

December 4, 1972
Minute Book 58 - Page 117

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 4, 1972, at 3:00 o'clock p.m., in the Council Chamber, With Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

Also present for the hearing on the Amendment to the Text of the Zoning Ordinance were the following members of the Charlotte-Mecklenburg Planning Commission: Chairman Tate, and Commissioners Albea, Finley, Moss and Ross.

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INVOCATION.

The invocation was given by Councilwoman Ruth M. Easterling.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on Monday, November 20, 1972, were approved as submitted.

COUNTY COMMISSION MEMBERS DECLARED KNIGHTS OF THE QUEEN CITY.

Mayor Belk recognized the former members of the County Commission, and declared them Knights of the Queen City. They were John A. Campbell, Charles M. Lowe, W. T. Harris, James G. Martin, and M. W. Peterson.

Mayor Belk stated each of the five present have served at one time as Chairman of the County Commissioners. This shows the cooperation they have had together. On behalf of the City, he thanked each one on the fine job, not only in relation with the City Council, but also on behalf of the City Council.

PROCLAMATION HONORING CENTRAL LIONS CLUB OF CHARLOTTE ON 50TH ANNIVERSARY.

Mayor Belk read a proclamation honoring the Central Lion's Club of Charlotte on its 50th Anniversary.

CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED TO RETIRING EMPLOYEES.

Mayor Belk recognized Mr. Ashworth Lead Cadieu, District Fire Chief, who was employed June 16, 1941 and retired November 15, 1972, Mr. Herbert Edmond Blackmon, Assistant Fire Chief, Administration, who was employed December 1, 1941 and retired November 15, 1972, and presented each with a City of Charlotte Employee Plaque.

Later in the meeting, Mayor Belk recognized Mr. Edgar Bruce Howell, Treatment Plant Operator of the Utility Department, employed August 20, 1962, and retired November 28, 1972, and presented him with the City of Charlotte Employee Plaque.

December 4, 1972
Minute Book 58 - Page 118

RESOLUTION OF CENTRAL CHARLOTTE ASSOCIATION COMMENDING AND ENDORSING PLAN FOR THE PROPOSED PARKING GARAGE ON COLLEGE STREET.

Mr. Marion Ellis, Executive Vice President of Central Charlotte Association, stated the Board met two weeks ago, and adopted a resolution commending the Council and endorsing the plan for the parking garage on College Street and urged the Council to do all in its power to implement the plan.

HEARING ON AMENDMENT TO THE TEXT OF CHAPTER 23, ZONING ORDINANCE, ESTABLISHING A NEW USE TO BE PERMITTED IN ALL BUSINESS AND INDUSTRIAL DISTRICTS.

The public hearing was held on the amendment to the text of Chapter 23, Zoning Ordinance, establishing a new use to be permitted in all business and industrial districts, as follows:

"Entertainment establishments such as lounges, night clubs, bars, taverns or cabarets employing topless waitresses, dancers, barmaids or models; provided any structure so used shall be at least 400 feet from a residential structure located in a residential district."

Mr. Underhill, City Attorney, stated the amendment and the language as it appears in the agenda should be rather explanatory. This would establish a text change to be put in the use table. It would require any entertainment establishment such as a lounge, night club, bar or tavern, employing topless waitresses, dancers, barmaids, or models, to be permitted in all business and industrial districts provided the structure so used by the entertainer of the establishment must be located at least 400 feet from a residential structure located in a residential district. This would mean any residential structure within a single family residential district, or a multi-family residential district, in an area so zoned, and on which there is a residential structure, the entertainment establishment would have to be located at least 400 feet from that residential structure.

Mr. Underhill stated this ordinance, as is the case with any other zoning ordinance, will not effect any place of business that is in business, or in the process of doing those things necessary of getting into business, at the time this ordinance is considered and adopted. Those places - lounges, clubs, bars, etc - that are in business, providing topless entertainment will be treated as a non-conforming use. Their activities would not be required to cease; but they would be permitted to continue as a non-conforming use. Any new club, bar or tavern which would attempt to begin business after the effective date of this ordinance, if it is adopted, would be required to comply with the ordinance.

Councilman McDuffie asked if this means a place that is opening up shortly, if they did not have topless waitresses or dancers, would be allowed to open? Mr. Underhill replied this applies only to topless establishments; it does not apply to any night club, bar, tavern, cabaret, etc. which does not employ or utilize persons going topless in their establishments. Councilman McDuffie stated then this would not protect neighborhoods from beer joints? Mr. Underhill replied as long as it is properly zoned. Councilman McDuffie stated we are talking about the one case that has been in the news a lot, and this means it could still be a beer joint, but it would not have entertainment, even though there is no requirement on footage. What we are talking about, you have to have entertainment of this nature, or new beer joints can open up within a 100 feet or 50 feet of residential structures? Mr. Underhill replied a residential structure located in a residential district.

Speaking for the ordinance as proposed was Mr. H. L. Ferguson, retired Minister and Mr. Park Helms, Attorney representing the Citizens Association of Amity Gardens. Speaking against the proposed ordinance was Mr. Albert Pearson.

December 4, 1972
Minute Book 58 - Page 119

Councilman Short moved that the proposed amendment be referred to the Planning Commission for recommendation. The motion was seconded by Councilman Whittington.

Councilman Withrow stated he has received a number of calls about the parking at existing clubs. Either we do not have the ordinance straight as to the number of parking spaces required, for the club or beer parlor, or they are not arresting the people parking in the streets, where the clubs and such do not have lots to park on. He asked if we are clear on the number of spaces required in parking for these existing clubs? Mr. Underhill replied the owner cannot get a building permit, or in the case of an existing building, a renovation permit of any type unless it can be shown they have adequate parking that complies with the parking provisions of the zoning ordinance. Any place operating after 1962, when the present zoning ordinance was adopted, that begins business or builds a new structure to begin business has to comply with the parking provisions. There are many places in existence prior to the zoning ordinance; they are non-conforming uses and the parking is a non-conforming use. The parking might not comply with the minimum standards, but they are legitimate non-conforming uses, and the zoning code can do nothing about them, as they were in existence prior to the adoption of the zoning ordinance.

Councilman Alexander stated he is concerned about one element. He asked if there is any type of ordinance that we can structure where the cost of litigation is not borne by the City. We talk about ordinances, yet we say nothing about the vast expense being built up in our legal department. This is a side he does not hear too much discussion about. He asked if we are not setting ourselves up for continual litigations that increases the costs of our legal department to an extent where it is out of bearing. On the other hand, he is looking at this proposal before Council now. It reads "taverns or cabarets employing topless waitresses, dancers, barmaids or models." That means any kind of social club that would have dancers, be they topless or not, or barmaids. Do you mean to imply here that a woman who waits on a bar or tables, or when you speak of models, would this mean the person who was modeling a gown of some sort? That he thinks we have built into this so much ambiguity until it gets to be meaningless to a point. These are the things he is getting confused on now. Not the topless side of it. But these other things we also are talking about here. It is not clear enough to him to know whether or not we are trying to hide behind something to do what we do not want to do.

Mr. Underhill replied this ordinance does not prohibit anything. It does not prohibit any nightclub from having a topless waitress or dancer or barmaid. What it does is prohibit or regulate. It provides that the structure in which this activity takes place must be located at least 400 feet away from a residential structure that is located in a residential zoning district. It would not prohibit any waitress, dancer, barmaid or model from working in such an establishment, or an establishment having these people in their employ if they are not topless. Any mode of attire that does not constitute toplessness would not be regulated under this particular zoning amendment.

Councilwoman Easterling stated she thinks the point of confusion for Mr. Alexander is that the adjective "topless" is supposed to apply to every one of these designations. Mr. Underhill replied that is correct. It is topless waitresses, topless dancers, topless barmaids or topless models.

Councilman McDuffie stated he was hoping the ordinance would prohibit any new bar or bunge within 400 feet of a residence. He sees little differences in these kinds of activities, in any bar or lounge. He was hoping we could be a little more uniform and go somewhat like the state law, where it is not allowed within 300 feet of churches and schools. He asked if there is anyway to amend this to say that no lounge or beer joint would be allowed within 400 feet of a residential area. Considering the state law, we know is legal, he hates to see us talk about these kinds of issues every three weeks or every two months because they are not clear. Mr. Underhill stated to do that would require another public hearing.

December 4, 1972
Minute Book 58 - Page 120

Councilman Jordan stated what Mr. McDuffie is asking for is to not have a bar or club within 400 feet, whether they have entertainment or not. Councilman McDuffie replied that is right; if this particular one on Independence was not having topless, it would still be undesirable. That he was hoping we could prevent that from happening on down Independence or on South Boulevard where there is one now with loud music that disturbs the neighborhood. He was hoping that it not put people out of business that are already there, but having an ordinance that is enforceable and fair, and they would know they could not open a new one. As the city grows, we should have this kind of regulation.

Councilman Alexander stated if one is aggrieved by cars or by boisterous noises, are you not aggrieved by cars and boisterous noises that come from a tavern, period.

Councilman McDuffie replied that is what he is saying. If this ordinance would just say to prohibit bars within 400 feet of any residential structure, regardless of what is inside them, he could agree to. This allows a tavern as long as it does not have topless waitresses to be there. Councilman Alexander stated this is his point; if the point of aggrievance is noise that comes from these establishments, then will this block that? This is the point of the issue. What are we doing to block that? Is there any way any ordinance could be structured to throw the cost of such litigation on the persons who brings the suit? Councilman McDuffie stated if we are strong enough to pass the ordinance, we should be able to allow the city to defend it. That he would not vote for it if he did not want the city dollars and attorneys behind it. Mr. Underhill replied in answer to the question about Council's authority to require someone else to bear the legal expenses, he does not think Council has the authority to pass on legal expense or the defense of a city ordinance to someone else, either the party bringing the action, or some other person.

The vote was taken on the motion to refer the proposed amendment to the Planning Commission, and carried unanimously.

ORDINANCE NO. 678-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 5609 MONROE ROAD, AS PETITIONED BY SIMPSON ELECTRIC COMPANY, INC.

Upon motion of Councilman Whittington, seconded by Councilman Short, the subject ordinance was adopted changing the zoning from R-9 to O-6 of a lot 75' x 275' at 5609 Monroe Road.

The ordinance is recorded in full in Ordinance Book 19, at Page 365.

ORDINANCE NO. 679-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHWEST CORNER OF INTERSTATE HIGHWAY 77 AND BLAIRHILL ROAD, ON PETITION OF HARRY W. KOLE.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MF to B-1 of a parcel of land 44' x 297' at the northwest corner of Interstate Highway 77 and Blairhill Road.

The ordinance is recorded in full in Ordinance Book 19, at Page 366.

December 4, 1972
Minute Book 58 - Page 121

ORDINANCE NO. 680-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND ON THE SOUTH SIDE OF CLANTON ROAD BETWEEN SOUTH TRYON STREET AND INTERSTATE HIGHWAY 77, AS PETITIONED BY HOWARD S. AND GLADYS K. HELMS ESTEP.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-6MF to B-1 of a parcel of land 100' x 438' on the south side of Clanton Road between South Tryon Street and Interstate Highway 77. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 367.

ORDINANCE NO. 681-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP TO GRANT CONDITIONAL OFF-STREET PARKING ON FIVE LOTS ON VAIL AVENUE, AS PETITIONED BY CHARLOTTE PIPE AND FOUNDRY COMPANY.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted to grant conditional off-street parking in an R-6MF district on five lots at 2104, 2108, 2112, 2116 and 2120 Vail Avenue, with the plan amended to remove driveway access to Vail Avenue and substitute a driveway on to Chase Street.

The ordinance is recorded in full in Ordinance Book 19, at Page 368.

PETITION NO. 72-59 BY JACK D. FARR FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A PARCEL OF LAND AT THE SOUTHWEST CORNER OF THE PLAZA AND BLACKWOOD AVENUE, DEFERRED.

Councilman McDuffie stated this petition is sort of in his section of the city. The Plaza has changed almost all the way down to Mecklenburg Avenue to office or business of some kind. This particular property is zoned for apartment houses. That he has to look at zoning as if it were across the street from him in his neighborhood. What he would rather have, having seen apartment houses, he can honestly say he would rather have the kind of activity and traffic of offices as opposed to apartment houses. Since it is only another block to Eastway Drive, this would seem to be a dividing line, and only about six houses and a Little General and car washes in the other direction, and filling stations that were rezoned at the corner of Sugar Creek and Plaza Road. He thinks it would be discriminatory not to allow these people to develop this into an office situation, leaving the trees and having good access. The neighborhood is changing, and the houses are getting older. He believes it would stabilize the neighborhood rather than being a detriment to it.

Councilman McDuffie moved that the property be changed to O-15, which requires further setbacks and additional parking. The motion did not receive a second.

Councilman Whittington moved that the petition be denied. The motion did not receive a second.

Councilman Whittington moved that the petition be postponed. The motion was seconded by Councilman Withrow, and carried unanimously.

ENCROACHMENT AGREEMENTS, APPROVED.

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

- (a) Agreement with the State Highway Commission permitting the City to construct sanitary sewer lines and/or water lines within the proposed annexation area.
- (b) Resolution authorizing the execution of an agreement with the Seaboard Coastline Railroad, permitting the City to construct a 12-inch C.I.P. sanitary sewer line within the right of way of Seaboard Coast Line Railroad and underneath West Charlotte Industrial Lead Track to serve Seaboard Industrial Park.

The resolution is recorded in full in Resolutions Book 8, at Page 477.

December 4, 1972
Minute Book 58 - Page 122

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT G. SPRATT, JR. AND WIFE, JEAN SPRATT, LOCATED ON WILMONT ROAD, AT BYRUM DRIVE, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE AIRPORT EXPANSION PROJECT.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Robert G. Spratt, Jr. and wife, Jean Spratt, located on Wilmont Road, at Byrum Drive, in Berryhill Township, in connection with the Airport Expansion Project.

The resolution is recorded in full in Resolutions Book 8, at Page 478.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 25' x 81' of easement at 3157 Fairfax Drive, from Gladys H. Hawkins (widow), at \$131.00, for 24" water line - Woodlawn Road, Selwyn Road, Barclay Downs Drive area.
- (b) Acquisition of 11.99' x 49.93' x 13.78' x 49.98' at 936 North Caldwell Street, from Prophet Brothers Oil Company, at \$150.00, for North Caldwell Street Improvement.
- (c) Acquisition of .93' x 30.40' x 30.40' at 2315 Sharon Road, from Brian L. South and wife, Elizabeth H., at \$50.00, for Sharon Road Culvert.
- (d) Acquisition of 52.0' x .93' x 52.41' x 7.23' at 2321 Sharon Road, from Gladys A. Stover (widow), at \$165.00, for Sharon Road Culvert.
- (e) Acquisition of 10' x 150' of easement at 4445 East Independence Blvd., from John A. Roschman, at \$1.00, for sanitary sewer to serve 4445 East Independence Boulevard.
- (f) Acquisition of 20' x 260' of easement at 2140 Sharon Road West, from James Herbert Garrison and wife, Blanche B., at \$300.00, for sanitary sewer trunk to serve Sharon South Apartments.
- (g) Acquisition of 20' x 360.85' of easement at 2100 Sharon Road West from Minerva G. Purcell, at \$411.00 for sanitary sewer trunk to serve Sharon South Apartments.
- (h) Acquisition of 10' x 210.37' of easement at 5236 South Boulevard, from William M. Donaldson and wife, Angelle, at \$260.00, for sanitary sewer to serve White Stores, Inc., (5130 South Boulevard).
- (i) Acquisition of 36.39' x 18.58' x 44.37' of easement at 4000 North Graham Street, from Marion Rueben Tadlock and wife, Lura S., at \$195.00, for sixteen intersections - easement for improving intersection at Craighead Road and North Graham Street.
- (j) Acquisition of 43.27' x 34.21' x 31.06' of easement at 3900 North Graham Street, from Zeb Vance Kiser and wife, Fannie V., at \$225.00, for sixteen intersections - easement for improving intersections at Craighead Road and North Graham Street.

December 4, 1972
Minute Book 58 - Page 123

- (k) Acquisition of 29.47' x 33.70' x 19.5' of easement at 2109 North Graham Street, from Twenty-One-O-Nine North Graham Ventures, et al, at \$250.00, for sixteen intersections - easement for improving intersections at North Graham Street and Woodward Avenue.
- (l) Acquisition of 59.45' x 59.45' x 87.15' at 3200 North Graham Street, from Blythe Properties, Inc., at \$1.00, for sixteen intersections - easement for improving intersection at North Graham Street and Atando Avenue.
- (m) Acquisition of 21.43' x 10.81' x 22.50' at 630 West 24th Street, from Frank Deaton and Sons, Inc., at \$300.00, for sixteen intersections - easement for improving intersection at North Graham Street and West 24th Street.
- (n) Acquisition of 27.46' x 30.48' x 34.23' at 1601 West Trade Street, from E. T. James, Heirs, at \$4,000.00 for sixteen intersections - easement for improving intersection at West Trade Street and Tuckaseegee Road.

CONTRACT FOR THE INSTALLATION OF WATER MAINS AND SANITARY SEWER MAINS, APPROVED.

Councilman Jordan moved approval of the following contracts for the installation of water mains and sanitary sewer mains, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Contract with Queens Properties, Inc. for the construction of 885 feet of 8" C. I. water main and one fire hydrant, to serve property abutting on Greensboro Street, inside the city, at an estimated cost of \$5,500.00. All funds will be advanced by the applicant and refund will be made all in accordance with the existing city policies.
- (b) Contract with William Trotter Development Company for the construction of 1,910 feet of 8" C. I. water mains and two fire hydrants, to serve University Commercial Center, Section 2, outside the city, at an estimated cost of \$12,000.00. All funds will be advanced by the applicant, and refund will be made all in accordance with the existing city policies.
- (c) Contract with Cecil B. Day, President, Days Inn of America for the construction of 4,000 linear feet of 8-inch sanitary sewer mains to serve Days Inn at Tuckaseegee Road, inside the city, at an estimated cost of \$46,000.00. The applicant has deposited \$2,870.00, which will be used for engineering; the applicant will construct the sewer line and the city will own and maintain the lines at no cost.

ORDINANCE NO. 682-X TRANSFERRING FUNDS TO COVER A 1969-70 SALES TAX REFUND DISALLOWED BY THE NORTH CAROLINA DEPARTMENT OF REVENUE.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance transferring \$650.60 to cover a 1969-70 sales tax refund disallowed by the North Carolina Department of Revenue.

The ordinance is recorded in full in Ordinance Book 19, at Page 369.

Councilman McDuffie requested the City Attorney to bring Council up-to-date, by memo, on the status of the Charlotte-Mecklenburg sales tax which is different from the rest of the state. It excludes a bunch of items that are now not excluded for the counties. Mr. Underhill stated he will be glad to get Council the information on how our sales tax differs; that he cannot give the economic picture. That he can give them the law. Councilman McDuffie stated he can write to the Institute of Government or someone else and they can give the economic picture. Someone knows.

December 4, 1972
Minute Book 58 - Page 124

ORDINANCE NO. 683-X ORDERING THE DWELLING AT 2008 LYNDBURST AVENUE TO BE VACATED AND CLOSED.

Councilman Whittington moved adoption of the subject ordinance affecting housing declared "unfit" for human habitation by ordering the dwelling at 2008 Lyndhurst Avenue to be vacated and closed. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 370.

ORDINANCE NO. 684-X ORDERING THE REMOVAL OF WEEDS AND GRASS ON PREMISES AT 3108 SUDBURY ROAD PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CODE, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted ordering the removal of weeds and grass on premises at 3108 Sudbury Road pursuant to Section 6.103 and 6.104 of the City Code, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 19, at Page 371.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, authorizing the following special officer permits for a period of one year:

- (a) Renewal of permit to Herbert Nolan Threatt for use on the premises of Jefferson Standard Building, 301 South Tryon Street.
- (b) Renewal of permit to Eryln R. Weeks for use on the premises of Belk Brothers Company.

Each applicant has been approved by the Police Department.

RESOLUTION AUTHORIZING THE REFUND OF TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR AGAINST TAX ACCOUNTS.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted authorizing the refund of taxes in the total amount of \$1,451.36, which were levied and collected through clerical error against 12 tax accounts.

The resolution is recorded in full in Resolutions Book 8, at Page 479.

PETITION REQUESTING TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF SHARON LANE-ARBORWAY, AND SIGNAL AUTHORIZED INSTALLED.

Mrs. Dotson Palmer stated she is present as spokesman for the residents of Foxcroft. They have a petition, which she filed with the city clerk, with 182 names, and it reads as follows:

"We, the undersigned, urgently request that a traffic light be installed at the Sharon Lane-Arborway Intersection.

December 4, 1972
Minute Book 58 - Page 125

Since the widening of Sharon Lane, we find it much more hazardous and difficult to enter Sharon Lane. At times, it is almost impossible to turn left onto Sharon Lane due to the heavy traffic and 45 miles per hour traffic flow. To get to the elementary and secondary schools from this area, we must turn left. We have school buses and school children driving to school every day, and the situation is extremely hazardous for them all.

We therefore, feel it imperative that action be taken immediately to install a much needed traffic light for our community safety."

Mrs. Palmer stated she has talked to Mr. Hoose, and he said there are no plans for a traffic light at this time; and no plans for a traffic count until January. They feel there will be a lot of traffic going through in December, and they would like immediate consideration given to this request.

Also speaking for the traffic signal was Mr. Carl Forsyth of Arborway, Mr. Ben V. Martin, 3801 Arborway, Mr. Julian Love, Red Fox Trail, and Mr. J. G. Madison, corner of Arborway and Beresford Drive.

Mr. Madison advised there is a rock entranceway and a lot of shrubbery at the intersection. If you come out and want to get into Sharon Lane from Arborway your view to the left is obstructed, and something should be done about that.

Mr. Hoose, Traffic Engineer, stated they are holding this up now to get the surveys on the whole area. The street was just opened the day before Thanksgiving. They have not had a chance to count it; this is a poor time to take a count of any type because of the holidays.

He stated they plan to take the surveys after the first of the year, and after the traffic has settled down. There is a left turn slot at the intersection to take care of the turning movements. In reference to the blind intersection, they are making plans now to have some of the shrubbery removed and the stone wall removed; that is a site obstruction, and they are working with the people on this.

After further discussion and later in the meeting, Councilman Whittington moved that the traffic signal be put back up at Arborway and Sharon Lane. The motion was seconded by Councilman Withrow, and carried unanimously.

ORDINANCE NO. 685-X AMENDING SCHEDULE 10 RELATING TO SPEED LIMITS REFERRED TO IN CHAPTER 20, SECTION 86(c) OF THE CHARLOTTE CITY CODE.

Councilman Whittington moved adoption of an ordinance amending Schedule 10 relating to speed limits by changing the speed limit on Sharon Lane, between Providence Road and Sharon Road, from an existing speed limit of 40 MPH to a new limit of 45 MPH. The motion was seconded by Councilman Short.

Councilman McDuffie stated he disagrees with the theory that we can raise the speed limit and expect people to drive whatever the posted limit is, and we will get enforcement, because we do not. That he thinks 40 MPH is fast enough for a posted limit, and it is reasonable not to give a ticket until it exceeds it at least three miles per hour. He stated 35 is too fast for residential streets, and we do not do anything about that; 40 on these four lane thoroughfares is adequate.

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

The ordinance is recorded in full in Ordinance Book 19, at Page 372.

December 4, 1972
Minute Book 58 - Page 126

ORDINANCE NO. 686-X ESTABLISHING A CAPITAL IMPROVEMENT PROJECT TO IMPROVE FIFTEEN INTERSECTIONS IN THE CITY OF CHARLOTTE.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted establishing a capital improvement project in the amount of \$70,000 to improve fifteen intersections in the City of Charlotte.

The ordinance is recorded in full in Ordinance Book 19, at Page 373.

CONTRACT AWARDED MILLER'S OFFICE EQUIPMENT FOR ATTACHE CASES FOR POLICE DEPARTMENT.

Councilman McDuffie asked if the attache cases are long enough to carry the blue form? Chief Goodman replied it is. Councilman McDuffie asked if the Department would consider providing the service of giving the forms to the public without requiring them to come to the Police Department to pick them up? Chief Goodman replied they will mail them if they are asked to. Councilman McDuffie stated the City Department operates differently from the state.

Chief Goodman stated the case they will purchase will be a five inch case. The officer will carry this on his tour of duty; when he goes to his car he will carry this with him, and it will contain all the necessary papers he needs.

Motion was made by Councilman Jordan, and seconded by Councilman Withrow, to award a contract to the low bidder, Miller's Office Equipment, in the amount of \$5,618.16, on a unit price basis, for attache cases for Police Department.

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

The following bids were received:

Miller's Office Equipment	\$5,618.16
Sear's Roebuck & Co.	5,895.60
Forms & Supply, Inc.	6,284.65
Young Office Supply Co.	6,300.20
Craddock Luggage Shop	6,560.30
Pound & Moore Company	6,797.28

Councilman McDuffie stated the money is justified for carrying the blue forms. Chief Goodman stated the law requires the individual to pick up and fill out the blue forms within 24 hours. It does not require the police department to fill it out for them. Councilman McDuffie replied he is not asking them to fill it out, and the law does not say 24 hours any longer. Chief Goodman stated if they go out to an accident with the blue forms, it will take them two hours as they will have to fill out the forms for both parties. Councilman McDuffie stated the public should not be obligated to go down there where they do not have a place to work. Why does the State Highway Department provide the public with one, if the City cannot; and they fill out the other half of the information and give it to the individual? Chief Goodman stated the State does not answer the volume of traffic accidents the city does. Councilman McDuffie stated these are what the objections are; we are spending money here and the public is not getting served. Giving the people a blue form which is required by state law, and the man should not have to come down there to get a blue form if he has the information on the other person. Chief Goodman stated they will mail the forms out if they want them.

Councilman McDuffie stated he noticed in the city code the other day that the code requires whoever tows the cars away from an accident to sweep up the glass, and he does not believe that is being done. Chief Goodman replied they all carry brooms and dust pans with them, and this is required.

December 4, 1972
Minute Book 58 - Page 127

The City Manager stated he would be glad to look into the matter of the blue forms and bring a report back to Council. The difference between Mr. McDuffie and the Chief is whether or not this is a service required of the police department to be performed. Investigating accidents takes up about all the time of the department at certain times of the day.

Councilman McDuffie stated the point is you do not ask the police to get the information; they get it from the other party.

Mayor Belk requested the City Manager to get the information together and bring it back to Council.

CONTRACT AWARDED MINNESOTA MINING & MFG. COMPANY FOR SCOTCHLITE MATERIAL.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the only bidder, Minnesota Mining & Mfg. Company, in the amount of \$12,875.72, on a unit price basis, for 34 rolls scotchlite material.

CONTRACT AWARDED MILLER'S OFFICE EQUIPMENT COMPANY FOR OFFICE FURNITURE AND EQUIPMENT.

Councilman Withrow moved award of subject contract to the low bidder meeting specifications, Miller's Office Equipment Company, in the amount of \$12,687.94, on a unit price basis, for office furniture and equipment. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Miller's Office Eqpt. Co.	\$12,687.94
Kale-Office Outfitters	13,105.95
O. G. Penegar Company	13,181.75
Sears, Roebuck & Company	15,285.00

CONTRACT AWARDED TOWN & COUNTRY, INC. FOR TWO TRUCKS.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, Town & Country, Inc., in the amount of \$12,723.66, on a unit price basis, for two trucks.

The following bids were received:

Town & Country, Inc.	\$12,723.66
Young Ford, Inc.	12,956.84
International Harvester Co.	12,977.72

ORDINANCE NO. 688 ESTABLISHING DEVELOPMENT AND USE REGULATIONS FOR CERTAIN FLOOD HAZARD AREAS OF THE CITY OF CHARLOTTE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, UNDER CHAPTER 8A.

Mr. Bob Wattell, Chairman of SIRENS, stated they are a group of young citizens present to express support of the proposal for the Floodway Ordinance; they are interested in preserving naturalness of the streams. They feel this kind of restriction on development along side the streams helps to preserve the natural features. Also speaking was Linda Anderson and Jimmy Little.

Councilman Withrow stated he thinks it is good that young people get involved in matters like this. He moved the adoption of the Floodway Ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

December 4, 1972
Minute Book 58 - Page 128

Councilman Short stated he is just a little bit surprised because this is a very involved thing; that he wonders if we have had a chance to study it as he just received the ordinance with the amendments a few minutes ago.

Councilman Withrow stated we all just received it. The County passed on this at their morning session; that he understands these are just minor changes in the wording of the ordinance. Councilman McDuffie stated they incorporated a lot of changes the people asked for at the hearing.

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

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 375.

COUNCIL ADVISED THAT PLANNING COMMISSION WILL HAVE RECOMMENDATIONS ON BILLBOARDS THIS WEEK.

Councilman McDuffie stated a week or so ago, he mentioned the fact that billboards were going up on Interstate 77 and the new expressway where there were none previously. There was some discussion about asking the Planning Commission what could be done, and the last word he heard was they needed some directions from Council as to what kind of regulations we might want to consider. Time is of importance, and he thinks most people have sat around and thought the federal regulations would prohibit billboards along the new expressways; but the federal law has no effect. In a rural county like Cabarrus that has no zoning ordinance, it would be prohibited, but a metropolitan area like Charlotte that has zoning regulations, the federal law does not apply at all.

Mr. Burkhalter, City Manager, stated Staff is preparing some recommendations, and by Wednesday of this week should have a proposed ordinance from the Planning Commission.

Councilman McDuffie stated everyone needs to be making some determination in their own minds, and they need to ride out on these two new expressways. There is no limit on how many can be placed on property that is zoned institutional or industrial; and there is no limit on height. There are definitely places we need to make some restrictions. The public expects that we not litter up the hillsides with unlimited numbers of billboards. In some cases we may feel we might like to ban them altogether.

Councilman Alexander asked if the poles were put there in an attempt to head off some legal decision, or is there some case that keeps them from completing them and they are waiting on the results of a case? Councilman McDuffie replied it would appear they are just getting ahead of City Council who might want to make some changes. He stated he understands the grandfather clause does not necessarily have to apply to every kind of zoning you make. For instance, the overhanging signs downtown were required to be taken down.

Mr. Underhill, City Attorney, stated in most instances a pre-existing use would fall under the grandfather clause, and it would be permitted to remain if the law is changed in effect that would not permit it. But there are some exceptions.

Councilman McDuffie stated these poles are clearly on the highway and not connected with a business. He stated we need to ride the expressway, and he was hoping we could do that when we toured the civic center.

Mr. Burkhalter stated the Inspection Department has issued 34 sign permits for I-77 and 10 for the Northwest Expressway as of December 1 this year. The Planning Commission is working on this, and will come back to Council with a recommendation.

December 4, 1972
Minute Book 58 - Page 129

COMMENTS ON MEETING IN INDIANAPOLIS AND CITIZENS PARTICIPATION AS HOST AND HOSTESSES.

Councilman McDuffie stated the fine civic center in Indianapolis cost about twice as much as the one we are building; but it is an outstanding facility. If Charlotte gets the kind of cooperation they have with their citizens to help drive people around and serve as hostesses on the buses and things we will be in good shape. They had tremendous citizen support. That he was impressed and he thinks most people were for the manner in which they handled 3,000 people.

CITY MANAGER REQUESTED TO CONSULT WITH MODEL CITIES DIRECTOR AND WORK OUT THE PROBLEM WITH THE GOOD GUYS CLUB OPERATION ON BELMONT AVENUE.

Councilman Whittington stated he had a call last week about the Good Guys Club. The caller said there is no one in attendance at this Good Guys Club on Belmont Avenue except one man part of the time. He stated he went by there to observe and some of the window screens are off; shingles loose; front door looked as though it had not been opened in months; and the other doors standing open, and the place looked a mess.

He requested the City Manager to look into this; that it does not look anything like the Council went out and dedicated.

Councilman Alexander stated he has been much displeased of the attention that has been given this. That we should give it more attention and see that it is made workable so we can get the benefits from it. One of the problems is the manner in which it was handled. It was put under the Model Cities program and operates under the contract with Johnson C. Smith University. For some reason it is not reaching the point of doing what it should do.

Councilman Whittington stated one man said he was fearful of his son ever going there because there was no supervision; and it was just a deplorable mess. Councilman Alexander stated he does not blame him. But those young men were willing to help and as long as they were helping - and they were permitted to help, then there was no problem. Now for some reason that is not it. He stated he was hoping they would be made a part of the direction of the program, and it is not operating like that. In a sense they are almost the step-children of a program that could have been most beneficial.

Councilman Whittington requested the City Manager to consult with Dr. Travland to see if we can get this back to a youth oriented good guys club, and do what Council intended it to do.

Later in the meeting the City Manager advised that Wylie Williams will have a report for Council on this very shortly.

COUNCIL ADVISED THAT POWELL BILL FUND RECOMMENDATION WILL BE BEFORE COUNCIL AT ITS NEXT CONFERENCE SESSION.

Councilman Whittington stated he made a suggestion to the City Manager, the Mayor and City Council about the Powell bill money, the Plaza and Sharon Amity Road, and an overhead bridge over the railroad track on Sugar Creek Road and on North Tryon Street. He would like to make a motion that the City Manager and Staff get this information to Council so council members will have something to take action on as soon as possible.

The City Manager replied this is scheduled for the next Council Meeting at the conference session.

December 4, 1972
Minute Book 58 - Page 130

COMMENTS ON ALLIED SERVICES ACT, AND ON THE ANNUAL ARRANGEMENT BEING CONSIDERED FOR COUNCIL.

Councilman Short stated in reference to the Indianapolis trip, one of the most interesting things there was a seminar on what is called the Allied Services Act, an act pending now in Congress. The basic idea is to see that local government, which is providing brick and mortar for type programs for citizens, also is dealing in the people programs. The basic idea is that it is not particularly logical to have one group such as the city providing housing, and another group administering welfare. One is aid to citizens, the welfare to the citizens, and the other is providing public housing where they live. This act, if passed, would have a profound effect upon city government; and apparently it has a lot of impetus behind it.

The City Manager stated all of this ties in with community development. No one knows what the outcome of Allied Services is right now. It has to be reintroduced, and it will be. There is probably more talk that Charlotte will be included, and that may be considered for an annual arrangement, which is an important thing to our city. We are already staffing up for Council's assistance in making plans for the use of this.

CITY MANAGER REQUESTED TO CONFER WITH COUNTY MANAGER ABOUT AGREEMENT TO PAY MEMBERS OF THE PLANNING COMMISSION FOR THEIR EXPENSES.

Councilman Short stated the City should pay some sort of expenses to the members of the Planning Commission. Council has the authority to do this, and Council is always saying to them that they should visit these zoning sites, and they do. They have a great many of them to visit. He asked if Council has any opinions as to whether we could approve a motion that would just pay them \$25.00 a month as their expenses. If there is such a motion, he thinks it would want to provide that this be subject to the approval of the County Commission, as this is a joint operation. In his opinion there is no reason why this should not be done starting perhaps December 1.

After further discussion, Councilman Short requested the City Manager to confer with the County Manager to see if we can get an agreement to pay them \$25.00, half and half, or pay them mileage, or just some arrangement that would cover this.

ORDINANCE NO. 687 AMENDING CHAPTER 23 "ZONING", OF THE CODE OF THE CITY OF CHARLOTTE BY THE ESTABLISHMENT OF A NEW USE. (TOPLESS ENTERTAINMENT STRUCTURES, LOCATED FROM RESIDENTIAL USES).

Councilman Short stated Council has received the report of the Planning Commission on the proposed "Topless" zoning change. The Commission recommends approval of the proposed change as the ordinance does not appear to invoke any strong, basic planning or zoning question. The intent is apparently to regulate a use which is cause for concern when located in proximity to residential uses. On that basis the Commission sees no violation of planning criteria involved in this matter, nor does it see any strong planning objective to be met by it. It is recommended for approval since it may provide some protection to existing residential uses.

Councilman Withrow asked if in the opinion of the City Attorney, this ordinance will stand up in court? Mr. Underhill, City Attorney, replied the last major obscenity case that went to the U. S. Supreme Court was the Reddrick case. In that case they had four separate definitions of obscenity written by four separate justices; the vote was five to four; there were four concurring opinions and one judge joined in the majority opinion. So you are dealing in an area that even the U. S. Supreme Court is not real sure of the direction they are going as indicted by that one case. Mr. Underhill stated to the best of his legal ability and in his opinion, this probably stands as good a chance as anything you could enact in this field. But nothing is certain. When you get into the area of obscenity and pornography, you are getting into an area that the Courts have wrestled with and have themselves been unable to agree upon.

December 4, 1972
Minute Book 58 - Page 131

After further discussion, Councilman Short moved adoption of the ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

Councilman McDuffie stated he was hopeful we could have eliminated the topless part and apply the regulation to all future lounges and beer joints. If there is any danger of being overthrown it will be because it is discriminating into the entertainment of topless barmaids or any other kind of dancers, based on the fact that ABC regulations say you cannot have a license within 300 feet of a church or school; homes are just as precious and have more people involved than they do the other places.

Councilman Short replied the reasoning may be good, but he doubts if we can ever prevail in trying to make a distinction between types of food and soforth in establishments.

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

YEAS: Councilmembers Short, Whittington, Withrow, McDuffie and Easterling.
NAYS: Councilmembers Alexander and Jordan.

The ordinance is recorded in full in Ordinance Book 19, at Page 374.

Councilman Alexander stated he is taking this position because it looks to him as though what we are attempting to do is somewhat punitive. It is too discriminatory as proposed, and apparently there is true doubt for legal soundness.

Councilman Jordan stated Mr. Alexander has covered most of the answers he wanted to make; that he thinks this is discriminatory, and this is discriminating against particular types of business, and particular types of professions. That he does not think it is right.

Councilman Withrow stated sometimes we swallow an elephant and strain a knat. We have pornography on the news stands, and in the theatre; and it is much worse than what we are speaking of today. All of our children can go to a news stand and look at any nude pictures or anything they want; and we steer away from this idea. That he thinks it is time that we look into this.

ORDINANCE NO. 629 AMENDING CHAPTER 13 REGULATING THE LOCATION OF NIGHT CLUBS, CABARETS, TAVERNS AND OTHER SIMILAR ESTABLISHMENTS, RESCINDED.

Councilman Short moved that Council rescind the subject ordinance, adopted October 9, 1972 which is scheduled to become effective December 15 which relates to those establishments which engage in beer retailing, and is the ordinance that says they must be located 200 feet from an occupied residence. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE RELATIVE TO THE ISSUANCE OF BUILDING PERMITS AND PRIVILEGE LICENSES TO NIGHT CLUBS, CABARETS, TAVERNS AND OTHER SIMILAR ESTABLISHMENTS, RESCINDED.

Councilman Short moved that the subject resolution withholding the issuance of permits and licenses be rescinded. The motion was seconded by Councilman Jordan, and carried unanimously.

December 4, 1972
Minute Book 58 - Page 132

REPORT REQUESTED ON STATEMENTS TO EMPLOYEES ON THEIR RETIREMENT FUNDS.

Councilman Alexander stated some months ago he raised a question about city employees receiving statements on their retirement. He asked if there has been any further notice on this? Mr. Bobo, Assistant City Manager, stated they have reaffirmed their position that they will get this information to the employees soon, but there is no definite date. Councilman Alexander stated the city should keep after them until they come through with the information. The City Manager stated he will write them a letter with a copy to Mr. Alexander.

DISCUSSION OF TRAFFIC PROBLEMS AT BEATTIES FORD ROAD AND NEW EXPRESSWAY.

Councilman Alexander asked if there is any further information on his question about the traffic into Beatties Ford Road off the new expressway. He stated he did get an answer that it was being worked on; but he still comes back to the question he raised. That he thinks it is important enough to close off both the entrances until such time as something can be resolved about the traffic. The City Manager stated what he really wants is to close it up or do something about it and we have not gotten the state to do anything about either one at this time. Councilman Alexander stated then Council should authorize the closing; they should never have opened it until it was worked out. That traffic starts in the afternoon about 6:00 and you have a line of cars from down on West Trade Street right straight on out the Beatties Ford Road with no break.

REPORT ON STORE LOCATED AT THE CORNER OF CAMPUS AND CEMETERY STREETS AND DISTURBING THE GETHSEMANE CHURCH.

Councilman Alexander stated there was discussion at one time about what to do about relief for the Gethsemane A.M.E. Zion Church at Campus and Cemetery Streets from a little joint in front of the church. That we got it to a point where something was supposed to be attempted to see if relief could be given. He stated he would like to know what the answer is? The City Manager replied everything is legal about the little store. That a man went out there and they agreed to close at certain times so that it would not bother the church. According to our law the store was being operated in a legitimate way, and there was nothing we could do to make him get out.

Mr. Bobo, Assistant City Manager, stated it was looked at first to see if it was a zoning violation, and it was not. They also checked to determine if it was in violation of any code, and it was not in violation of any building code. They did not have a privilege license which they later obtained. In addition the police department contacted the operator about the parking problems and the noise and the operator promised to see their customers did not block the streets and to keep down the noise.

APPRECIATION EXPRESSED TO CITY MANAGER AND PUBLIC WORKS DEPARTMENT AND MAYOR FOR FINE WORK IN WASHING DOWN THE STREETS FOR THE SHRINE PARADE AND FOR THE FREE COFFEE AND PASTRIES SERVED AT BELKS AND IVEY'S.

Councilman Jordan stated he would like to thank the City Manager and Mr. Hopson for the fine work they did in washing down the streets last Friday for the Shrine Parade.

He stated he would also like to thank Mayor Belk and his store, as well as Ivey's for having the free coffee and pastries for the visiting Shriners downtown Saturday. This was a very fine gesture for the merchants.

December 4, 1972
Minute Book 58 - Page 133

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF LONNIE R. SIDES.

The following resolution was presented by Councilman Jordan:

WHEREAS, it is with deep regret that the City Council learned of the death of Lonnie R. Sides on Wednesday, November 8, 1972; and

WHEREAS, he served on the City Council from 1936 until 1941, and was on the Park and Recreation Commission between 1950 and 1953; and

WHEREAS, the City of Charlotte is especially indebted to Mr. Sides for his dedicated service to the citizens of Charlotte in serving on the Council and the Park and Recreation Commission; and

WHEREAS, in addition, he was active in the work of his church, and for thirteen years, was Director of Music for the city schools. He was dedicated to music, working with the marching bands of the schools of Charlotte and was responsible for making bands an integral part of the Shrine Bowl Games.

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

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

COUNCIL MEETING OF JANUARY 1, 1973 DISPENSED WITH, AND REGULARLY SCHEDULED MEETING FOR JANUARY 29 MOVED TO JANUARY 30, 1973.

Councilman Alexander moved that the Council Meeting scheduled for January 1, 1973 be dispensed with as this is a legal holiday. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman Withrow moved that the Council Meeting scheduled for Monday, January 29, 1973 be moved to Tuesday, January 30, at 8:00 o'clock p.m. in the Board of Education meeting room. The motion was seconded by Councilwoman Easterling and carried unanimously.

COUNCILMEMBERS INDICATE THEY HAVE PAID FOR THEIR CHRISTMAS CARDS.

Councilman Alexander stated for the record he has paid \$24.00 for his Christmas cards. Councilman Jordan stated he paid \$40.00. Councilwoman Easterling stated she paid \$56.00 for hers and they are going all over the world.

CITY MANAGER REQUESTED TO MEET WITH DON BRYANT AND BRING BACK RECOMMENDATION ON A NEW APPROACH TO THE BEAUTIFICATION OF THE CITY.

Mayor Belk stated he would like for Council to write Mr. Don Bryant a letter of gratitude and thanks for serving on the Mayor's Beautification Committee. That he would like for Council to recommend that the City Manager meet with Mr. Bryant and get a Chairman and a committee of another group and take a new approach and get somebody on it. There has never been a group that followed through on the whole program. That if we could get this and tie it down, then he thinks it will be a big step forward. Greensboro has done a fine job on this, and he would like to see us take a completely new approach and he asked the City Manager to bring a recommendation back to Council.

December 4, 1972
Minute Book 58 - Page 134

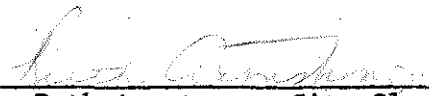
COUNCIL TO EXPLORE THE POSSIBILITIES OF PRESERVING THE CHAPEL SITE AT THE OLD THOMPSON ORPHANAGE.

Councilman Alexander stated he would like for Council to consider a committee to see what can be done to preserve the chapel at the old Thompson Orphanage site. That he thinks it will get a good send off if Council officially appoints such a committee.

After discussion, Councilman Alexander moved that Council explore the possibilities of preserving the chapel that exists on the Thompson Orphanage property. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk