander stated we are not gaining anything as far as our knowledge is concerned of the operations in the past in delaying this type of thing. This becomes a procedure which grows out of things that happened in the past and perhaps leads to this now.

Councilman Jordan asked if Council can legally defer this today? Mr. Underhill replied if it is deferred, the existing contract expires and it will probably require a new contract rather than an amendment to the existing contract to cover the work to be done under what is proposed.

Councilman Alexander asked if the matter is before Council because of someone's negligence, be it on the city's part, model cities' part or both parts? Mr. Wilson replied he is a little hesitant to get back into this kind of discussion when we are so close to cleaning up a situation that could be of tremendous embarrassment to the City, to the HUD Regional Office and to all those prior to this time with respect to the administration of this program. He stated what we have done in the past eleven (11) months today is administratively in effect reconstructed both the first and the second year in terms of HUD guidelines and city rules and regulations with respect to controls of these kinds of programs. At the same time, we have effected a reasonably sound, and a much shorter third year plan for next year. This third year plan has been generated with these restraints and these rules and regulations in mind. It will have been, in fact, the first year we would have had some semblance of control over what is going on, with the necessary administrative tools at hand from the finance department all the way out to evaluation and coordination, monitoring and the like of both the program and dollars that we should have had from year one.

He stated he, along with the Staff, has had to suffer the burden of cleaning up what amounts to an administrative mess.

Councilman Alexander stated it was an attitude of concern over the existing fix of our first and second year plans that lead to the recommendations that Earl Redwine and Associates be called in at that point. This is why they were able to move into a Third Year Program.

Councilman Short stated Councilman Whittington's request for a delay to consider a matter of this sort is one that Council normally would want to go along with. All of us have requested this kind of delay on one thing and another and for good reason. But this conversation has evolved, he believes, into a public discussion that brings into issue, your basic belief in this program. The motion seems to be relatively innocuous but in the face of this discussion, it has almost brought your basic belief in this program into issue.

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The vote was taken on the substitute motion to approve the amendment to the contract, and carried by the following vote:

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

AMENDMENT TO COOPERATION AGREEMENT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND THE CHARLOTTE MECKLENBURG BOARD OF EDUCATION, APPROVED.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, the subject amendment made necessary by programmatic changes which reduced the level of funding required from \$995,158 to \$825,645 to create a smooth transition from the revised Second Year Plan to the proposed reduced Third Year Plan, was approved.

AMENDMENT TO CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND HORNET'S NEST GIRL SCOUT COUNCIL, INC., APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, approving subject amendment in contract with Hornet's Nest Girl Scout Council, Inc.

COMMENTS ON THE MODEL CITIES PROGRAM AND COUNCIL TO SET ASIDE THREE NIGHTS FOR INSTRUCTIONS ON THE MODEL CITIES PROGRAM.

The City Manager stated since he will not be present for the Council Meeting next Monday, and the Third Year Model Cities Budget will be presented, that he has prepared some information for Council. There might be some question about whether this is going to be continued next year, federally speaking. He stated the following are a few excerpts from a letter from Mr. Floyd H. Hyde, Assistant Secretary of HUD:

"The program then is alive and well. Where the model cities process is underway the administration believes that there is at this time no better context for demonstrating some of the essentials of revenue sharing. I know of no better priority setting mechanism than the model cities progress.

Your city is fortunate to have been among the first group of cities to use this process and I know you have learned a great deal.

I want you to know my personal commitment to seeing the Model cities program continued to succeed. The administration supports this view. We also expect continued support from other agencies. I hope therefore, that the program will continue to receive your whole strong endorsement."

Mr. Burkhalter stated the staff has presented to Council the Third Year Action Plan. They hope Council will use this as a continual reference. That today, the staff was prepared to take this budget as long as Council wanted to do it, item by item, section by section, and every phase of it to familiarize Council with it so that Council could then refer back to it throughout the year as these different things come up. That he hopes it will be presented next week in such a way that all will be able to understand it.

Councilman Withrow moved that Council set aside three nights for study of the Model Cities program, and that the Director of the Model Cities program attend and instruct Council on the entire Model Cities Program after the hearing on next Monday. The motion was seconded by Councilman Whittington.

Councilman Alexander requested that the letter from Mr. Hyde be made a part of the hearing on the Model Cities Program.

The vote was taken on the motion and carried unanimously.

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**ORDINANCE NO. 296-X AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS CAPITAL IMPROVEMENT PROJECTS TO THE WEST THIRD STREET PROJECT.**

Councilman Whittington stated he had asked that the subject ordinance be delayed. That after hearing the report of Ponte, Travers and Wolfe, and after talking to Mr. Bobo, Mr. Hopson and Mr. Hoose as it relates to the importance of the extension of the street, his questions have been answered.

Councilman Whittington moved adoption of the subject ordinance authorizing the transfer of \$319,805.47 from various capital improvement projects to the West Third Street Project. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 391.

**RESOLUTION AUTHORIZING REFUND OF TAXES COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY.**

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following two resolutions:

- (a) Resolution authorizing the refund of certain taxes in the total amount of \$39.00 collected through clerical error and illegal levy.
- (b) Resolution authorizing the refund of certain taxes in the total amount of \$2,153.51 collected through clerical error and illegal levy.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 470.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON DECEMBER 6, 1971, ON PETITION TO CLOSE A PORTION OF GORDON STREET.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, subject resolution was adopted to close a portion of Gordon Street, as requested by H. L. Smith and wife, and J. William Heinz and wife.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 472.

**RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT AND THE MCMULLEN CREEK OUTFALL PROJECT.**

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Edith Skidmore, Jewel Skidmore and Julia Skidmore, located at 1319 and 1323 Parkwood Avenue in the City of Charlotte for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 474.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Lawrence K. Farrar and wife, Marguerite S. Farrar, located at 908 Belmont Avenue, 919 Belmont Avenue and 1025-1035 Harrill Street, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 475.

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Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Heirs of Mary L. Kerr located at 1205 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project, was adopted, and is recorded in full in Resolutions Book 7, at Page 476.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Waters Construction Company, Inc., known as Parcel 38, located on South Sharonview Road, in the City of Charlotte, for the McMullen Creek Outfall Project.

The resolution is recorded in full in Resolutions Book 7, at Page 477.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Waters Construction Company, Inc., known as Parcel 39, located off Cambria Road, and Parcel 41, located off Shaker Drive, in the City of Charlotte, for the McMullen Creek Outfall Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 478.

#### PROPERTY TRANSACTIONS, AUTHORIZED.

Councilman Jordan moved approval of the following property transactions. The motion was seconded by Councilman Whittington, and carried unanimously.

- (a) Acquisition of 12.68' x 50.73' at 1036 Andrill Terrace, from Richard M. Coradi and wife, Janice C., at \$51.00, for the Interstate-77 Sanitary Sewer Relocation Project.
- (b) Acquisition of 16.39' x 50.03' x 4.79' x 37.83' x 20.44' at 800 Parkwood Avenue, from Albert M. Guillett and wife, Margaret, at \$265.00, for the Belmont Neighborhood Improvement Project.
- (c) Acquisition of 4.69' x 40.0' x 6.33' x 39.93' at 816 Parkwood Avenue, from Lonnie L. Rogers and wife, Dianne E., at \$200.00, for the Belmont Neighborhood Improvement Project.
- (d) Acquisition of 5.19' x 49.65' x 24.63' x 50.91' at 801 A & B Parkwood Avenue, from Charles Harry Lowder and wife, Colleen T., at \$437.50, for the Belmont Neighborhood Improvement Project.
- (e) Acquisition of 29.10' x 29.33' x 31.78' x 10.46' x 50.31' at 1601 N. Davidson Street, from Albert M. Guillett, Jr. and wife, Margaret, at \$1,040.00, for the Belmont Neighborhood Improvement Project.
- (f) Acquisition of 12.57' x 49.53' x 14.9' x 49.44' at 1609 N. Davidson Street, from Albert M. Guillett, Jr., and wife, Margaret, at \$400.00, for the Belmont Neighborhood Improvement Project.
- (g) Acquisition of 15.53' x 49.01' x 15.5' x 49.45' at 1617 North Davidson Street, from Emma W. Helms (widow), at \$472.00, for the Belmont Neighborhood Improvement Project.
- (h) Acquisition of 50' x 150' at 1700 North Davidson Street, from Thomas F. Kerr Company, Inc., at \$6,400.00, for the Belmont Neighborhood Improvement Project.

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**SPECIAL OFFICER PERMITS, APPROVED.**

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, approving the issuance of Special Officer Permits for a period of one year to the following:

- (a) Richard Gilbert Neeley for use on the premises of Jefferson First Union Tower, 301 South Tryon Street.
- (b) Garland M. Renegar for use on the premises of Jefferson First Union Tower, 301 South Tryon Street.
- (c) George H. Terrell for use on the premises of First Union National Bank, 301 South Tryon Street.
- (d) Renewal of the following special officer permits for use on the premises of Charlotte Branch Federal Reserve Bank of Richmond: Oliver W. Parks, J. Wesley Parks, Donald R. Oshinski, Johnnie C. Mumford, George W. Morgan, John H. Miller, Conder L. McCoy, Willie E. Lynn, Samuel W. Jordan, Robert H. Horne, W. Y. Henderson, Frank W. Helderman, David S. Harlee, Paul E. Haefling, Earl A. Frady, Earle P. Gunther, Paul T. Guinn, Hugh E. Dickey, Ralph J. Beatty, Donald R. Barrett, Jack D. Austin, W. Paul Watson, James R. Wall, Jackie Lee Thomas, Milton P. Therrell, Joe L. Puckett, Jr., and James E. Porter.

**CONTRACT AWARDED TOWN & COUNTRY FORD FOR AUTOMOBILES FOR USE BY THE POLICE AND FIRE DEPARTMENTS.**

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject contract was awarded the low bidder, Town & Country Ford, in the amount of \$174,199.12, on a unit price basis, for 56-eight cylinder automobiles, for use by the Police and Fire Departments.

The following bids were received:

Town & Country Ford	\$174,199.12
Harrelson Ford, Inc.	174,865.00
Young Ford, Inc.	174,925.35
Dodge Country, Inc.	179,379.68
LaPointe Chevrolet Co.	193,806.09

**CONTRACT AWARDED RAY SKIDMORE AMERICAN, INC. FOR AUTOMOBILES FOR USE BY THE AIRPORT, MOTOR TRANSPORT, PERSONNEL AND PUBLIC WORKS DEPARTMENTS.**

Councilman Withrow moved award of contract to the low bidder, Ray Skidmore American, Inc., in the amount of \$17,996.65, on a unit price basis, for 7-eight cylinder automobiles for use by the Airport, Motor Transport, Personnel and Public Works Departments. The motion was seconded by Councilman Calhoun, and carried unanimously.

The following bids were received:

Ray Skidmore American, Inc.	\$ 17,996.65
Town & Country Ford	19,546.80
Young Ford, Inc.	19,737.20
Harrelson Ford, Inc.	19,740.00
Dodge Country, Inc.	20,060.18
LaPointe Chevrolet Co.	20,662.32

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**CONTRACT AWARDED YOUNG FORD, INC. FOR STATION WAGONS FOR USE BY THE FIRE DEPARTMENT.**

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Young Ford, Inc., on a unit price basis, for the amount of \$13,644.68, for 4-eight cylinder station wagons, for use by the Fire Department.

The following bids were received:

Young Ford, Inc.	\$13,644.68
Harrelson Ford, Inc.	13,780.00
Town & Country Ford	13,795.32
Dodge Country, Inc.	13,967.92
LaPointe Chevrolet Co.	14,675.44

**CONTRACT AWARDED MINNESOTA MINING & MFG. COMPANY FOR VACUUM SIGN APPLICATOR MACHINE.**

Motion was made by Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, awarding contract to the low bidder, Minnesota Mining & Mfg. Company, in the amount of \$10,309.57, for a vacuum sign applicator machine, for use by the Traffic Engineering Department.

The following bids were received:

Minnesota Mining & Mfg. Co.	\$10,309.57
Lyle Signs, Inc.	15,500.00

**REPORT BY TRAFFIC ENGINEER ON REQUEST FOR TRAFFIC SIGNALS AT VARIOUS LOCATIONS.**

Councilman Whittington asked Mr. Hoose, Traffic Engineer, for a report on the request for a traffic signal at Rama Road and Sardis Road where a private school is having so much trouble on ingress and egress because the entrance to the school is not in line with Rama Road.

Mr. Hoose stated he does not have anything new other than they are working with the school in trying to secure the property so the driveway can be constructed opposite Rama Road. He stated they approved a plan based upon the fact that it was to be built opposite Rama Road. After the school was open the drive was some 80 feet from the intersection, and the school did not own the property. He stated they put in the school controls as they do on any school. The problem is the traffic moving from Rama Road and turning left into this driveway. He stated they feel the only answer is to actually abide by what they requested in the first place with the drive opposite Rama Road. Mr. Hoose stated they are working with the school in trying to get the easement to establish the drive in its proper place.

Councilman Whittington stated he received a call from them today and they said they had a meeting last night and they cannot get this easement without additional expense. He stated this is a private school; on their own they have spent some \$360,000 to build the school and they have built their own roads to get them in and out of Sardis Road. That it is little enough for the city to do what it can to get the alignment of those roads up, before we have some 300-400 people down here to demand that Council do something to help them. That he knows the Traffic Engineer has done everything he can do. But he asked that he look at this again from the basis that they cannot get the easement without a great deal of additional expense and go ahead and help them get this alignment made.

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Councilman Whittington stated all they are asking the Traffic Engineering to do is to move the white line back on Rama Road. Mr. Hoose replied moving the line back, which is 120 feet from the signal, would not answer their problem because during the period of the green signal someone will move up and do the same blocking. When you leave that much space that is five vehicles, and someone will be in this area.

Councilman Whittington requested Mr. Hoose to get in touch with Mr. Ridenhour at First Union National Bank and tell him what he is going to do and what he is not going to do.

Councilman Whittington asked Mr. Hoose for his recommendations on the request for a traffic signal at Colony Road and Runnymede. Mr. Hoose replied since last Wednesday they have run some surveys and made some observations. That his recommendations are the same that a traffic signal not be installed. He stated they do not feel it is warranted. During their observation there were so few children that crossed as far as the vehicles getting out, the whole thing was over in about 15 minutes. The pedestrian walking does not create a problem at this location; it is the automobile. This is due to the split of the road and the alignment on the other side. This is where you have a divided section on one side and a four lane road on the other side. There is some delay on the automobiles coming from the Myers Park-Colony Road direction. The other way there is no difficulty.

Mr. Hoose stated in reference to the request for a signal at Rosehaven and Central Avenue, this does not involve the pedestrian. The school flashers and adult guard are at this intersection. The school busses leave about 20 to 30 minutes before the school children. There is no problem with the 42 school children as the guard is doing a fine job in helping the children across.

Mr. Hoose stated under the design of the building of Central Avenue, they recommended to the Engineering Department that this street have left turn lanes built on the new design. That he felt traffic would increase, and the intersection would be so designed that they could do a traffic signal at this location. At present they do not feel it is necessary. The busses come in one block ahead and circle and come out at Rosehaven Drive. They do not enter and leave at Rosehaven. There are nine busses that line up and come out, but they are all out in eleven minutes. In the afternoon, traffic is the lightest.

Mr. Hoose stated they will probably consider this signal after the widening of Central Avenue and the intersection is adopted to handle it.

#### DISCUSSION OF USE OF CAMERAS AT INTERSECTIONS AND ON POLICE CARS FOR CONTROL OF SPEED AND DRUNKEN DRIVERS.

Councilman Short stated there is a town near Dallas which has camera's set up to record speed; another thing, camera's mounted in police cars for the purpose of checking speed as well as drunken driving. He asked the Traffic Engineer if he has any comments on this.

Mr. Hoose replied they have been studying some of this. That under the new system Downtown they hope to have nine locations where closed circuit television will be used to scan the area. The use of cameras for surveillance involves a receiver and a transmitter for each individual. They feel as far as surveillance and as far as traffic, it would be alright; but it is rather hard as far as enforcement of drunk driving. All this would do would be take a photograph of the license to find out whose car it is. You do not arrest a car, you arrest a driver. So someone other than the owner could be driving the car and all the owner would know that someone driving his car at a certain period was going 60 miles an hour in a 55 MPH zone. It can only be done on an educational basis.

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Councilman Short stated the material presented in the Observer Magazine would seem to indicate that this is a rather conclusive matter in terms of court proof. That this has been one of the problems in connection with drunken drivers.

Mr. Hoose stated as far as speed control, it can be used.

Councilman Short stated in view of the problems of this sort, he suggested that Mr. Hoose keep this in mind in connection with next year's budget.

**MAYOR REQUESTED TO CONTACT COUNTY FOR ASSISTANCE IN SOLVING THE TEMPORARY TRAFFIC PROBLEM AT INTERSTATE 85 AND BEATTIES FORD ROAD.**

Councilman Alexander asked Mr. Hoose, Traffic Engineer, if Council needs to give him any assistance on unbottling the bottleneck at I-85 and Beatties Ford Road?

Mr. Hoose replied he has a letter from the County Police and State Highway in connection with a meeting last week and he is preparing a report for Council. He stated the request for some manual traffic control was turned down by both the County and State Highway. They based this decision on the fact if they did this, there are six or eight they would have to do and they do not have the manpower. He stated this is out of the city limits and out of his jurisdiction. That this will be corrected when the interchange at I-77 is completed.

Councilman Alexander stated this bottleneck occurs especially at peak travel hours in the morning and in the afternoon. It is outside the city limits, but there are areas of the city which are in the city limits that do not face on the Beatties Ford Road. This condition has been in existence since the Spring of the year and it gets worse. Right now the traffic at I-85 and Beatties Ford Road backs up from I-85 all the way back.

After further discussion, Councilman Alexander moved that the Mayor contact the County and request help in this matter. The motion was seconded by Councilman Whittington, and carried unanimously.

**DRAINAGE PROBLEM IN FRONT OF 1214 BEATTIES FORD ROAD REQUESTED INVESTIGATED.**

Councilman Alexander stated in front of 1214 Beatties Ford Road there is a problem of drainage. When it rains, the street is flooding, and the people who live there seem to think the drains need to be cleaned out. He requested the City Manager to have this investigated.

**CITY MANAGER REQUESTED TO INVESTIGATE COMPLAINTS OF TRASH WHICH IS TIED AND BUNDLED NOT BEING PICKED UP.**

Councilman Alexander requested the City Manager to have someone check 912 Campus Street. The residents say they have tied their limbs in bundles and they have been there three weeks.

Councilman Alexander stated another family has their garbage in their garage and the Sanitation Department will not take it out. That he told them to put it outside the garage, but the man says he works in Myers Park and the people keep theirs in their garage and it is picked up.

**POLICE DEPARTMENT REQUESTED TO CHECK CARS EXCEEDING SPEED LIMIT ON BEATTIES FORD ROAD, FROM DIXON STREET TO THE BRIDGE.**

Councilman Alexander stated the speed is increasing on Beatties Ford Road. That the speed limit signs are posted but the people know that no one is writing tickets and they forget about it. That from Dixon Street all the way to the bridge is a race track. He requested the City Manager to have the Police Department check the speed out there and write some tickets as a reminder of the speed limit.



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REQUEST THAT LETTER OF RECOGNITION BE SENT TO COMPANIES WORKING TO ALLEVIATE LITTER IN THE COMMUNITY.

Councilman Jordan stated Council should recognize the companies such as American Cyanamid and Dillard Paper Company for what they are doing concerning litter. These companies are spending a lot of money.

He stated these companies and others should be given recognition by writing them a letter or giving a certificate.

He requested the Mayor to write these companies and others and tell them how much the City appreciates their efforts.

Councilman Jordan stated when they were in Europe, they saw very little litter. It was amazing how the people do this. Councilman Withrow stated it is a matter of personal pride and the City should have a program and the people have personal pride and when they see someone littering, they remind them not to litter.


PUBLIC MEETING OF SCHOOL OFFICIALS AND COMMUNITY LEADERS ON EVENTS OF THE PAST FEW DAYS SET FOR NOVEMBER 2, 1971, AT 4:00 P. M.

Mr. Burkhalter, City Manager, advised that the Board of Education will hold a meeting at 4:00 o'clock p.m., on November 2, 1971 in the Educational Building Meeting Room of high school principals and community leaders. They would like to invite the Mayor and Council to be present for this meeting to discuss some of the school problems that are occurring today.

Mr. Burkhalter stated he has asked the Chief of Police to prepare a special report on the school events of the past several days, copies of which he passed around.

ADJOURNMENT.

There being no other business before the Council, the Meeting was adjourned.

  
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Ruth Armstrong, City Clerk