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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, October 4, 1971, at 3:00 o'clock p.m., 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 B. Whittington.

MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Calhoun, and unanimously carried, approving the Minutes of the last regular meeting, on Monday, September 13, 1971, and of the Special Meeting, on Friday, September 17, 1971.

FORMER MAYOR OF ATHENS, GREECE MADE HONORARY CITIZEN OF CHARLOTTE.

Mayor Belk recognized Mr. J. C. Papaconstantinou, Former Mayor of Athens, Greece. He welcomed him to the City of Charlotte and congratulated him for the fine work he has done in the beautiful city of Athens. Mayor Belk stated the City of Charlotte would like to make him an Honorary Citizen of Charlotte and presented him with a City of Charlotte plaque.

Mr. Papaconstantinou thanked the Mayor and stated he is very happy to be in the City of Charlotte, and stated the Mayor would be invited to visit in their city when their civic center is completed.

EXECUTIVE DIRECTOR OF INTERNATIONAL CITY MANAGERS ASSOCIATION PRESENTED WITH CITY OF CHARLOTTE DISTINGUISHED VISITOR PLAQUE.

Mayor Belk introduced Mr. Mark E. Keane and Mr. Burkhalter, City Manager, stated Mr. Keane is now Executive Director of the International City Management Association, an organization which represents over 2,300 cities in the country that have City Managers. It has a membership of about 5,000 in this country, and about an equal number of City Managers throughout the world, outside this country.

Mr. Burkhalter stated Mr. Keane was a successful City Manager, winding up his career as City Manager of Tucson. He served the federal government in the newly created HUD Department and then was elected by a group of his peers as Director of ICMA, and he is now serving in that capacity.

He stated Mr. Keane is visiting the city today, at our invitation to see if our City can host the International Meeting of ICMA in 1977. The ICMA has selected the southeast as the place for this conference, and Charlotte is among the cities vying to see if it can be held in this city. That Mr. Keane has just completed a tour with Mr. Lee Andrews of the Chamber of Commerce Convention Committee, seeing the facilities Charlotte has and those it plans to have by 1977.

Mr. Keane stated on behalf of ICMA, he would like to express the great respect Mr. Burkhalter's colleagues have for him. He stated he worked with him last year and had the opportunity of visiting all parts of the United States with him as well as other parts of the world. That he was the most distinguished and respected representative of the Association everywhere he went.

Mayor Belk presented Mr. Keane with the City of Charlotte Distinguished Visitor Plaque.

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AMERICAN MANAGEMENT ASSOCIATION CERTIFICATES PRESENTED TO EMPLOYEES ON COMPLETION OF SUPERVISORY COURSE.

Mayor Belk introduced the following City Employees and presented each with an AMA Certificate:

A. R. Benton	T. R. Maddox
Hartford Bennerman	J. N. McWhirter
J. W. Cox	J. F. Norris
D. C. DiRuggiero	Roy L. Pace
A. T. Hagler	J. W. Porter
E. T. Haney	J. R. Thomas
Larry M. Johnson	H. L. Wilson

CITY MANAGER OF ASHEVILLE, N. C. WELCOMED TO COUNCIL MEETING.

The City Manager stated Charlotte has another distinguished visitor today. He introduced Mr. Phil Horton, City Manager of Asheville, North Carolina, and stated he is also President of the North Carolina Manager's Association.

Mayor Belk welcomed Mr. Horton and stated he is doing a great job in Asheville.

ORDINANCE NO. 244 AMENDING CHAPTER 18, ARTICLE II, SECTION 18-23.1 OF THE CODE OF THE CITY OF CHARLOTTE REQUIRING SIDEWALK TO BE INSTALLED ON BOTH SIDES OF COLLECTOR STREETS WHICH PROVIDE DIRECT TRAFFIC ROADS FROM NEIGHBORHOOD AREAS TO OR FROM ARTERIAL, SECONDARY OR GENERAL TRAFFIC ACCESS STREETS.

The public hearing was held on the subject amendment.

Mr. McIntyre, Planning Director, stated this is an amendment to the subdivision ordinance that was recommended to Council by a study that was made by Wilbur Smith and Associates. That Wilbur Smith and Associates were employed by a committee designated by the Council to particularly study sidewalks and streets.

He stated the recommendation today is specifically the result of that committee's deliberation, based on the Wilbur Smith recommendations.

Mr. McIntyre stated at present the subdivision ordinance provides that sidewalks will be built on certain streets. It requires that sidewalks will be built on both sides of streets that are serving as arterial streets; it requires that sidewalk will be built on one side of an arterial street that is not serving as arterial at the present time, but will someday when the whole system is connected up. In addition, the ordinance requires sidewalks on streets that are classified as secondary, collector streets, general traffic access streets to neighborhoods and an additional type of street on which a sidewalk is required on one side of the street - that is, a street that provides access into significant institutions where there is a concentration of activity or people, and cars moving. Such as the streets that provide access into a school. He stated these are the classification of streets in the subdivision ordinance that require sidewalks. Other minor residential streets do not require any sidewalks.

It was the recommendation of the Smith report that the streets that are classified as collector streets have sidewalks constructed on both sides. It is contemplated this additional sidewalk would be required as a part of the subdivision process. When subdivision plans are presented, this would be established as a requirement to have sidewalks on both sides of this particular category of streets.

Councilman Short asked if this would be for public institutions in all instances? Mr. McIntyre replied generally speaking, they would be public institutions that could be identified as being in existence as a particular

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piece of land is being subdivided and reviewed for subdivision. That it would not necessarily be just public establishments. Councilman Short asked if it is possible that some developer might have to go to this additional expense because of the proximity of some private facility? Mr. McIntyre replied no; the collector street is not the street that is identified as giving access to institutional complexes. The institutional complexes still would require, and streets giving access to them, still would require only one sidewalk under the provisions of the ordinance. There would be no change in that requirement. This is to change only the collector streets. The classification of the street is provided for in the subdivision ordinance by a definition or prescription, taking that prescription the staff of the Planning Commission in the review of subdivisions make that determination.

No opposition was expressed to the proposed change in the ordinance.

Councilman Jordan moved adoption of the ordinance amending Chapter 18, Article II, Section 18-23.1 of the Subdivision Ordinance to require sidewalk to be installed on both sides of collector streets which provide direct traffic roads from neighborhood areas to or from arterial, secondary or general traffic access streets. The motion was seconded by Councilman McDuffie.

Councilman Short asked the City Manager if the Home Builders and Developers were contacted specifically on this hearing, and the City Manager replied they were advised as requested.

Mr. McIntyre replied a representative of the Home Builders group was in their office last week and did discuss this proposed requirement. That is the only contact the office has had.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 338.

**RESOLUTION CLOSING PORTIONS OF SPRING STREET AND PHARR STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA (GREENVILLE REDEVELOPMENT AREA).**

The public hearing was held on petition of the Redevelopment Commission to close portions of Spring Street and Pharr Street in the Greenville Redevelopment Project area.

Council was advised the petition had been investigated by the various city departments and there were no objections to the closing of the streets.

Mr. Vernon Sawyer, Executive Director, Redevelopment Commission, stated these streets are within the site being sold to the city for the construction of the neighborhood facility. All the surrounding land has been acquired by the Redevelopment Commission and has been cleared and is ready for deed.

No opposition was expressed to the street closings.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the resolution closing portions of Spring Street and Pharr Street, in the Greenville Redevelopment area.

The resolution is recorded in full in Resolutions Book 7, at Page 437.

**PETITION NO. 71-67 BY JOHN CROSLAND COMPANY FOR CHANGES IN ZONING OF 73.83 ACRES OF LAND ON BOTH SIDES OF QUAIL HOLLOW ROAD, EXTENDING FROM MCMULLEN CREEK TO WITHIN 100 FEET OF CARMEL ROAD, SENT BACK TO PETITIONER AND THEY COME BACK WITH THE PROPOSAL AS ASKED BY MR. SHORT FOR A PLANNED UNIT DEVELOPMENT IN THIS AREA.**

The subject petition was presented for Council's consideration.

Mr. Myles Haynes, Attorney for John Crosland Company, stated at the last meeting of Council the petitioner was invited, if he saw fit, to consider revising its

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petition to rezone its property at the corner of Carmel and Quail Hollow to bring it more nearly in line or with an approximation to R-9 PUD. That the Council asked the petitioner to do this in an effort to compromise the controversy between the property owner and the surrounding property owners. The Crosland Company accepted this and has now revised the plan of the petitioner.

Mr. Haynes stated the revision represents a substantial reduction from the original petition. He passed around copies of the revised plan for Council members to view. He stated his presentation will be very short as he has said everything on behalf of the petition he can say. He stated the area which was originally requested to be rezoned to B-1SCD has been reduced from approximately 11 acres to approximately seven acres. The improvements on that piece have been reduced from 93,500 square feet to 50,000 square feet. The parking spaces for the business area have been reduced by 201. The area in the original petition which called for six acres of office space has been reduced to 2 acres or a reduction of 4.2 acres. It is planned that the living units will be reduced by 46, or for a total number of units of no more than 495, including the single family. The overall reduction which would be required by the revised petition will be as follows: the townhouses will be reduced by 26; the garden apartments by 8; the condominium townhouses by 12; the shopping center by 3.8 acres; the office park by 4.2 acres; and the shopping center again would be reduced by 23,500 square feet; the parking spaces would be reduced from 516 to 315, or reduced by the number of 201.

Mr. Haynes stated the original plan and the original petition was considered good planning by the Planning Commission, and the Planning Staff. On that basis, the original petition was submitted. In an effort to compromise and to serve the needs and rights of both parties in this controversy, they offer this change in the petition and request that it be approved.

Mr. Ray Bradley, Attorney representing the residents of Montibello, stated three things have happened since the meeting on September 13 of the Council, at which time the motion was adopted that lead to the presentation of the revised plan. The first thing that happened is an announcement of the Highway Commission that it proposes to extend Fairview Road and Sharon Road over to Providence Road; that road will cross Carmel Road at some point along the line, and he has not been able to find out at what point the crossing is projected. This change in road plan will obviously change the whole character of the area where the road crosses Carmel and to the extent if there is to be business or multi-family, this is probably where it should be. The second thing to happen is that on Thursday of last week, he contacted the Planning Office and was told there was no way for anyone to see the new petition and the new plan that had been submitted by Mr. Crosland without first getting Mr. Crosland's consent. He stated this is contrary to the indication in the motion that was adopted by the Council with reference to this, and does not conform in any way to the motion that was finally adopted. That he is aware four members of Council have been out of the country for some time and assumes they have not had an opportunity to see this plan until at least this morning or possibly now. The third thing that has happened is he has finally seen the plan. That he saw it about 2:00 o'clock this afternoon and it in no way approximately conforms to the requirements of the classification of PUD. This is contrary to the motion.

Mr. Bradley stated the original plan may have been considered good planning by the Commission but obviously was not considered good planning by the City Council in view of the motion that was made and adopted. He asked the Council to consider the desires of the neighborhood in this matter and to consider the good of the neighborhood and these people who Council is now responsible for and their welfare.

Mr. C. H. Touchberry of Touchberry Realty and S & T Development Company stated Mr. Haynes has remarked that this plan was developed in conformity with R-9. He stated this property is not currently zoned R-9; it is currently zoned R-15. He then read from the Planned Unit Development ordinance which states

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that the development area density shall be no greater than that normally permitted for the district in which the planned unit development is located, except as provided under the density owners provision. Mr. Touchberry stated this company has not lived up to the direction given by Council; they have not come close to it. Taking a total area in acreage, converting it into square feet, deducting 20% for the streets as required by the Planning Commission, under the R-15 zoning, this would allow the petitioner to build approximately 238 residential units. In addition, he would be permitted up to 25% bonus of these units provided he left 70% open space. Mr. Touchberry stated the petitioner does not come close to providing 70% open space; it would probably be nearer 10% open space. He stated even if he left 70% open space, he would still only be allowed between 290 and 300 residential units. This would give him one acre for every 100 houses, or up to 3 acres for commercial zoning.

Mr. Touchberry stated the petitioner has cut 538 units to 495 units which is almost a 100% increase in what a planned unit development would allow. He proposes a total of nine acres commercial - office and shopping center - which is 300% more than a planned unit development would permit. He stated part of the open space the petitioner proposes to leave is a creek bank; this is subject to flooding, and he does not know how the petitioner proposes to use it as a neighborhood park.

Mr. Touchberry referred to the portion of the ordinance regarding non-residential units usage. The ordinance says the burden shall be on the developer to show that non-residential uses of the commercial character are intended to serve principally the residents of the proposed development. He stated the petitioner has left the shopping center and the office park in exactly the same position; he has not moved them inside as required by the planned unit development. As far as site planning is concerned, it specifically states that site planning in the proposed development shall provide protection for surrounding areas. He stated if the shopping center is left with its large number of parking spaces, and the office park, then it will adversely affect the property values in the surrounding areas.

Mr. Touchberry stated unless this is approved as a planned unit development there is nothing to keep the developer from taking the open area (park area) and converting it for residential units.

Mr. Gene McCartha, Attorney for the protestants, stated at the last Council Meeting, Mr. Short made the motion that the Crosland Company submit a substantially reduced plan that would comply with what is planned unit development. At that time he said the plan submitted by Crosland goes too far with overreach and substantially damaged the general development plan that he claims to rely on. Mr. McCartha stated the Crosland company has reduced about 8% of the multi family units in the project; its reduced by 20% of what it could do with the amount that it now requests be zoned office; its reduced by 45% the shopping center area. The present plan would permit the Crosland Company to build a shopping center a fourth the size of Cotswold; it would permit the Crosland Company to build an office building almost identical the size of the Cotswold Office Building; it would permit an apartment project that would be approximately 15% larger than Pinehurst Apartments. He stated this is no small project; it is a large scale project and it falls far short of being anywhere near in conformity to planned unit development.

Mr. McCartha stated less than three years ago, the Ervin Company proposed a shopping center, and multi-family, for the area directly adjacent to the property which the Crosland Company now seeks to rezone. At that time the Ervin plan, which covered 132 acres, called for 112 acres to be residential, divided into one acre lots; it called for 17 acres to be multi-family with 138 apartments; it called for three acres to be business. He stated that plan was defeated by the County Commissioners. If that was not a good plan, he submits that there is nothing that has happened in that area in the interim period that would make the present Crosland Plan, which when compared with the Ervin plan is a monster, good planning on the part of the City.

Also speaking in opposition to the plan were Mr. Alan Wells, Mr. Doug Phillips and Mr. John H. Hood.

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Mr. Phillips stated Mr. McDuffie, sometime in the past, has made the remark that if he could not vote for apartments in the Carmel area, he would not vote for them anywhere in the City. He stated under a planned unit development he could vote for apartments in the Carmel area, which they would be acceptable to at this time.

Mr. Hood stated he appears in behalf of Carmel Country Club, many of whom have signed the petition against this rezoning. He stated he has seen a plan for the Fairview Road extension and it comes through nearly at the curve where the Country Day School is. When this comes through, Carmel will not be a straight through road; it will be a road that intersects with the Fairview Road and will have a type of stop sign intersection. This will create more traffic. Also, he believes that John Crosland Company, who is developing Governor's Square, has in their plan a small shopping center, office and business; this is close behind the Country Day School, and close behind the Pinehurst Apartments. He stated he does not know why John Crosland Company has to have shopping centers and office buildings all over town. It will create a tremendous amount of traffic; it will make a hazardous condition.

Mr. Lloyd Baucom, Attorney with Haynes and Baucom, stated he personally filed the revised plan a week ago today with the Planning Office and at that time it became a public record. He stated he checked with them the latter part of last week and was advised quite a number of people had been in looking at it.

Councilman Jordan stated he does not object to the Crosland Company, but to this project itself. That he does not believe it is needed in this area, and to him this is just about the last area in the city where we can have fine homes, and have fine homes now. He believes if Council approves the project today there will be one or two more in the vicinity to approve as there are other property owners out there if Council approves this project, then it will have to approve the others.

Councilman Jordan moved that the petition be denied. The motion was seconded by Councilman Calhoun and failed to carry by the following vote:

YEAS: Councilmen Jordan and Calhoun.

NAYS: Councilmen Alexander, McDuffie, Short and Whittington.

Councilman Withrow stated he is not voting either way. The City Attorney advised that Mr. Withrow will have to vote unless the matter under consideration involves his official conduct of his own financial interest.

The Mayor called for the vote again; and motion lost by the following vote:

YEAS: Councilmen Jordan and Calhoun.

NAYS: Councilmen Alexander, McDuffie, Short, Whittington and Withrow.

Councilman Withrow moved that the petition be sent back to John Crosland Company and that they come forth with the proposition as asked by Mr. Short for a Planned Unit Development in this area. The motion was seconded by Councilman Whittington.

Councilman Whittington stated he thinks this is necessary for all the facts to be laid out upon the table. That Mr. Bradley mentioned the fact that Mr. Short's motion said they would come back with a planned unit development. He stated he does not believe Mr. Short said that; that he said to come back with a plan that would approximate a planned unit development. The Crosland Company has done that. That he thinks now we have a planned unit development versus what has been submitted when it does come back for Council to act upon. Then we will have all the facts on which to make a decision.

Councilman Withrow asked Mr. McIntyre the ratio of business, office and apartments for PUD? Mr. McIntyre replied to have a business section, you must have 100 acres of land and then you are allowed one acre of business for

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every 100 dwelling units. Councilman Withrow asked how many acres Crosland has, and someone answered 102 acres.

Councilman McDuffie stated he is rather disappointed that neither side got together and talked about this, and tried to reach some compromise. If Council defers it this time, and they do not get together, then he thinks the residents need to know his feelings, and there is a tendency to approve some apartments and some business. If they are going to compromise then the leaders should talk to these people and be somewhere in the same ballpark when they come back. That when Mr. Withrow mentioned planned unit development everyone said no, and if this is going to be the case when it comes back, then he will just vote his yes today on this proposition.

The vote was taken on the motion to send the petition back to the petitioner, and carried by the following vote:

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

Mr. Haynes asked for what purpose the petition is being sent back? That on one occasion they met with one of the opposition leaders, and they were told at that time there was no basis for compromise as these people wanted only single family R-15 houses built in their neighborhood. He stated they have presented a plan and again the opposition has said they did not want it and did not want a PUD. He asked what they are to do in the interim by sending it back? Councilman Withrow stated he understood that Mr. Eddie Knox was going to contact the petitioner and they would try to come up with some compromise. Mr. Haynes stated he has not been contacted and he has had no word that anyone has wanted to sit down and talk about a compromise. Mr. Haynes stated they were requested to come up with a plan that would approximate a R-9PUD; that they have never attempted to come up with a R-15PUD as they did not understand that was what they were requested to do. Councilman Calhoun stated he thinks this is true; that it was not specified whether it was to be R-9 or R-15.

Mr. Bradley stated in the event they present, under the motion, a planned unit development, they would have to present it the same as the district in which the PUD is to be located; unless they come back and request a zoning change also to R-9. Obviously, if they do that it will require another public hearing.

Mr. Ken Ferguson stated he has been a part of the Steering Committee for over a week of 12 members of various communities in which they live and are fighting against this proposition. He stated they sat last Friday night for a couple of hours and thought what they could do to make it more palatable to the people they represent. Friday afternoon he did not have a copy of the plan. He stated he was the one that John Crosland and Myles Haynes had lunch with after they withdrew the petition in February. That at no time during the luncheon engagement did they ask if the people he represented would be willing to make a compromise. Mr. Ferguson stated the Steering Committee would be willing to sit down with them and talk about if it they can be reasonable on all sides.

Councilman Calhoun moved that the resources of the Planning Office be made available to both parties to work out the details for a proper proposal. The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION NO. 71-66 BY ARROWOOW-MORGAN CONSTRUCTION COMPANY FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE SOUTH SIDE OF IDLEWILD ROAD, ADJACENT TO AND EAST OF FOXFIRE APARTMENTS, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning from R-9 to R-9MF be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow.

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Councilman Short stated the Attorney for the petitioner called him and asked if it is possible to withdraw the petition; that they have run into some complications with their sewer matter. He asked the City Attorney whether or not it is possible to withdraw this petition at this point?

Mr. Underhill replied under the appropriate section of the City Code, a withdrawal of a petition can only be made and requested prior to the date of the public hearing, and Council then, if requested, may consider the request for withdrawal on the date of the public hearing. That the public hearing date has passed and the public hearing held and it is not possible under the Code to withdraw at this time.

The vote was taken on the motion to deny and carried unanimously.

PETITION NO. 71-16 BY SCHLOSS OUTDOOR ADVERTISING TO CONSIDER AMENDING THE TEXT OF SECTION 23-83(c), POSTPONED.

Councilman Whittington moved that the subject petition be postponed until the meeting on November 1, as requested by Mr. William E. Underwood, Jr. The motion was seconded by Councilman Short, and unanimously carried.

PUBLIC HEARINGS ON PETITIONS NO. 71-72 THROUGH 71-81 FOR ZONING CHANGES SET FOR MONDAY, OCTOBER 18, 1971.

Motion was made by Councilman Whittington, and seconded by Councilman Calhoun, to fix the date of hearing on Petitions No. 71-72 through 71-81 on zoning petitions which had been heard on September 13, 1971, but proper legal notice was not given.

Councilman Short sated it is alright with him to re-hear these because of the technical problem that has arisen. The Planning Commission has recommended denying six (6) of these petitions, and Council does not need to re-hear them in order to entertain a motion to deny. That one possibility would be to put back those recommended for denial on the agenda for the next meeting. The City Attorney replied then Council is in the position of denying those petitions without a public hearing, which technically they have not had. After further discussion, the vote was taken on the motion to set a public hearing, and carried unanimously.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, NOVEMBER 1, 1971 ON AMENDMENT NO. 4, REDEVELOPMENT SECTION NO. 3, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-37.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 7, beginning at Page 438.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$8,700,000 PUBLIC BUILDING BONDS, (CIVIC CENTER).

Councilman Alexander introduced a resolution entitled: "Resolution Providing for the Issuance of \$8,700,000 Public Building Bonds, Series B, (Civic Center)."

Upon motion of Councilman Alexander, seconded by Councilman Calhoun, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,700,000 PUBLIC BUILDING BONDS, SERIES B (CIVIC CENTER)" was passed by the following vote:

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



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Thereupon, Councilman Whittington introduced a resolution entitled: Resolution Authorizing the Printing of the Legal Opinion on the \$8,700,000 Public Building Bonds, Series B (Civic Center) to be issued under date of November 1, 1971.

Upon motion of Councilman Whittington, seconded by Councilman Short, the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$8,700,000 PUBLIC BUILDINGS BONDS, SERIES B (CIVIC CENTER) TO BE ISSUED UNDER DATE OF NOVEMBER 1, 1971" was passed by the following vote:

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

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 441.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE DESIGN AND CONSTRUCTION OF BRONZE SCREENS, GATES AND PLAQUES FOR THE LIBRARY PARK PURSUANT TO MASTER PLAN.

Councilman Short moved adoption of subject resolution authorizing the Mayor to execute a contract with Harry Austin Fox, Jr., Sculptor-Designer, for the design and fabrication of five bronze screens, two gates and two plaques to be part of Library Park. The motion was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 7, at Page 450.

CONTRACT WITH STROUPE SECURITY INCORPORATED FOR SECURITY SERVICES IN THE AREA OF ALEXANDER STREET CENTER, APPROVED.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, the subject contract was approved between the City of Charlotte Model Cities Department and Stroupe Security, Inc., for security services for Alexander Street Center, in an amount not to exceed \$5,445.00, through December 31, 1971.

AMENDMENTS TO CONTRACTS BETWEEN MODEL CITIES DEPARTMENT AND CHARLOTTE CITY COACH LINES AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, APPROVED.

Motion was made by Councilman Short, and seconded by Councilman Withrow to approve amendments to the following contracts:

- (a) Charlotte City Coach Lines, increasing the contract price from \$16,770 to \$32,700.00, which is necessitated by higher than anticipated demands for transportation services by summer programs and neighborhood groups.
- (b) Charlotte-Mecklenburg Board of Education, decreasing the contract price from \$995,158 to \$783,794, which is required as a result of programatic changes made by the Board of Education.

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

ORDINANCE NO. 245-X AMENDING ORDINANCE NO. 190-X, THE 1971 MODEL CITIES BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS TO COVER THE COST OF PROGRAM CHANGES.

Motion was made by Councilman Whittington, and seconded by Councilman Calhoun, to adopt the subject ordinance authorizing revisions of nine contractual agreement accounts and appropriating funds to two new contractual agreement accounts, as follows:

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ACCOUNT NO.	TITLE	APPROVED BUDGET	REVISED BUDGET
549.10	Education-Central Admin.	\$109,097	\$ 97,922
549.11	Education-Central Facilities	356,066	224,720
549.14	Education-Instructional Media Center	77,085	77,567
549.15	Educational Programs	215,073	194,419
549.17	Education-Student Fees	33,286	22,110
549.60	Cultural & Recreational	75,318	46,123
549.66	Home of Assurance	46,215	-0-
549.83	Relocation Program	37,880	22,080
549.86	Neighborhood Transportation System	16,770	32,700
549.39	Central Administration Neighborhood Centers System	-0-	30,000
549.48	Jobs for Ex-Offenders	-0-	18,750

Councilman Short asked if we have \$37,880 approval for relocating model cities residents, other than urban renewal? Mr. Wilson, Executive Director of Model Cities, replied yes; this is according to the HUD regulations and Model Cities sets aside (x) amount of money for displaced persons in the Model Neighborhood during the year other than urban renewal. This would be actions that have to do with street right of ways or code enforcements that cause displacements in the neighborhood.

Mr. Wilson stated they have to find out from various city departments what they anticipate might happen and with those figures in hand they have to make calculations as to how much it will cost if it happens. To date nothing has happened. That they have tried to program on a time basis the amount of funds they think might be used.

Councilman Short stated this is a reduction in the program and he cannot complain but he thinks it is well known that he has not favored giving this kind of benefit to only a segment of the city; that it is not a benefit; it is a rescue. That he dislikes to give rescue assistance to one geographic segment that is not available to the entire city in the matter of relocation.

The City Manager stated after this year it will be uniform.

Councilman Whittington asked who administers the program "Jobs for Ex-Offenders" and where is it administered? Mr. Wilson replied it is under the Central Piedmont Regional Criminal Justice Planning Agency, and will be operated out of the prisons in the State; it is for pre-release counseling, family counseling, job referral, job training and job placement. That the pre-release counseling will take place at the prison. Councilman Short asked if the program will be administered by Mr. Jerry Myers, and Mr. Wilson replied it is.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 339.

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT THE PARK AND RECREATION COMMISSION OPERATIONS FOR THE FISCAL YEAR 1970-71.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject contract was approved to audit the Park and Recreation Commission operations for the fiscal year 1970-71, in an amount not to exceed \$2,800.00.

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CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT THE REDEVELOPMENT COMMISSION OPERATIONS FOR THE FISCAL YEAR 1970-71.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, to approve a contract to audit the Redevelopment Commission's operations for the fiscal year 1970-71, in an amount not to exceed \$5,000.00.

ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE, ADOPTED.

Councilman Whittington moved adoption of the following ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code. The motion was seconded by Councilman Calhoun.

- (a) Ordinance No. 246-X ordering the dwelling at 1548-50 Merriman Avenue to be vacated and closed.
- (b) Ordinance No. 247-X ordering the dwelling at 3201 Jewell Street to be demolished and removed.
- (c) Ordinance No. 248-X ordering the dwelling at 1540 E. Independence Boulevard to be demolished and removed.
- (d) Ordinance No. 249-X ordering the dwelling at 545 Billingsley Road to be demolished and removed.
- (e) Ordinance No. 250-X ordering the dwelling at 1927 East Seventh Street to be vacated, demolished and removed.
- (f) Ordinance No. 251-X ordering the dwelling at 1420 North Caldwell Street to be demolished and removed.
- (g) Ordinance No. 252-X ordering the dwelling at 515 Belmont Avenue to be vacated, demolished and removed.
- (h) Ordinance No. 253-X ordering the dwelling at 929 Calvine Avenue to be demolished and removed.

Council was advised the property owners had indicated they would not contest these orders for demolition.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 341.

Motion was made by Councilman Whittington, and seconded by Councilman Calhoun to adopt the following ordinances:

- (i) Ordinance No. 254-X ordering the dwelling at 933 Calvine Avenue to be demolished and removed.
- (j) Ordinance No. 255-X ordering the dwelling at 928 Calvine Avenue to be demolished and removed.
- (k) Ordinance No. 256-X ordering the dwelling at 925 Calvine Avenue to be demolished and removed.
- (l) Ordinance No. 257-X ordering the dwelling at 916 Calvine Avenue to be demolished and removed.

Council was advised that the property owner had indicated the above orders would be contested.

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Mayor Belk asked if the property owner had been notified this would be before Council today and he was advised they had been.

No one spoke in opposition to the orders.

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

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 349.

**ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS.**

Motion was made by Councilman Jordan, seconded by Councilman Calhoun, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass:

- (a) Ordinance No. 258-X ordering removal of weeds and grass adjacent to 3148 Amy James Avenue.
- (b) Ordinance No. 259-X ordering removal of weeds and grass adjacent to 1708 Pegram Street.
- (c) Ordinance No. 260-X ordering removal of weeds and grass adjacent to 1520 Hawthorne Lane.
- (d) Ordinance No. 261-X ordering removal of weeds and grass opposite 3507 Burner Avenue.
- (e) Ordinance No. 262-X ordering removal of weeds and grass at 4125 Larkspur Lane.
- (f) Ordinance No. 263-X ordering removal of weeds and grass at 900 Queens Road.
- (g) Ordinance No. 264-X ordering removal of weeds and grass at 2019 Selwyn Avenue.
- (h) Ordinance No. 265-X ordering removal of weeds and grass adjacent to 1501 Independence Boulevard.
- (i) Ordinance No. 266-X ordering removal of weeds and grass adjacent to 705 Concordia Avenue.
- (j) Ordinance No. 267-X ordering removal of weeds and grass adjacent to rear of 246 Mattoon Street.
- (k) Ordinance No. 268-X ordering removal of weeds and grass adjacent to 3040 Ridge Avenue.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 353.

**ORDINANCE NO. 269 AMENDING CHAPTER 19, ARTICLE III, SECTION 88 OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO BICYCLE RIDING ON SIDEWALKS.**

Upon motion of Councilman McDuffie, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted amending the code by deleting the following: "..., exclusive of the sidewalks thereof in the city.", and substituting the following:

"..., and, sidewalks, except the sidewalks within the Congested Business District as defined in Section 6-34(c)."

The ordinance is recorded in full in Ordinance Book 18, at Page 364.

**RESOLUTION AMENDING AND CLARIFYING APPOINTMENT OF MEMBERS OF THE AIRPORT ADVISORY COMMITTEE.**

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, amending the subject resolution by adding the following sentence:

"Persons appointed as members of the Commission to fill unexpired terms shall be eligible for reappointment to serve two (2) complete terms."

The resolution is recorded in full in Resolutions Book 7, at Page 451.

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REAPPOINTMENT OF HERBERT SPAUGH, JR. TO THE AIRPORT ADVISORY COMMITTEE.

Councilman Jordan moved re-appointment of Mr. Herbert Spaugh, Jr. to the Airport Advisory Committee for a five year term, to expire July 31, 1976. The motion was seconded by Councilman Calhoun, and carried unanimously.

RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES LEVIED AND COLLECTED THROUGH CLERICAL ERROR AGAINST RELIANCE EQUIPMENT AND SUPPLY COMPANY.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted authorizing the refund of taxes in the total amount of \$728.62.

The resolution is recorded in full in Resolutions Book 7, at Page 452.

MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the Chair at this time and Mayor pro tem Alexander presides.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 10' x 90.89' at 6400 South Boulevard, from Bonanza International Development Company, at \$1.00, to serve 6325 South Boulevard.
- (b) Acquisition of 10' x 393.46' at 6950 Orr Road, from Mary S. Yeomans (widow) and John Crosland Company, at \$400.00, for Eastbrook Woods VI.
- (c) Acquisition of 13.16' x 251.78' x 246.46' at 1216 Dean Street, from Adele L. Hendrix (widow), at \$252.00, for I-77 sanitary sewer relocation.
- (d) Acquisition of 13.16' x 123.07' x 17.83' x 118.54' at 1222 Dean Street, from Rogers Bennett and wife, Lannie B., at \$223.00, for I-77 sanitary sewer relocation.
- (e) Acquisition of 9.19' x 40.87' x 41.91' at 1330 Dean Street, from Charles Wayne McClure and wife, Johnetta T., at \$42.00, for I-77 sanitary sewer relocation.
- (f) Acquisition of 21.83' x 186.87' x 12.68' x 185.24' at 1020 Andrill Terrace, from McDaniel Jackson and wife, Miriam S., at \$187.00, for I-77 sanitary sewer relocation.
- (g) Acquisition of 14.4' x 1800' at 3239 Statesville Avenue, from Leslie B. Mauney (widow), at \$1800.00, for I-77 sanitary sewer relocation.
- (h) Acquisition of 10' x 61.47' x 23' x 60' at 1334 Dean Street, from Lola C. Blackmon (divorced), at \$45.00, for I-77 sanitary sewer relocation.
- (i) Acquisition of 23' x 46' x 21' x 20' at 1400 Dean Street, from Clarence L. White and wife, Lee Ann, at \$24.00, for I-77 sanitary sewer relocation.
- (j) Acquisition of 12.18' x 65.32' x 17.75' x 66.10' at 1236 Dean Street, from James Peter Lowry and wife, Irene Neal Lowry, at \$65.00, for I-77 sanitary sewer relocation.
- (k) Acquisition of 17.59' x 114.62' x 18.55' x 106.71' at 1230 Dean Street from James Walter Crawford and wife, Doris H., at \$165.00, for I-77 sanitary sewer relocation.

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- (l) Acquisition of 6.62' x 65.34' x 12.18' x 66.15' at 1300 Dean Street, from Carl Morrison Dixon and wife, Lucille D., at \$66.00, for I-77 sanitary sewer relocation.
- (m) Acquisition of 15' x 266.35' at 645-653 Dawn Circle, from Jerome L. Levin and wife, Barbara A., at \$266.00, for sanitary sewer to serve North Tryon Street.
- (n) Acquisition of 15' x 97.77' at 637 Dawn Circle, from James B. Freeman and wife, Edith M., at \$100.00, for sanitary sewer to serve 5621 North Tryon Street.
- (o) Acquisition of 16' x 30' x 33' at 633 Dawn Circle, from James B. Freeman and wife, Edith M., at \$50.00, for sanitary sewer to serve 5621 North Tryon Street.
- (p) Acquisition of 15' x 708.16' at 5435 North Tryon Street, from William S. Abernethy, Jr. and wife, Dorothy, at \$808.00, for sanitary sewer to serve 5621 North Tryon Street.

MCMULLEN CREEK OUTFALL EASEMENTS

- (q) Acquisition of 30' x 149.82' at 3200 Mill Pond Road, from Anne Heining Memorial Park Foundation, at \$200.00.
- (r) Acquisition of 30' x 3,917.47' on undeveloped farmland east side of Park Road, from J. J. Harris and wife, Angelia M., at \$3,918.00.
- (s) Acquisition of 30' x 2,065.64' on undeveloped farmland n/s Quail Hollow Road, from J. J. Harris and wife, Angelia M., at \$2,068.00.
- (t) Acquisition of 30' x 367.37' on undeveloped farmland n/s McMullen Creek at Quail Hollow Country Club from J. J. Harris and wife, Angelia M., at \$890.00.
- (u) Acquisition of 30' x 4,932' at s/w corner Gleneagle Road at Quail Hollow Road Intersection, from J. J. Harris and wife, Angelia M., at \$4,932.00.
- (v) Acquisition of 30' x 1,360.23' southeast side of McMullen Creek in Sharon and Pineville Township, from Carolinas Corporation, at \$1,411.00.
- (w) Acquisition of 30' x 1,595.07' on Gleneagle Road from Quail Hollow Country Club, Incorporated, at \$2,095.07.

SHARON ROAD WIDENING

- (x) Acquisition of 3,195 square feet at 4330 Sharon Road, from James J. Harris and wife, Angelia M., at \$13,000.00.
- (y) Acquisition of 372.66' x 13.99' x 372.45' at southwest intersection Sharon Road and Colony Road, from John R. Maddox and wife, Elizabeth C., William F. Floyd, III and wife, Elizabeth W., at \$2,500.00.

BELMONT NEIGHBORHOOD IMPROVMENT PROJECT

- (z) Acquisition of 5.39' x 34.99' x 19.68' x 20.35' x 50' at 935 Parkwood Avenue, from John H. Bennett, Jr., and wife, Zula L., at \$215.00.
- (aa) Acquisition of 11.76' x 49.50' x 14.37' x 49.64' at 1608 North Davidson Street, from Cordell Currie Godley (widow), at \$950.00.
- (bb) Acquisition of 9.36' x 48.50' x 10.51' x 48.44' at 908 Parkwood Avenue, from Bessie B. Tesh (widow), at \$275.00.

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- (cc) Acquisition of 10.51' x 48.44' x 10.80' x 48.43' at 904 Parkwood Avenue, from Estate of Ethel Whitner Stewart (widow-deceased), by Thomas G. Lane, Jr., Administrator, c.t.a.u/w., at \$325.00.
- (dd) Acquisition of 3,152 square feet at 1621 North Davidson Street, from Rhoda May Brown Goins (widow), at \$8,450.00.
- (ee) Acquisition of 1,288 square feet at 518 East 20th Street, from William A. Honrine and wife, Cathleen White Honrine, at \$7,600.00.
- (ff) Acquisition of 8.56' x 49.76' x 9.49' x 49.72' at 822-824 Parkwood Avenue, from Maggie Foster (divorced), at \$165.00.
- (gg) Acquisition of 4.99' x 50' x 5.29' x 50.02' at 808 Parkwood Avenue, from Clayborn Marshall and wife, Minnie Marshall, at \$170.00.
- (hh) Acquisition of 10.02' x 80' x 21.43' x 16.34' x 69.31' at 901 Parkwood Avenue, from Roger Townsend and wife, Louvenia, S., at \$525.00.
- (ii) Acquisition of 14.9' x 49.57' x 15.53' x 496.62' at 1613 North Davidson Street, from Lenoir C. Kessler, trustee for Anne D. C. Kessler, at \$250.00.
- (jj) Acquisition of 4.69' x 49.42' x 4.99' x 49.40' at 812 Parkwood Avenue, from Jason Blount and wife, Azzie Lee, at \$150.00.
- (kk) Acquisition of 8.59' x 70.46' x 60.92' x 16.52' x 15.44' x 141.44' at 1017 Parkwood Avenue, from Williams Tabernacle Christian Methodist Episcopal Church, at \$1,425.00.

#### COMPROMISE SETTLEMENTS

- (ll) Settlement in the amount of \$82,300.00, for 128.12' x 40' x 93' x 90.86', at the southwest corner of Independence Boulevard and Louise Avenue, from Ethel Rodman DeLaney, et al, for the Northwest Freeway.
- (mm) Settlement in the amount of \$17,000 for 160.5' x 265.58' x 160' x 266.92' in Berryhill Township, 35-25-12 Browhill Circle, from Robert Gilliatt Carmichael (widow), for Airport Terminal Expansion Project.

Councilman McDuffie stated the Louise Avenue filling station drug out for a long time. That he spoke out about the unfortunate situation where the city had to rezone Independence Boulevard to allow the people to use the property. This was a case where supposedly the City did not have enough money to purchase the land and knew the Northwest Expressway was coming by the Rose Garden. That the City had to allow the man to build the service station and then end up buying it back a few years later at an exaggerated price. He stated what is needed is a firm policy. We have to firm up our belief that we are going to build these projects and then make a decision.

Councilman Withrow stated in Florida, they set it aside for 15 years, and they know where the road is going. But they say it cannot be done in this State. Councilman McDuffie stated if that be the case, this should be included in the plan that Mr. Burkhalter is working on for the next legislative session about additional sources of income and any other programs. If it is legal in Florida, it must have been tested in court and we could have the same kind of legislation in North Carolina. The City Attorney replied we have legislation right now which would permit us to do it. A local Act was obtained in 1967. However, under that legislation the City must adopt a city-wide plan showing proposed streets and street rights of way that might be utilized. Putting a proposed street or widening project on that map only reserves the right of way for a period of not more than three years. Unfortunately three years does not permit enough time to propose the project, plan it, appropriate funds for it and construct it. When you stretch the period of time beyond that you run the risk of the constitutionality of depriving that person of his free and

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unrestrictive use of the property by tying it up and leaving it in an undeveloped state without in turn giving him full funds or buying it from him. Mr. Underhill stated this is a local Act and it was passed by the North Carolina General Assembly in 1967. This law is not self-executing; we have legislation which permits the City to do this; but in order to do this, the City Council must adopt a city-wide map that sets forth on the map and designates proposed street projects - whether they are widening or new projects. Once that route is established, you are locked in to follow that route because the City has effectively kept a property owner from using this property for an (x) amount of time. It will not give you the right to go back and re-route or change that route for a three year period of time.

Councilman Short stated the legislature has adopted the policy that beyond a certain point, governmental delay will have to be at the expense of the government and not at the expense of the property owner. There are severe limitations on what can be done in setting aside a corridor for a road.

Councilman Whittington asked if the City is not now in a position to say that we have all of or 99% of Parkwood Avenue? Mr. Bobo, Assistant City Manager, stated this should be ready to go out to bids about the 1st of December; this is in the NIP Program.

MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returns to the Chair.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Odell Wallace and wife, Ethel G. Wallace, located at 1000 and 1004 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 453.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR WATER MAIN IN FREEDOM DRIVE AND BRADFORD DRIVE, AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject right of way agreement for the installation of a two-inch main in Freedom Drive and Bradford Drive.

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION PERTAINING TO THE NORTHWEST EXPRESSWAY RIGHT OF WAY BETWEEN EAST FOURTH STREET AND INDEPENDENCE BOULEVARD ADOPTED, AND PORTION OF THE FUNDS FROM STATE HIGHWAY COMMISSION TO BE USED FOR IMPROVING CENTRAL AVENUE UP TO SHARON AMITY ROAD.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution and that \$195,000 of this money, or up to that amount, be used to improve Central Avenue on to Sharon Amity Road, and that the remainder of the money be put into the Contingency Fund.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 454.



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**RESOLUTION AUTHORIZING MUNICIPAL AGREEMENT WITH STATE HIGHWAY COMMISSION FOR TOPICS PROJECTS.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing a municipal agreement with the State Highway Commission for Topics Projects on Independence Boulevard, Stonewall Street, Caldwell Street, Morehead Street, McDowell Street and Dilworth for widening, signalization and channelization at both intersections.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 456.

**ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION TO COVER SANITARY SEWER LINES WHICH ARE TO REMAIN IN SERVICE AND WITHIN THE LIMITS OF THE PROPOSED TOPICS PROJECT AT FREEDOM DRIVE AND INTERSTATE 85, APPROVED.**

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving subject encroachment agreement between the City and the State Highway Commission.

**SUPPLEMENTAL ENGINEERING AGREEMENT AND CONSTRUCTION ENGINEERING AGREEMENT WITH RALPH WHITEHEAD AND ASSOCIATES FOR WEST THIRD STREET PROJECT, APPROVED.**

Councilman Jordan moved approval of the subject agreements, which motion was seconded by Councilman Short.

Councilman Short asked for an explanation of the planned program at West Third Street. Mr. Hopson, Public Works Director, stated this has been one of the most difficult assignments he has had. The origin is at Mint Street and the destination is as it curves into Fourth Street this side of the railroad bridge; this is the connector which will give us the right to get the one-way street pair working. There are buildings to be demolished, buildings to be re-built with new foundations. That this is one of the last priorities of the 1965 bond issue. Mr. Hopson pointed out on a map Third Street, Graham Street and the railroad overpass west of Graham Street. He stated they have spent about \$350,000 already on the stretch of road and will need about \$400,000 to complete it. The plans are substantially complete. This involves some widening of Graham Street.

Mr. Hopson stated the subject contract is to supplement Ralph Whitehead's contract which was approved in 1969 to do the work on the five buildings involved in the project. In addition, five buildings will have to be re-worked loading platforms will have to be re-built, and the total construction will be about \$130,000, and Mr. Whitehead has agreed to do all the supervising work at the rate of 5% which they think is a reasonable fee.

Councilman Whittington asked what effect this project will have on the motion he made to extend South Poplar Street into Third Street and Mint Street? Mr. Hopson replied it will not have any direct bearing; they think that is a good project; that is the seventh priority, and it should be done someday.

The vote was taken on the motion and carried unanimously.

**ORDINANCE NO. 270-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE, AUTHORIZING AMENDMENTS TO THE WATER AND SEWER FUND TO PAY FOR CAPITAL IMPROVEMENT PROJECTS INVOLVING THE MCALPINE AND IRWIN CREEK TREATMENT PLANTS.**

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 18, at Page 365.

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AGREEMENT RELEASING CITY EASEMENTS FOR WATER AND TELEPHONE LINES IN HOSKINS AREA, AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, approving the subject agreement releasing city easements for water and telephone lines in the Hoskins Area, adjacent to Hoskins Filter Plant.

CHANGE ORDER NO. 1 IN CONTRACT WITH MORETTI CONSTRUCTION COMPANY FOR THE NATURE MUSEUM BEAUTIFICATION PROGRAM, APPROVED.

Councilman Withrow moved approval of Change Order No. 1 in contract with Moretti Construction Company for the Nature Museum Beautification Program, increasing the contract price by \$1,085 for 330 additional feet of walkway to be built to provide walkway from the Nature Trail to the Freedom Park footbridge and from the bridge to the parking area. The motion was seconded by Councilman Calhoun, and carried unanimously.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following contracts for the construction of sanitary sewer mains and trunks were approved:

- (a) Contract with The Kingston Corporation for the construction of 2,255 lineal feet of 10-inch trunk and 1,375 lineal feet of 8-inch main to serve Barrington Oaks Apartments, inside the city, at an estimated cost of \$41,827. All cost of construction will be borne by the Applicant whose deposit in the amount of \$4,182.70, 10% of the construction cost, has been received and will be refunded as per terms of the agreement.
- (b) Contract with F. W. Huntley Construction Company, Inc., for the construction of 1,215 lineal feet of 8-inch trunk to serve 917 Beal Street, inside the city, at an estimated cost of \$14,000. All cost of construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Contract with the Ervin Company for the construction of 876 lineal feet of sanitary sewer outfall for the Briar Creek Outfall relocation, inside the city, at an estimated cost of \$29,000. All cost of construction will be borne by the applicant whose deposit in the amount of \$2,900, 10% of the construction cost, has been received and is non-refundable.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Ernest L. Hicks and wife, Susan Bible Hicks, for Lot No. 318, Section 6, Evergreen Cemetery, at \$480.00.
- (b) Deed with Mrs. Scott W. Spradley, Sr. for Graves No. 3 and 4, in Lot No. 751, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Marvin R. Kimbrell and wife, Isabel K., for Lot No. 324, Section 2, Evergreen Cemetery, at \$640.00.
- (d) Deed with George A. Rudisill and wife, Jane A., for Lot No. 223, Section 6, Evergreen Cemetery, at \$320.00.

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- (e) Deed with Mrs. Georgia N. Pressley for Graves No. 3 and 4, in Lot No. 198, Section 2, Evergreen Cemetery, at \$160.00.
- (f) Deed with R. H. Bouligny and J. F. Bouligny for Lot No. 5, Section 4A, Evergreen Cemetery, at \$964.00.
- (g) Deed with William L. Wollard and wife, Virginia S., for Lot No. 268, Section 6, Evergreen Cemetery, at \$320.00.
- (h) Deed with Mrs. Betty Diggle Loven for Graves No. 1 and 2, in Lot No. 713, Section 6, Evergreen Cemetery, at \$160.00.
- (i) Deed with Mrs. Anna D. Tidwell for Graves No. 3 and 4, in Lot No. 40, Section 8, Oaklawn Cemetery, at \$160.00.
- (j) Deed with Mr. Emanuel M. Brown and wife, Mrs. Frances P. Brown, for Lot No. 64, Section 1, Oaklawn Cemetery, at \$860.00.

SPECIAL OFFICER PERMITS, APPROVED.

Councilman Whittington moved approval of the following special officer permits, approved by the Police Department, for a period of one year, which motion was seconded by Councilman Calhoun, and carried unanimously.

- (a) Renewal of permit to Calvin C. Robinson for use on the City of Charlotte Municipal Cemeteries.
- (b) Renewal of permit to Howell Adams for use on the premises of Morris Speizman Company, Inc., 508-14 West Fifth Street.
- (c) Issuance of permit to Bobby L. Bowles for use on the premises of Jefferson Standard Building, 301 and 307 South Tryon Street.
- (d) Issuance of permit to Henry V. Morris, for use on the premises of Kings Park Apts., English Village Townhouse Apartments, Park Fairfax Apartments and William Trotter Company offices.
- (e) Renewal of permit to Grover Smith, Jr. for use on the premises of Johnson C. Smith University.
- (f) Issuance of permit to Jimmie W. Bookout for use on the premises of Jefferson First Union Plaza, 1 Jefferson First Union Plaza.
- (g) Renewal of permit to George L. Greene for use on the premises of J. B. Ivey & Company.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR FALL ASPHALT RESURFACING.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Blythe Brothers Company, in the amount of \$168,553.49, on a unit price basis, for fall asphalt resurfacing.

The following bids were received:

Blythe Bros. Company	\$168,553.49
Rea Construction Co.	171,240.88
Dickerson, Incorporated	199,336.40

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CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER TO SERVE NORTHSIDE CHRISTIAN SCHOOL.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding subject contract to the low bidder, Sanders Brothers, Incorporated, in the amount of \$9,961.00, on a unit price basis, for sanitary sewer to serve Northside Christian School.

The following bids were received:

Sanders Brothers, Inc.	\$ 9,961.00
Crowder Construction Co.	15,333.75
Joe R. Abernathy Const. Co.	26,116.50

CONTRACT AWARDED PARNELL MARTIN SUPPLY COMPANY FOR NICKEL COPPER ALLOY STEEL PIPE.

Councilman Short moved award of contract to the low bidder, Parnell Martin Supply Company, in the amount of \$24,521.31, on a unit price basis, for nickel copper alloy steel pipe. The motion was seconded by Councilman Calhoun, and carried unanimously.

The following bids were received:

Parnell-Martin Supply Co.	\$ 24,521.31
Horne-Wilson, Inc.	24,841.82
Grinnell Company, Inc.	25,405.34
Crane Supply Company	27,081.12

CONTRACT AWARDED DOUBLE ENVELOPE CORPORATION FOR WATER BILL ENVELOPES.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Double Envelope Corporation, in the amount of \$5,169.70, on a unit price basis, for water bill envelopes.

The following bids were received:

Double Envelope Corporation	\$ 5,169.70
Charlotte Paper Company	5,219.09
Atlantic Envelope Company	5,334.00
Henley Paper Company	6,014.40

CONTRACT AWARDED GOODALL RUBBER COMPANY FOR ARTIC OVERSHOES.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Goodall Rubber Company, in the amount of \$3,781.20, on a unit price basis, for artic overshoes.

The following bids were received:

Goodall Rubber Company	\$ 3,781.20
Atlantic Coast Supply Co.	4,060.50
Industrial & Textile Supply Co.	4,070.80
B. H. Moore Company	4,544.06
Sears Roebuck & Company	4,685.10

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CONTRACT AWARDED B. H. MOORE COMPANY FOR RUBBER RAIN SUITS.

Councilman Whittington moved award of contract to the low bidder, B. H. Moore Company, in the amount of \$8,328.29, on a unit price basis, for rubber rain suits. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

B. H. Moore Company	\$ 8,328.29
Allied Safety Supply	8,855.91
Industrial & Textile Supply	8,976.97
Goodall Rubber Company	10,199.65
The Henry Walke Company	10,238.80
Sears Roebuck & Company	12,471.44
Atlantic Coast Supply Co.	13,255.55

CONTRACT AWARDED ALLIED SAFETY SUPPLY COMPANY FOR RUBBER BOOTS.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, subject contract was awarded the low bidder, Allied Safety Supply Company, in the amount of \$2,644.81, on a unit price basis, for rubber boots.

The following bids were received:

Allied Safety Supply Co.	\$ 2,644.81
Goodall Rubber Company	2,712.06
Industrial & Textile Supply	2,923.29
B. H. Moore Company	3,187.32
Sears Roebuck & Company	3,439.30

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR CONSTRUCTION OF METAL MAINTENANCE BUILDING AT SOUTH LANDFILL.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Frank H. Conner Company, in the amount of \$22,817.00, for construction of metal maintenance building at South Landfill.

The following bids were received:

Frank H. Conner Const. Co.	\$22,817.00
Laxton Construction Co., Inc.	26,660.00
Squires Construction Co.	26,750.00
Myers & Chapman, Inc.	27,246.00
Rodgers Builders, Inc.	28,839.00

CONTRACT AWARDED REID ELECTRIC COMPANY, INC. FOR ELECTRICAL WORK FOR THE METAL MAINTENANCE BUILDING AT SOUTH LANDFILL.

Councilman Jordan moved award of contract to the low bidder, Reid Electric Company, Inc., in the amount of \$2,196.00, for electrical work for the metal maintenance building at South Landfill. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Reid Electric Company, Inc.	\$ 2,196.00
Interstate Electric Co.	2,240.00
Ind. Com. Electric Company	2,972.00
National Electric Company	3,200.99
Austin Electric Company	3,248.00

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CONTRACT AWARDED ACME PLUMBING & SUPPLIES, INC. FOR PLUMBING WORK FOR THE METAL MAINTENANCE BUILDING AT SOUTH LANDFILL.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Acme Plumbing & Supplies, Inc., in the amount of \$2,948.00, on a unit price basis, for plumbing work for the metal maintenance building at South Landfill.

The following bids were received:

Acme Plumbing & Supplies, Inc.	\$ 2,948.00
City Plumbing Company	3,037.60
Metrolina Plumbing & Heating Co.	3,043.00
J. V. Andrews Company	3,400.00
A. Z. Price & Associates, Inc.	3,570.00

MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the Chair at this time and Mayor pro tem Alexander presides.

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY, FOR STREET IMPROVEMENTS ON SHARON ROAD AND YORK ROAD.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$126,837.80, on a unit price basis, for street improvements on Sharon Road and York Road.

The following bids were received:

T. A. Sherrill Const. Co., Inc.	\$126,837.80
Blythe Brothers Company	134,998.50
Crowder Construction Company	135,171.50

MAYOR RETURNS TO CHAIR.

Mayor Belk returned to Chair to preside.

CONTRACT REJECTED FOR CAST IRON VALVE BOXES.

Councilman Jordan moved the only bid received for cast iron valve boxes, from Knoxville Foundry Company, be rejected because of excessive unit cost and lack of competition. The motion was seconded by Councilman Whittington, and carried unanimously.

MOTION TO APPROPRIATE FUNDS TO REPLACE EAGLE ON FRONT OF MINT MUSEUM LOST FOR LACK OF A SECOND.

Mr. Burkhalter, City Manager, stated the eagle on the front of the Mint Museum has come down and the vacant space it has occupied for years leaves a shadow. The management of the Museum has requested special appropriations in order to avail themselves of an opportunity to get some \$2,400 of free gild work on a new eagle. The cost of the eagle will be \$4,000.00.

Councilman Alexander moved the appropriation of the funds to purchase the new eagle. The motion did not receive a second.

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Councilman Short stated at the budget session some of the Councilmen particularly sought to help the Museum, and some others wanted to provide less for the Mint Museum and finally went along with the larger figures. He stated he wonders if this is not a Pandora's box for just general maintenance which might occur in various non-governmental activities of this sort.

Councilman Whittington stated the budget has been adopted and Council stretched everything it could stretch. That he is for the governmental agencies such as the Mint; but he thinks it would be a mistake to come back and make this appropriation.

Councilman Alexander stated at that time, Council did not know the eagle was going to fall off the building or that it was going to deteriorate; the City owns the building and the eagle has added to the looks of the building, and he does not see why we cannot find the money to put the eagle back.

Councilman Short moved that Council go to the next item. The motion was seconded by Councilman Whittington, and carried.

COMMENTS ON TRIP MADE BY FOUR COUNCIL MEMBERS WITH THE CHAMBER OF COMMERCE GROUP.

Councilman Jordan stated the four Councilmembers who went on the trip with the Chamber of Commerce the past 17 days had a very fine and instructive trip. That they saw a lot and attended all of the sessions. That it will be very helpful when they can sit down and go over all the materials with the other members of Council.

Councilman Jordan commended Mr. Alexander for the fine way in which he handled his chores; that he did a splendid job and all the people on the trip commended him for it.

Councilman Alexander replied he appreciates the remarks by Mr. Jordan. The trip was enjoyable and it was quite enlightening on many subjects. That as time moves on he is sure there will be some feedback from this trip.

ORDINANCE NO. 271 AMENDING CHAPTER 10, ARTICLE II OF THE CODE OF THE CITY OF CHARLOTTE INCREASING THE NUMBER OF REFUSE RECEPTACLES FROM TWO TO THREE, NOT TO EXCEED A TOTAL CAPACITY OF SIXTY GALLONS PER COLLECTION.

Councilman Alexander moved that the refuse ordinance be amended to increase the collection of garbage cans at the rear of homes to three and that portion of the ordinance requiring the tying up of limbs be deleted. The motion was seconded by Councilman Calhoun.

Councilman Calhoun stated he would like a report on what the exceptions or exemptions made at the time the litter ordinance was put into effect regarding leaves in the Fall. He asked if there is not a period of time when there is no necessity for bundling? Councilman Short replied that is in effect right now; it is October, November and December.

Councilman Withrow asked if Mr. Hopson is not making a study now and the report will be brought to Council? That he would like to get this report before amending the ordinance.

Councilman Whittington asked Mr. Alexander if he will amend his motion to consider the third can behind the residence twice a week and delay the portion of his motion relating to the bundling of limbs. That he would like to consider the portion about the third can; but to throw the department in the position this motion would throw them in without some advance warning would be a mistake today.

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Councilman Alexander replied he can do this but he does it with much reluctance. That he does not see how the department can come back with any study that will do anything but either say yes or no, that we don't tie up the limbs. But he will take out that portion of his motion.

Councilman Alexander restated his motion as amended that the ordinance be amended and the portion requiring two cans be increased to three cans, and that Mr. Hopson come back at the next meeting with a proposal regarding the tying of limbs. Councilman Calhoun, who seconded the motion, accepted the motion as amended.

Councilman Whittington stated he received a number of calls from elderly people after the effects of "Ginger"; they had limbs blown down and they cannot tie them up because they cannot get help and they are not able physically. He stated these are the areas that concern him, and the areas that we have to do something about, and he intends to do something about it. Councilman Whittington stated he does think it would be better to get the whole picture together, and the recommendations from Mr. Hopson, if he has any, before making the change. Councilman Alexander stated the only thing he is suggesting is that any other recommendations he has can come in anytime he desires to make them. But the part regarding the tying up of the bundles is what he wants the report on at the next Council Meeting on October 18th. That he does not see how this would require any indepth study. It is either a matter that we tie them up or we do not tie them up. The whole fact remains that we have done a thing we thought we were doing that should be done; and this is not meeting the acceptance of our citizens. Enforcement gets to be almost impossible when it gets to the point where as many citizens are objecting that are objecting now.

Councilman McDuffie stated it would be difficult to go back to the requirement of not bundling to some extent because there is a big difference in no tying and some tying.

Councilman Alexander stated he is not saying that citizens do not have an opportunity to come to a public hearing and say what they have to say; unfortunately they do not do this. He stated he has received calls everywhere he turns. That he can understand and he thinks Council should do something about it.

Councilman Withrow stated the public has a right to know the monetary savings to the City of going back to the old system and where we are now. He asked that the report include the amount of money it would cost to go back to the old system.

Councilman Calhoun stated Council has put Mr. Hopson on notice, and he would think in defending his position, he would come to Council with a report that includes these figures suggested by Mr. Withrow. That Council is giving him two weeks and that is ample time.

Councilman Short stated in reference to the garbage collection behind the house, he believes it might be necessary to include in the ordinance something about the size of the cans. If Mr. Alexander will amend his motion for three 20 gallon cans, then he thinks it is a satisfactory thing. He stated to collect three 30 gallon cans, it will require the workmen to make twice as many trips into someone's back yard. Councilman Calhoun stated there are probably not ten percent of the people who have 30 gallon cans. Councilman Short replied the number of calls he receives seems to indicate there are more than 10 percent.

Councilman Alexander asked that his motion be amended to read - "three 20-gallon garbage cans or two - 30 gallons cans."

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

The ordinance is recorded in Ordinance Book 18, at Page 366 and deletes the following phrase in the third and fourth lines: "Two (2) refuse receptacles per collection.", and substitutes the following phrase:



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"a maximum of three (3) refuse receptacles not to exceed a total capacity of sixty (60) gallons per collection."

Councilman Short stated if the intent of this motion is to go back to an open-ended service on the collection of trash, he would doubt that he personally would vote for this, and he would doubt that it would be wise. An open-ended taxpayer supported governmental service is a very, very difficult thing to administer fairly. What usually occurs in such a situation is that a few demand their right to the open ended service and the result is that many do not get any service at all because of the large demand of the few. This is related to some degree by our effort to provide a free ambulance service. An open-ended ambulance would have resulted in the same sort of unfairness. It seems we have to determine what it is possible for our forces to pick up and then in a sense divide this among the number of citizens we have. We have to approach this on some such basis as that. Give every citizen an opportunity to get some share out of the equipment, men and time that is available rather than establishing an open-ended taxpayer supported trash pickup.

Councilman Calhoun stated this is not the assumption and the intent to open-end this and it is not the question at all.

Councilman Alexander stated he does not intend to open it up; that he intends to quit wrapping up the trash.

DISCUSSION OF BELMONT NIP PROGRAM AND FACT THAT MORE THOUGHT AND PLANNING SHOULD BE PUT INTO THE PROGRAMS.

Councilman Short stated earlier today Council spoke about the NIP Program and about getting into further NIP Programs in North Charlotte and Wilmore sections.

He stated he wishes Council had been a little more careful in what was planned in Belmont, and he is not blaming anyone but himself. He passed around a map showing what could have been done at federal expense that would have helped the whole city if we had had the forethought to do it. It is something we should have considered - connecting the Plaza with Hawthorne Lane as shown on the map. It could have been done at 2/3 federal expense. It would have helped the northeasterners get to the hospitals; it would have helped the southeasterners get to the University; it would have improved that neighborhood more than what was done, which was the widening of Parkwood Avenue. That he thinks we can still do it and he suggests it by means of the map, and we should keep this in mind for future capital improvements.

Councilman Alexander stated from the very beginning it was his thinking to have someone ferret through federal programs so we could get the best benefits of federal money as it would benefit us.

CONFERENCE SESSION REQUESTED ON STATE WATER AND SEWER BOND ISSUE.

Councilman Short stated there is to be a State Water and Sewer Bond Issue; this is unique and has never been done before in the State. That he thinks it is important that Council have a conference session on this.

The City Manager replied this has been discussed at the staff level and from that viewpoint, they thought it would be better to wait until closer to election time. If Council wants it for their information, then anytime would be good. If Council wants it for the public, then sometime prior to the election would be better. Councilman Short replied he wants it for Council's information primarily; and then there should be a campaign directed to the public.

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MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the Chair during the discussion and vote on the next item, and Mayor pro tem Alexander presides.

PUBLIC HEARING SET FOR MONDAY, NOVEMBER 1, ON SITE B FOR DOWNTOWN PARKING.

Councilman Short stated last February Council received a report from Mr. Fennell, Finance Director, and Mr. Hoose, Traffic Engineer, in which they analyzed Site A as the location for municipal parking at the corner of Trade and College Street. A public hearing was held and appraisals were authorized for Site A. Council then decided to wait until after the letting of the Civic Center contracts which were officially let today. During this period of waiting, it has occurred to a number of people, that Site B, between Fourth and Third Streets on College Street is a better location because of some 8 or 9 construction projects that have occurred, or are now definite and most are underway in this area. The most recent Wilbur Smith report recommended Site A first, but that was in the summer of 1970. Most of these nine projects were not underway at that time, and they should have paid more attention to them as they were in the planning stage. He stated now, the shape of Downtown is evident, and clearly the time has come for Council to proceed. Various people have talked about parking over the last several years, and it has been put aside repeatedly for one reason or another. The time has come when we should proceed.

Councilman Short moved that Council proceed to have a public hearing on Site B for Downtown <sup>parking</sup> on Monday, November 1, and the City Manager be requested to obtain appraisals on the property, and Mr. Fennell and Mr. Hoose give Council an analysis of the financial and traffic factors of the site. The motion was seconded by Councilman Whittington.

Councilman Whittington stated about August he made the same statement about the same site, and suggested that the mechanics be put into process to get this done, and at that time it was suggested that we wait for the Ponte-Travers and Wolfe report. He stated he concurs in everything Mr. Short has said. That when he made the suggestion in August he did not suggest Site B prematurely without having talked about it, and he thinks we should go ahead with it.

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

MAYOR RETURNS AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk returned to the Chair at this time and presided for the remainder of the Session.

CITY MANAGER REQUESTED TO ANALYZE PROJECTED INCOME FROM INTANGIBLE TAX AND GIVE COUNCIL AN UP TO DATE REPORT.

Councilman Whittington stated in the City's budgeted projected income \$792,000 was included for intangible tax. That he heard a statement on radio and TV and read in the newspaper about two weeks ago where this money was going to be \$983,000. He requested the City Manager to analyze this projected income and give Council a report on what he thinks it will be so that Council can make some determinations about the use of that money for streets, parks and some other projects.

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TRAFFIC ENGINEER AND ENGINEERING DEPARTMENTS REQUESTED TO MAKE A STUDY OF CONNECTING SHAMROCK DRIVE AND SHARON AMITY ROAD AND GIVE A CONNECTOR FROM NORTHEAST CHARLOTTE ALL THE WAY TO SOUTHPARK.

Councilman Whittington stated back in April he made a suggestion to the Traffic Engineering Department, and recommended that the Traffic Engineering Department and the Engineering Department make a study of connecting Shamrock Drive to Sharon Amity Road. He stated for some reason he got a report back about Sharon Amity Road from Shamrock Drive to Barrington Drive.

He stated as Shamrock Drive leaves Eastway and comes to Sharon Amity, you can go either left or right - left on Sharon Amity to Hickory Grove and right to Central Avenue and Albemarle Road cutoff, Independence Boulevard and Sharon Amity Road all the way to SouthPark or all the way to Pineville. He stated with the new Powell Bill money the city will be getting next year, this is a project he thinks should be put into the hopper right now. This is a way to go through open land on Sharon Amity Road and eliminate the "T" intersection at Sharon Amity and Shamrock and this would give another connector from northeast Charlotte all the way to southeast Charlotte. There is vacant land on both sides of the "T" and now there is an opportunity to make a gradual right or left turn to connect the road and have a continuous road from Shamrock and Eastway all the way to SouthPark.

#### REMARKS ON BEAUTIFICATION IN EUROPEAN CITIES.

Councilman Withrow stated one thing they noticed while they were in Europe was the beautification. That they are taking into consideration beautification in all the buildings and streets they are building. He stated until we wake up and get some sort of program of beautification we will be hurting at a later date. That Council has a report and the only thing it does is just to stay status quo. That he does not think we can stay status quo.

#### RECOMMENDATION REQUESTED FROM PLANNING DIRECTOR ON AMENDMENTS TO SUBDIVISION ORDINANCE TO REQUIRE BUILDERS TO PUT UP MONEY FOR OR TO COMPLETE DEVELOPMENT OF STREETS THAT DEAD-END INTO ANOTHER DEVELOPMENT.

Councilman McDuffie stated he received a letter from a lady about an ambulance coming to her house and getting lost on a dead-end street. That one builder had built a street to one side and the builder on the other side had built up to the point and stopped and there was no connection. He stated there are a number of these places in the city. That the Planning Commission reports there is no requirement in the subdivision ordinance to require the builder to complete the streets. He stated in a city this size it seems to him we are not making any progress if we do not amend the ordinance to require the builder to put up the money for completing his half of the street when he is developing. That he has asked Mr. McIntyre to recommend a couple of options on how to do this. If this is done then we will be able to complete the streets and not leave them with no culvert or bridge.

#### ORDINANCE REQUESTED DRAWN TO REQUIRE PROPERTY OWNERS IN BUSINESS AREA TO CURB AND GUTTER PROPERTY WHEN 50% OR MORE OF THE STREET HAS CURB AND GUTTER.

Councilman McDuffie stated the subdivision ordinance seems to be stronger in some sections where 51% of the people petition to curb and gutter their street and the other 49% have to pay on the assessment. In the business community we allow developers to curb and gutter when they develop the property and in some cases it is almost 100% developed in a block and there there is a stretch or two that is not developed. So we are handicapped and waiting until that property owner wants to develop the curb and gutter.

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He stated we should be able to use the same kind of legal requirements as we do in the residential areas that require when 50% of the block is developed, then the city require the property owner to curb and gutter his part of the street so that it will be continuous. He stated on North Tryon Street just before you get to Craighead Road, there is one little strip that is not completed, and part of it is the Duke Power right of way and there will never be curb and gutter there.

He stated he would like to have an ordinance drawn to see if the city cannot require the property owner to finish the curb and gutter.

**RESOLUTION ENDORSING PETITION OF ARCC, INC. FOR RECLASSIFICATION OF CROWDER'S CREEK.**

Mayor Belk stated Mr. David H. Henderson, Attorney, has requested that the following resolution be considered by Council:

"WHEREAS, many residents of the City of Charlotte occupy summer homes or engage in recreational activities on Lake Wiley and particularly on Crowder's Creek, a tributary of Lake Wiley.

AND WHEREAS, the Lake Wiley complex, lying just south of Charlotte along the North Carolina - South Carolina line, is of inestimable value to the City of Charlotte and its citizens and its environs by reason of its beauty and its facilities for boating, skiing, fishing and outdoor living;

AND WHEREAS, the existence of pollution in Lake Wiley and particularly in Crowder's Creek poses a threat to the health, welfare, use and enjoyment of the citizens of Charlotte and creates the possibility of epidemic health problems to the City as a whole;

AND WHEREAS, a number of private organizations interested in ecology and environment are joining to request of the Air and Water Resources Board of the State of North Carolina a change of classification from the present Class D to Class B;

AND WHEREAS, a Petition to said Board, copy attached hereto, is to be filed by ARCC, Inc., a non-profit corporation, devoted to the elimination or minimization of pollution in Crowder's Creek and hence in Lake Wiley;

AND WHEREAS, the City Council, bearing in mind the health, welfare and right to enjoyment of its citizens, is sympathetic with said Petition and desires to lend its influence to persuade said Board to make such change of classification;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Charlotte does hereby endorse the said Petition and respectfully requests that the Board of Air and Water Resources, in accordance with its prerogative and responsibilities, give due consideration to the request therein expressed for reclassification of Crowder's Creek from a Class D to a Class B stream.

This the 4th day of October, 1971."

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, adopting the resolution.

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MAYOR ADVISED HE HAS REQUESTED A POLICE REPORT, CITY MANAGER'S REPORT AND GRAND JURY REPORT ON THE INCIDENT WHERE A POLICE PATROLMAN SHOT A PERSON HE WAS IN THE PROCESS OF ARRESTING.

Mayor Belk stated about the day before the four members of Council left on their trip to Europe, one of our police patrolmen shot a person they were in the process of arresting. He stated he asked for a police report, a city manager's report, and a grand jury report.

He stated this past Saturday he met at City Hall with a group of citizens who asked for a citizens review. That his feeling is we do not need the citizens review committee and the Mayor and Council is still responsible for this; that he has not released any reports; that he did not feel any report should be released at various stages. That he feels all the reports should come to the Mayor and this Council at one time, and then be taken under consideration. When all the reports come in, he thinks there should be a special meeting of the Mayor and Council.

Councilman Whittington stated the Mayor has handled this properly and has handled it well.

Mayor Belk stated he has told these people he would be glad to meet with them and listen to their demands, which he has done; that he thinks this is a part of his duties and responsibilities. That he also told them he would be back in touch with them when the information is available.

CITY ATTORNEY ADVISES HE WILL NOTE AN APPEAL FROM THE DECISION HANDED DOWN BY JUDGE RULING UNCONSTITUTIONAL THE CITY ORDINANCE REQUIRING THE OBTAINING OF \$500 LICENSE TAX FOR FEMALE PERSONS ENGAGED IN THE TRADE OR OCCUPATION OF TOPLESS DANCERS, WAITRESSES OR MODELS.

Mr. Underhill, City Attorney, stated in a law suite that has been pending in the State Supreme Court, Judge McLean has issued a ruling - ruling unconstitutional the previously passed city ordinance. The ordinance in question was the ordinance adopted by City Council back in April which required the obtaining of a \$500 license tax to those female persons engaged in the trade or occupation of topless or nude dancing, modeling, waitress or entertainer. This ordinance was declared unconstitutional this morning by Judge McLean in an order he handed down.

Mr. Underhill stated he brings this to Council as a matter of information and to ask Council's wishes as far as his perfecting an appeal to the North Carolina Supreme Court. That he has ten days in which to determine whether or not we will perfect an appeal. He stated he can note an appeal and begin to make preparation for an appeal to the Supreme Court.


He stated this is being brought to Council's attention primarily as information just to let Council know that unless he is told otherwise, as is his standard practice, he will note an appeal any time a city ordinance is declared unconstitutional.

Mayor Belk suggested the City Attorney study this a little more and give Council some time to think about it and then call a meeting if it is that important.

Mr. Underhill stated this is nothing that requires speedy action on the part of Council. There are two alternatives. We can appeal the Judge's decision on this order to see if he was correct and if the ordinance is in effect a valid ordinance, or we can attempt to rewrite this ordinance to see if we can bring it into conformance with the Judge's ruling.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk