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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Tuesday, January 4, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, and Joe D. Withrow present.

ABSENT: Councilman James B. Whittington.

* * * * *

INVOCATION.

The invocation was given by Father Julian of Our Lady of Consolation Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Minutes of the last two meetings, on Monday, December 20, 1971 and Tuesday, December 28, 1971, were approved as submitted.

RECOGNITION OF ALLEN FRAZIER AS OUTSTANDING CITY EMPLOYEE OF THE YEAR.

Mayor Belk recognized Mr. John Ryan, President of the Charlotte Chamber of Commerce and welcomed him to the Council Meeting.

Mr. Ryan stated he is very pleased, on behalf of the Charlotte Chamber of Commerce, for Council to allow them the annual rare opportunity to express appreciation to an outstanding citizen, who also is associated with the City of Charlotte in the Central Service Department. That in this age of technology and computers, services are still one of the true measurements of man's understanding of one another. He stated in reading through the file on how this man was selected, it is very gratifying to know the people that reviewed the files of the so many most deserving employees in the City would allow this particular man to receive this honor which he so richly deserves. He stated he is referring to Allen Frazier, and invited Mr. Frazier to come forward.

Mr. Ryan stated the Chamber of Commerce Committee has chosen Mr. Frazier as the outstanding city employee of the year. In token of appreciation, he presented Mr. Frazier with a check for \$50.00, and a certificate of recognition.

Mr. Ryan stated the Chamber is very proud of Mr. Frazier and hopes that he will serve as an inspiration to many other people in public service. That they are really the unsung heroes.

Mayor Belk and members of Council then congratulated Mr. Frazier on receiving this recognition. Mayor Belk stated he and the Council are very proud of Allen, and it always makes them feel better when they step out of their cars at City Hall and are greeted by him.

REQUEST OF PARK & RECREATION COMMISSION AND CHILDREN'S THEATRE GROUP FOR USE OF VETERAN'S BUILDING ON EAST MOREHEAD STREET TO BE PLACED ON AGENDA FOR NEXT MEETING.

Mr. Chet Whelchel, Vice Chairman of the Charlotte Park and Recreation Commission, stated he is present in the interest of the Commission obtaining the Veteran's Building on East Morehead Street.

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That over the years they have done a good a job as they could do with the funds available to them in providing recreation for the City of Charlotte. However, they realized long ago there was one group of people who had been neglected. That he is referring to the handicapped children of the community. There are 11,000 handicapped children in Mecklenburg County. As a start towards an effort to provide a program that would be meaningful and helpful to these children, about six months ago they hired a very competent program director. For the past six months they have been operating in the Third Ward Community Center a program for these children. But their ability to reach the numbers they feel they should reach is restricted by the facilities available to them. They do not have the complete use of Third Ward Community Center for just this program. It has to be utilized for many other programs.

He stated when Veteran's Building became available, they immediately surveyed it and found it was in the approximate location they would like to have; it has two floors which would allow them to put a gym on one floor and craft rooms and so forth on the other floors. They had estimates made as to what it would cost to implement this program, both in capital expenditures and in the amount of money it would cost to operate for a year. It would cost \$25,000 for renovation; \$13,485 to furnish it, and approximately \$30,000 a year to operate and run a program. This is approximately \$70,000.

Mr. Whelchel stated they would like very much to have this facility. But funds are the things the Commission has least of; they are totally dependent upon their revenue from ad valorem tax and the generosity of Council. They are also reminded of the fact they are bringing on stream in the spring or early summer a 125 acre park on Park Road. They do not know yet how they are going to operate that facility as they do not have the money to operate it.

Mr. Whelchel stated they have met with the Children's Theatre group in an effort to see whether it is possible to work out a joint use of the facility. In the several meetings they have had it was very quickly determined that this would not be practical.

He stated the Park and Recreation Commission would like to have the building, but it will do them no good without the \$70,000. That he is here today to ask if the funds are available they would like very much to have it. If they are not available, they would like to join the Children's Theatre group in their bid for the building. That one way or the other, the Commission is going to cooperate with this group, and they are hopeful they can get a number of the handicapped children scheduled and participating in the Theatre group.

Councilman Withrow asked if there is not about two or three acres of park land in back of this building? Mr. Diehl, Director of the Commission, replied he is talking about Pearl Street Park, but most of that will be taken in the street improvements and all they will have left is a portion of the park down by the Post Office.

Councilman Jordan moved that this be placed on the agenda for next week to give Council an opportunity to review these items. The motion was seconded by Councilman Alexander, and carried unanimously.

Councilman Calhoun asked in the event there is no money what will happen to the Commission's program for the handicapped children? Mr. Whelchel replied it will continue as it is at this time, very restricted. As facilities become available and as they can break loose space in other centers, they will try to implement the program into the other programs. He stated they have checked with the Board of Education to see whether there are any school buildings available and there are none.

Councilman Short stated last year a number of very fine ladies and gentlemen were seeking to interest some of Council in this program. That he has a list of about 20 names. That Council has decided to put this on the agenda for next week, and he thinks it would be appropriate if these ladies were invited and let them know that it will be considered by Council then.

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Mr. Whelchel stated these ladies called on the Commission also. This was prior to the establishment of the program they had. They were talking in terms of a summer program to be used on the playgrounds. He stated they were delighted to cooperate with them, and even secured much of the material needed. But they found they could not provide the personnel, and they are in the same position as the Board is. They have no funds.

Councilman Short stated he would hope that Mr. & Mrs. Robinson would invite the people who are concerned with the Children's Theatre to be present next week.

Mr. Robert Robinson stated Children's Theatre is not in competition with the mentally and physically handicapped children for the use of this building. They quickly foresee if the Parks and Recreation Commission has use of it, they will need the entire building. If the City has the funds, then he thinks they should have the building. If it is unavailable to them, the Children's Theatre would like the building. Whether they get that building or whether they get another building, they are going to provide a program for the mentally and physically handicapped children. It has been in the works for more than a year.

Mr. Robinson stated they will have a broader program, but one portion will be for handicapped children. He stated the Park Commission would operate the building about six days a week for 12 hours a day, and this would not leave much time for the Children's Theatre program.

PARK AND RECREATION COMMISSION AND STAFF AND MR. DON BRYANT REQUESTED TO STUDY QUESTION OF EIGHT CENT TAX LEVY COUNTYWIDE FOR PARK AND RECREATION PURPOSES.

Councilman McDuffie stated the problem of money for the Park & Recreation Commission is most important. That a couple of years ago, a Chamber of Commerce committee, Chaired by Mr. Don Bryant, had a plan that could consolidate city and county recreation and would give the eight (.08¢) cent tax rate countywide, and this would apparently help us out of this dilemma of no money to operate the programs we have on the books now. He asked if the legislation is available to merge the two without votes, or more legislation? Mr. Underhill, City Attorney, replied there is legislation which would permit an administrative merger of city and county parks and recreation. The question of the tax rates was something that was authorized by a local act by one of the earlier general assemblies and it may take some additional legislation on that question.

Councilman McDuffie suggested that this be made an item for a conference session, and that Mr. Bryant, Mr. Walker and Mr. Diehl and his staff be present, with Mr. Underhill to do the research, and Council to be told once and for all if the two can be merged, and get the tax rate countywide.

Councilman McDuffie moved that the Park & Recreation Commission, and the other people mentioned be requested to study this request and to bring a report to Council in the immediate future. The motion was seconded by Councilman Short, and carried unanimously.

REQUEST THAT DOUBLE OAKS AREA BE MADE A PART OF THE MODEL CITIES PROGRAM.

Father Julian, Pastor of Our Lady of Consolidation Catholic Church, located on Statesville Avenue, stated he is a resident of Double Oaks. He stated he has found that Double Oaks is not under the Model Cities program. That as the Pastor of the Church, he wants the church doing something for the community and particularly for the children of the community. They have a school with over 350 children, and they come from 225 black families. But the immediate community of Double Oaks is not getting anything out of the presence of the church or the school. That he really wants the church to give something to the community, but he was blocked because he did not have the proper help from government. He asked why Double Oaks, which is so attached to the Oaklawn Community, is out of Model Cities? Through Model Cities, the people of Double Oaks could have some benefits such as buses and transportation for children.

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Mr. Carstarphen, Assistant City Manager, stated that a portion of the Double Oaks area is included in model cities; this is known as upper Greenville. That we need to ask the Model Cities Department to work with Father Julian in terms of some proposals for service to that area, even though it might not be in the geographic boundary, for cooperation.

Councilman McDuffie requested Mr. Carstarphen to talk with Father Julian and help solve some of these problems.

MR. & MRS. MANGIERI REQUEST THAT HOUSING AUTHORITY BE ABOLISHED.

Mrs. Margaret Mangieri stated two weeks ago she appeared before Council and asked that it not approve any additional housing sites for low income families or public housing until a complete investigation and re-evaluation of the entire housing picture in Mecklenburg County and the City of Charlotte was made. She left the meeting with the feeling that the Mayor and Council were most responsive, and the people of Hickory Grove were most appreciative.

She stated they were shocked at the manner in which an emergency meeting of the Charlotte Housing Authority was called to vote on two special projects for two special local builders before the end of the year. The Housing Authority was closed and a notice was on the door that they were closed on December 31 for New Year's holiday, but there was a hastily called meeting. They found it out by reading the legal notice in the paper on Thursday evening around six o'clock. The Hickory Grove people were there in abundance to show their interest in their property. The Housing Authority Commissioners did not show up; they would not dignify this fiasco; they would not show up to vote as they realized this was a wrong type of meeting. The results of this meeting has cast the most embarrassment on the entire city government. Not even a quorum showed up. This is a pretty good indication that the repeated request they have made for an investigation of the Housing Authority is merited. She urged Council to continue with its investigations as indicated by Mr. Selden report concerning the Citizen's Advisory Report on urban renewal, and community improvements.

Mrs. Mangieri stated today she is not going to ask for the resignation of the Chairman and the Executive Director, and she is not going to ask Council to fire them, but she is going to ask that the Housing Authority be abolished because they are so unresponsive.

She urged Council to call Mr. Gluck and Mr. Lowman before this Body and to instruct them to not make any decisions on public housing. She stated they fear the Housing Authority and this is why they make this plea and this is why they, the people in Hickory Grove, sent each a telegram making this request.

She stated when she was before Council two weeks ago, Mr. Alexander asked her to give him names of contractors who would be willing to build 25 or less houses. That on file in Greensboro, with the FHA, each contractor has to fill out a form of equal opportunity that they will sell to any person regardless of race, creed or color. That she has a multiple family listing as of November, and she has a single family listing as of November, and a lot of the contractors listed are listed in Greensboro.

Councilman Alexander stated the only thing he is interested in was the statement that she could provide Council a list of contractors who were ready to consider the building of 25 units or less. Mrs. Mangieri replied she can; that you do not have limit it to 25; you can give a contractor a hundred units but disperse them in units of 25. Councilman Alexander replied that is not what he wanted; he wants the names of those contractors who say they will build 25 or less. Mrs. Mangieri stated she has three contractors she has spoken to who are willing to build any number. Councilman Alexander requested that she give the names of those three contractors to the Clerk. Mrs. Mangieri stated she will have them write a letter. That these are local contractors.

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Also speaking to the Housing Authority meeting that was cancelled was Mr. Mangieri, who asked if the meeting was called for the benefit of the contractor, the community, or the people who would occupy these particular units. He asked if anyone here was instrumental in asking Mr. Gluck to call this meeting. That the people in Greensboro told him that they had nothing to do with forcing, or even suggesting that he call this meeting. He stated he read the notice at 6:00 o'clock in the evening.

Mr. Mangieri asked if it is possible for the city to adopt a plan like the Fairfax County Virginia plan which would enable the City, by ordinance, to attach to the apartment house ordinance the inclusion of a certain portion of low income apartments in each apartment house complex to be built in areas of the city where they are deemed necessary by a real comprehensive study such as the Chamber study or Mr. Selden's study.

Councilman Short stated as he understand's the complaint, that Mr. & Mrs. Mangieri objected to the holding of the meeting, and the meeting was not held. He asked what the rub is? Mr. Mangieri replied their attorneys were at the Housing Authority's Office at 3:00 o'clock that afternoon to ask when the next meeting of Turnkey Three would be held. They were told at that time that it would be held at its regular meeting on the 10th of January. At the same time there was a notice in the newspaper which he found three hours later which said this emergency meeting was going to be held the next morning. That this would seem to be an action of bad faith on the part of the Housing Authority. Councilman Short asked if the meeting was not called off because there was not a quorum?

Councilman McDuffie stated he does not approve of this kind of action; but abolishing the Housing Authority and changing seven people there to seven people here will not do away with low income housing. That is what a lot of people would like to happen. It would appear that increasing the membership to seven so that there can be dispersal of the representatives that this will not happen again. If public opinion has any bearing then they know it was not an action that would be approved by the masses. He stated he would hope the people would direct their energies to doing something with the Housing Authority as it is established rather than trying to do away with it.

Councilman Calhoun stated there are some irregularities, but unfortunately there are some personal animosities that have gotten this so fouled up that some of the irregularities have gotten very cloudy; that they need to be looked into.

Councilman Jordan stated there are some irregularities on both sides; that he does not think any of the Authorities or Boards should treat any citizen in the way they say they were treated.

Mr. Mangieri stated their attorney finally got a promise from the Housing Authority's attorney that they would be given 48 hour notice in the future. That he did not give this in writing, nor would he produce that part of the bylaws of the Housing Authority which would give the present Chairman the authority to do this.

Councilman Short stated the stronger point Mr. & Mrs. Mangieri is making is that public housing should be dispersed. The problems of ghetto housing will be a lot worse than the problems of dispersed housing. That dispersal can be done in small quantities of units by conventional public housing. He suggested that the Housing Authority consider conventional old fashioned public housing and that they build it themselves.

Councilman Withrow suggested that Council meet with the Housing Authority and the Board of Education to coordinate efforts.

Councilman Alexander stated one of the things he does not hear discussion on is the fact that when a site is selected and agreed on, then here is where the noise comes from in the protest against it. Councilman McDuffie stated there should be three, four or five sites selected, and then considered at one time. Councilman Alexander stated it makes no difference how many

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sites are selected; the moment someone hears about it, either whoever owns the property under pressure takes it off the market, or for some reason citizens are encouraged to protest against it.

Councilman McDuffie requested the City Attorney to obtain a copy of the Fairfax County Virginia ordinance which was referred to by Mr. Mangieri.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY BY CHANGING THE CLASS NUMBERS OF ENGINEERING AIDE II, ENGINEERING AIDE III AND ENGINEERING AIDE IV AND ADDING THE CLASS OF CHIEF ENGINEERING AIDE AND ORDINANCE AMENDING THE 1971-72 BUDGET ORDINANCE AUTHORIZING CHANGE IN AUTHORIZED POSITIONS IN ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject resolution amending the pay plan of the city and by adopting Ordinance No. 330-X, amending the 1971-72 Budget Ordinance authorizing change in authorized positions in the engineering division of the Public Works Department.

The resolution is recorded in full in Resolutions Book 8, at Page 28.

The ordinance is recorded in full in Ordinance Book 18, at Page 430.

ORDINANCE NO. 331-X AMENDING THE 1971-72 BUDGET ORDINANCE AUTHORIZING CHANGES IN AUTHORIZED POSITIONS FOR THE POLICE DEPARTMENT.

Councilman Jordan moved adoption of the subject ordinance amending the 1971-72 Budget Ordinance authorizing changes in authorized positions for the Police Department. The motion was seconded by Councilman Short, and carried unanimously. The changes are as follows:

- (1) Under Community Relations Section, eliminate one (1) patrolman position, and add one (1) Community Relations Officer.
- (2) Under Crime Prevention Section, eliminate one (1) patrolman position and add one (1) Sergeant position.
- (3) Under Criminal Investigation Section, eliminate three (3) Patrolman positions, and add three (3) Youth Officers.

The ordinance is recorded in full in Ordinance Book 18, at Page 431.

ORDINANCES AUTHORIZING TRANSFER OF FUNDS.

The following ordinances were presented for adoption by the City Council:

- (a) Ordinance No. 332-X Amending the 1971-72 Budget Ordinance, transferring \$5,020 from the Water and Sewer Fund Contingency Account to cover the cost of the construction of office space for the Water Superintendent's Office.
- (b) Ordinance No. 333-X transferring \$278.80 from the unappropriated surplus of the Fire Station Bond Fund to close out all costs associated with Fire Station No. 18 Construction.
- (c) Ordinance No. 334-X transferring \$218,440 from Urban Redevelopment Bonds to Downtown Urban Renewal for the construction of the Southern Railroad Overpass on Fourth Street.
- (d) Ordinance No. 335-X Amending the 1971-72 Budget Ordinance transferring \$82,280 from the General Fund Contingency to the Downtown Urban Renewal Account to cover the costs of ineligible site improvements in the Downtown Urban Renewal Area Project.
- (e) Ordinance No. 336-X transferring \$65,804 from Model Cities Public Improvement Funds to provide funds for architectural services and partial development for the Sugar-Irwin Creek Park Development Phase I.

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Councilman Short stated Item (c) concerns the construction of the Southern Railroad Overpass on Fourth Street. He asked the status of an old contract that provided for this to be done in a joint way, and if it has been considered? Mr. Bobo, Assistant City Manager, replied Southern Railroad is participating in this. That the contract Mr. Short refers to is out of date as the contract has been fulfilled. That Southern contributed \$20,000 plus additional rights of way needed for other streets in the downtown area.

Councilman Jordan asked if the entire water department is moving, and the City Manager replied only the Superintendent's office; that Mr. Fennell will move into the old offices on the first floor.

Councilman Withrow moved adoption of ordinances (a) through (e). The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 432.

Later in the meeting, Councilman McDuffie asked how long it will be before the railroad crossing and overpass on Trade Street is completed? Mr. Bobo replied it is scheduled for about 18 months; it is already under contract and they are at work.

RIGHT OF WAY AGREEMENT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION TO ACCOMMODATE INTERSECTION IMPROVEMENTS AT AIRPORT DRIVE AND NEW DIXIE ROAD, WILMONT ROAD AT NEW DIXIE ROAD AND TERMINAL ROAD AT NEW DIXIE ROAD, APPROVED.

Councilman Jordan moved approval of a right of way agreement between the City and the North Carolina State Highway Commission covering the donation of city-owned land needed for right of way to accommodate the intersection improvements at Airport Drive at New Dixie Road, Wilmont Road at New Dixie Road, and Terminal Road at New Dixie Road, for a total of 17,203 square feet. The motion was seconded by Councilman Calhoun.

Mr. Birmingham, Airport Manager, stated this covers an estimated cost of \$82,700 for additional turning lanes. One at Airport Drive; two turning lanes at Wilmont Road, the construction of continuous right turn lanes at the Airport property, and adding traffic signals at Terminal Drive and Wilmont Road, totally at the cost of the Highway Department.

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

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY LOCATED AT 1808 UMSTEAD AVENUE.

Upon motion of Councilman Short, seconded by Councilman Calhoun, and unanimously carried, subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to James I. McCall and wife, Clemmie A. McCall, and Heirs of C. O. Brown and Willis Brown, located at 1808 Umstead Avenue, for the Small Parks, Project 1.

The resolution is recorded in full in Resolutions Book 8, at Page 29.

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR SEWER LINE WITHIN THE RIGHT OF WAY OF RAMA ROAD, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the subject encroachment agreement permitting the City to construct an 8-inch sanitary sewer line within the right of way of Rama Road, to serve 2301 Rama Road.

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PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Jordan moved approval of the following property transactions, which motion was seconded by Councilman Calhoun, and carried unanimously:

- (a) Acquisition of 25' x 80.29' of easement at 2207 Inverness Road, from Loris L. Miller and Roland S. Miller, at \$200.00, for the Lower Briar Creek Interceptor sanitary sewer construction.
- (b) Acquisition of 25' x 17.48' x 64.73' and 10' x 51.88' of easement at 2201 Inverness Road, from George W. Ferguson and wife, Edna L., at \$300.00, for lower Briar Creek Interceptor sanitary sewer construction.
- (c) Acquisition of 15' x 3,590.12' of easement in Falconbridge Subdivision, from The Ervin Company, at \$1.00, for sanitary sewer to serve Falconbridge Subdivision.
- (d) Acquisition of 10' x 318.69' of easement at 2301 Rama Road, from Edward C. Bonomo & wife, Betsy and Franklin D. Pattishall and wife, Bennia C., at \$1.00, for sanitary sewer to serve 2301 Rama Road.
- (e) Acquisition of 10' x 38.03' of easement at 6010 Monroe Road, from Charles Richard Turner and wife, Eva Lee, at \$40.00, for sanitary sewer to serve 2301 Rama Road.
- (f) Acquisition of 10' x 231.58' of easement at 5401 Sharon Road, from Pressly W. Kirkpatrick and Myrtle Kirkpatrick, at \$240.00, for sanitary sewer to serve 5301 Sharon Road.
- (g) Acquisition of 10' x 5' of easement at 5301 Sharon Road, from Sharon Road Investments, at \$1.00, for sanitary sewer to serve 5301 Sharon Road.
- (h) Acquisition of 25' x 251.84' of easement at RFD No. 11, Beatties Ford Road at Slater Road, from Herman Grier Stancil and wife, Johnnie H., at \$255.00, for Interstate 77 sanitary sewer relocation.
- (i) Acquisition of 25' x 202.15' of easement at RFD No. 11, Beatties Ford Road, from Clarence Stewart Puckett and wife, Jessie A., at \$205.00, for Interstate 77 sanitary sewer relocation.
- (j) Acquisition of 15' x 23.74' and 25' x 370.92' of easement at RFD No. 11, Box 607, Beatties Ford Road, from James C. Pope and wife, Lydia, at \$400.00, for Interstate 77 sanitary sewer relocation.
- (k) Acquisition of 9.73' x 15' of easement at RFD No. 11, Box 616, Beatties Ford Road, from Nelson Maurice Barrow and wife, Vivian T., at \$10.00, for Interstate 77 sanitary sewer relocation.
- (l) Acquisition of 25' x 1,595.83' of easement at 1900 "C" Avenue East, from George E. James and wife, Lavert G., at \$2,000.00 for Interstate 77 sanitary sewer relocation.
- (m) Acquisition of 25' x 316.32' and 25' x 419.64' of easement at 1444 Newland Road, from Wachovia Bank & Trust Co., Trustee for C. D. Spangler at \$735.00, for Interstate 77 sanitary sewer relocation.

ARCHITECTURAL SERVICES CONTRACT WITH W. CRUTCHER ROSS ARCHITECT AND ASSOCIATES FOR THE DEVELOPMENT OF THE IRWIN CREEK PARK, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Alexander and unanimously carried, the subject architectural services contract was approved with W. Crutcher Ross Architect and Associates for the preparation of final plans, specifications and cost estimates for the development of the Irwin Creek Park at an architect's fee of 9.7 percent of the estimated construction cost of \$80,000.

Later in the meeting, Mr. Ross presented a schematic drawing and explained the design of the park.

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RESOLUTION APPROVING AMENDMENT NO. 1 TO THE MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION COVERING PROJECTS TO BE COMPLETED UNDER THE TOPICS PROJECT DURING THE FIRST HALF OF 1972.

Motion was made by Councilman Jordan and seconded by Councilman Withrow, to adopt the subject resolution approving Amendment No. 1 to the Municipal Agreement with the State Highway Commission which requires the City to adhere to federal regulations concerning the purchase of rights of way.

Councilman Short asked if this relocation becomes necessary, who pays for it? Mr. Corbett, Assistant Traffic Engineer, replied it will be paid for under the normal process of the Topics Project where it will depend upon each project, depending upon the part the City will pay and the part the federal government will pay. When Council authorized this agreement, it said the City would follow its normal procedures for obtaining right of way which does not generally provide for the federal requirements of relocation. In the event there is a project, and none of these right now are anticipated that large, where relocation is required, it will be added right to the project cost, and the City might have to pay a part depending on our share of the project cost. At the moment they do not anticipate any relocation.

The City Attorney stated as of January 1, 1972, the relocation act is now applicable to cities; this is the same relocation act the state governments have to follow. Cities now have to follow and are authorized by state law to follow and pay when necessary the relocation costs when required under the uniform relocation assistance act.

The vote was taken on the motion, and is recorded in full in Resolutions Book 8, at Page 30.

COUNCILMAN SHORT LEAVES MEETING.

Councilman Short left the meeting at this time, and was absent until his return as noted in the Minutes.

ORDINANCE NO. 337-X ORDERING THE REMOVAL OF WEEDS AND GRASS ON PREMISES ADJACENT TO 5101 CENTRAL AVENUE.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, the subject ordinance was adopted ordering the removal of weeds and grass on premises adjacent to 5101 Central Avenue, pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 18, at Page 437.

SPECIAL OFFICER PERMITS APPROVED.

Councilman Calhoun moved approval of the following Special Officer Permits for a period of one year, each having been approved by the Police Department, which motion was seconded by Councilman Withrow, and carried unanimously.

- (a) Issuance of permit to Coleman Green for use on the premises of First Union Tower, 307 South Tryon Street.
- (b) Renewal of permit to Charles R. Goodman for use on the premises of K-Mart Stores, 6025 Pineville Road.
- (c) Renewal of permit to Alvin D. Sides, Sr., for use on the premises of Northwood Park and Eastbrook Woods Subdivision.

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TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mr. Willis E. Summers, for Graves No. 1 and No. 2, in Lot No. 847, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Jimmy Ray Barrier for Graves No. 3 and 4, in Lot No. 229, Section 4-A, Evergreen Cemetery, transferred from Mrs. Elizabeth P. Sweezy, at \$3.00, for transfer deed.
- (c) Deed with Mr. and Mrs. Hoyle R. Belk for Lot No. 2, Section 10, Oaklawn Cemetery, transferred from Clifford Seymore, at \$3.00, for transfer deed.

CHANGE ORDER NO. 3 IN URBAN RENEWAL STREET IMPROVEMENT CONTRACT WITH CROWDER CONSTRUCTION COMPANY, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject Change Order No. 3 in Urban Renewal Street Improvement contract was approved with Crowder Construction Company, increasing the contract price by \$4,027, to cover work inadvertently omitted from the original proposal.

CONTRACT AWARDED LUBROMATION, INC. FOR OVERHEAD LUBRICATION SYSTEM.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, awarding contract to the only bidder, Lubromotion, Inc., in the amount of \$5,680.00, on a unit price basis, for overhead lubrication system.

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR MOBILE TRUCK MOUNTED LUBRICATION UNIT.

Councilman Jordan moved award of contract to the low bidder, A. E. Finley & Associates, Inc., in the amount of \$5,675.00, on a unit price basis, for mobil truck-mounted lubrication unit. The motion was seconded by Councilman Calhoun, and carried unanimously.

The following bids were received:

A. E. Finley & Assoc., Inc.	\$5,675.00
Lubromation, Inc.	5,748.00

COUNCILMAN SHORT RETURNS TO MEETING.

Councilman Short returned to the meeting at this time and was present for the remainder of the session.

CONTRACT AWARDED BEE LINE COMPANY FOR FRONT END ALIGNMENT ASSEMBLY.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded the low bidder, Bee Line Company, in the amount of \$6,332.70, on a unit price basis, for front-end alignment assembly.

The following bids were received:

Bee Line Company	\$6,332.70
Barnes Motor & Parts Co., Inc.	6,664.00

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CONTRACT AWARDED BURGESS FIRE EQUIPMENT, INC. FOR FIRE HOSE.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Burgess Fire Equipment, Inc., in the amount of \$6,320.00, on a unit price basis, for fire hose.

The following bids were received:

Burgess Fire Equip., Inc.	\$6,320.00
Action Fire & Safety, Inc.	6,435.00
Dillon Supply Company	6,624.80
Blaze Guard Mfg. Div.	6,800.00
Eureka Fire Hose	7,056.00
Fabric Fire Hose Company	7,408.80

CONTRACT AWARDED SUPERIOR STONE COMPANY, DIVISION OF MARTIN-MARIETTA CORP. FOR CRUSHED STONE.

Councilman Jordan moved award of contract to the only bidder, Superior Stone Company, Division of Martin-Marietta Corp., in the amount of \$252,000.00, on a unit price basis, for crushed stone. The motion was seconded by Councilman Calhoun, and carried unanimously.

Councilman McDuffie asked if the City uses some provisions where we can buy with the State? Mr. Brown, Purchasing Agent, replied we have never been able to buy off a state contract with their permission. The supplier can offer the same price the state is charged. The City Attorney stated we thought we had some legislation that would permit us to do that this year; it was passed and afterwards, what the General Assembly thought it had authorized, was not authorized. This would have permitted municipalities to be involved in state contracts. An oversight in the way the Bill was written will not authorize what we had hoped it would permit. That they intend to have this corrected in the 1973 General Assembly.

CONTRACT AWARDED CAROLINA CONCRETE PIPE COMPANY FOR REINFORCED CONCRETE PIPE.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, contract was awarded the low bidder, Carolina Concrete Pipe Company, in the amount of \$17,529.63, on a unit price basis, for reinforced concrete pipe.

The following bids were received:

Carolina Concrete Pipe Co., Inc.	\$17,529.63
Gray Concrete Pipe, Inc.	17,921.72
Foltz Concrete Pipe Company	18,212.30

NOMINATION OF MRS. CHARLES ROGERS TO THE ZONING BOARD OF ADJUSTMENT.

Councilman Short stated he appreciates very much what Mr. John Spurrier has done on the Zoning Board of Adjustment; and there is no stigma on him but he would like to suggest another party in line with the Council's policy which it tries to follow by bringing in new blood as much as possible.

Councilman Short placed in nomination the name of Mrs. Charles (Mary) Rogers who is with the telephone company for consideration as a member on the Zoning Board of Adjustment for the term that is expiring.

NOMINATION OF MR. JOE MILLSAPS TO THE FIREMEN'S RELIEF BOARD OF TRUSTEES.

Councilman Jordan placed in nomination the name of Mr. Joe Millsaps for reappointment to the Firemen's Relief Board of Trustees.

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ORDINANCE NO. 338-X AMENDING THE 1971-72 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR LIGHTING BASEBALL FIELD AND CONSTRUCTING CONCESSION STAND.

Councilman Jordan stated last year the City and County allocated a like amount of money for a lighted ballfield for the young little league teams on the west side. This has been a great asset, and it was used as much as possible during the time it was lighted this past year.

This morning, the County Commissioners approved \$11,000 for another lighted ballfield to be on the eastern side, and \$500.00 for a concession stand.

Councilman Jordan stated he does not know if the city has the money, but he would move that the city participate again with the county in a like amount of money to provide another lighted field for these ball teams.

Councilman Jordan moved adoption of the subject ordinance authorizing the transfer of \$11,500 from the General Fund Contingency to be used for lighting the baseball field and constructing a concession stand. The motion was seconded by Councilman Calhoun, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 438.

Mr. Burkhalter, City Manager, advised as of this morning, there is about \$22,000 in the Contingency Fund.

Councilman Calhoun stated \$500 of the \$11,500 will be used for concessions. Councilman Jordan stated with the concession they will be able to have the drinks and things to sell and it will help to pay the light bill.

ORDINANCE NO. 339-X AMENDING SECTION 4.61 OF THE CITY CHARTER BY INCREASING THE NUMBER OF MEMBERS OF THE CIVIL SERVICE BOARD FROM THREE MEMBERS TO FIVE MEMBERS.

Councilman Alexander stated last year, Council had several discussions regarding the Civil Service Board, and enlarging its membership. That Council was lead to believe it could be done on Council's own motion.

Councilman Alexander moved adoption of the subject ordinance enlarging the membership of the Civil Service Board from three to five members. The motion was seconded by Councilman Short.

Mayor Belk asked if this can be done, and Mr. Underhill, City Attorney, replied this was the subject of some discussion shortly after the adjournment of the 1971 General Assembly as to whether the enactment of the recodification of Chapter 160A would permit this. At that time, it was his opinion, and is still his opinion, that legislation would not permit the expansion of the Civil Service Board. The Attorney General's Office is of the completely opposite opinion. They rule the enactment of Chapter 160A does permit it. He stated he has talked to a great number of city attorneys and to the Institute of Government personnel, including quite a few of which played a very large part in drafting the legislation. He stated there is a split of opinion among the Institute of Government people also.

Mr. Underhill stated no one really knows for sure. This is new legislation, and it has never been the subject for any litigation. It only became effective three days ago. It is a matter of one attorney's opinion against another. Both positions have good arguments.

Councilman Short stated the question is whether the new Chapter 160A, which clearly gives Council this right in one place would override earlier local legislation. That he does not think we will ever find out from a definitive source like a Court until we go ahead and do this.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 439.

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DR. LIONEL NEWSOM PLACED IN NOMINATION FOR CIVIL SERVICE BOARD.

Councilman Alexander placed in nomination the name of Dr. Lionel Newsom to fill one of the two openings on the Civil Service Board, created by the expansion of the Board.

SUGGESTION THAT COLLEGE STREET, BETWEEN THIRD AND FOURTH STREET, BE MADE TWO-WAYS.

Councilman Short stated it seems to him with construction considered on both sides of College Street, between Third and Fourth Streets, with both of the areas in effect being vacant, that consideration should be given to making College Street a two-way street within this block. If Third Street is going to be one-way out and Fourth Street one-way in, it would seem there should be some way to get from one over to the other without having to go all the way through town.

Mr. Corbett, Assistant Traffic Engineer, stated they have had this under consideration for a number of years, and have previously concluded that the best possible way for College Street to function with the remainder of the streets in the downtown area is to operate as a one-way street. The ability of College Street to carry traffic would be reduced by greater than 50 percent if it were made a two-way street. College Street is now under contract to be widened to four-lanes. This street has a definite capacity depending upon a number of things. Just last Monday, Council authorized going ahead with a parking garage; this garage will be only one of three that will be in that neighborhood, and they will create very drastic problems. It is an absolute necessity that College Street function as a one-way street. That it would be easier for some people if it were made a two-way street. In order to handle the traffic, which College is now carrying and which reaches something like 1,600 vehicles per hour during peak hours, and considering the fact with the completion of one parking garage and two more which have a combined capacity in excess of 1,800 vehicles, and the dumping of these parking garages during the peak hours, it will be very critical that College Street be able to carry the maximum amount of traffic. The traffic in these parking garages is not all that College Street will have to carry. It will be a direct connector to the freeway on the north side of town, and it is going to feed into both Fourth and Third Street and connect with the freeway which will run from Seventh Street at the Rose Garden down to Independence. With all their previous study he would say they feel it would be best for it to function as a one-way street.

Councilman Short stated there should be some scheme for someone to go into town on Fourth Street, make a left turn at College or somewhere in that area and get over to Third Street and come back out again. This is one of the most prominent movements. As it is now, to get that one block, you have to go five blocks right through the middle of the utmost traffic.

Mr. Corbett stated this is one of the purposes of Brevard Street, Davidson Street and McDowell Street. With Fourth Street as it will ultimately function as a one-way street, it will be very easy to turn left onto any of those streets, and go down to Third Street, turn right and come up to College Street. This will provide for very easy movement and will be much better than attempting to turn left into oncoming traffic.

Councilman Short asked if he would recommend in the course of building the parking garage that we consider the possibility of a fifth lane for that one block to connect those two streets, and allow someone to head south on College Street? Mr. Corbett replied he would not recommend it for south-bound traffic; he would recommend it very strongly for northbound traffic.

Councilman McDuffie asked if any of the studies have indicated making Tryon Street one way? Mr. Corbett replied no.

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Mr. Corbett stated this is one reason the Traffic Engineering Department was vitally interested last Monday when Council took action on the parking garage in acting on Item No. 2. They felt this was of tremendous importance as far as the parking structure was concerned. Councilman Short stated when Item No. 2 is acted on, he sees this as a point that should be considered.

Mr. Corbett stated if you attempted to make College Street two ways it would require six to seven lanes to be able to handle the amount of traffic that would attempt to use if it were a two-way facility

Councilman McDuffie stated eventually he would like some of the experts to talk about Trade and Tryon Streets being one-way. He stated to him a one-way street is much safer to walk on, and every other street you can turn left or right.

EXACT LISTING OF WHEN THE LANDFILLS ARE OPENED REQUESTED.

Councilman Short requested the City Manager to furnish Council with an exact listing in writing of just when the landfills are open. That some of Council have been under the impression that at least the York Road landfill is available at week end times and holiday times, and in the evening. Yet they receive calls from citizens who say they went out and could not get in.

REQUEST THAT RECOMMENDATIONS ON PICKUP OF TRASH AND LARGE ITEMS BE PLACED ON NEXT WEEK'S AGENDA.

Councilman Jordan stated last week he introduced his recommendations on trash and garbage pickups, and asked that it be put on an agenda as soon as possible. He stated he would like very much that it be placed on the agenda for next week; that this is regarding trash; that we do not seem to have any problems regarding garbage.

FIGURES ON COST OF ONE GENERAL CLEANUP OF THE CITY REQUESTED.

Councilman Withrow requested the City Manager to have the Public Works Director give Council the cost of one general cleanup of the City. Mr. Burkhalter replied that would not be an accurate piece of information; he can tell what it will cost to send people out under today's schedule. That you cannot take this figure and triple it or quadruple it and use it. Councilman Withrow stated he would also like included if the citizens participated whether or not it would save any money.

DISCUSSION OF CLOSING OF EASTWAY DRIVE AND COMMONWEALTH AVENUE AND NEED FOR TRAFFIC CONTROLS ON STREETS THAT WILL CARRY THE ADDITIONAL TRAFFIC.

Councilman McDuffie asked Mr. Corbett, Assistant Traffic Engineer, the schedule on the Eastway Drive closing? Mr. Corbett replied Eastway Drive will not be closed for several weeks yet. That Commonwealth Avenue, between Monroe Road and Independence Boulevard, will be closed tomorrow, and will remain forever closed. Commonwealth Avenue will be cut off by the ramp that will connect the extension of the present Eastway over Independence to Monroe Road. It will be several weeks before they get to work on Eastway Drive back towards Woodland.

Councilman McDuffie stated with Commonwealth Avenue to be closed, the nearest cross-over back towards Sharon Amity Road is Lanier Avenue, and the next one down the other way is June Drive. Mr. Corbett stated most of the people will have to use Sharon Amity Road. Councilman McDuffie stated the suggestion he heard on the news was that Eastway Drive traffic will use Briar Creek Road and Sharon Amity. Mr. Corbett stated those are the two best streets; any other way you would have to run them down through the middle of two lane streets through residential areas.

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Councilman McDuffie asked what the City is going to do extra to get this overload of traffic off Briar Creek Road and Central Avenue as an example? Mr. Corbett replied there are no plans to do anything extra at the moment.

Mr. Corbett stated the Traffic Engineering Department is aware of these problems and they will be on top of them all the way.

HIGHWAY COMMISSIONER TO BE REQUESTED TO GIVE COUNCIL SCHEDULE FOR BRIDGE CONSTRUCTION AT I-85 AND SUGAR CREEK ROAD.

Councilman McDuffie requested the City Manager to ask Mr. Maxwell, Highway Commissioner, to give Council the schedule for the bridge construction at Interstate 85 and Sugar Creek Road, and what the plans are for widening there, and hopefully, it will not be closed to widen the bridge.

COMMENTS ON MULTI-FAMILY ZONING AND PETITIONERS AND PROTESTANTS REQUESTED NOTIFIED THAT COUNCIL WILL CONSIDER PETITION NO. 71-63 AT ITS NEXT MEETING.

Councilman McDuffie stated he has received the report from the Planning Commission on apartment rezoning on Tuckaseegee Road. Their recommendation is to approve R-9MF zoning rather than R-6MF zoning. He stated he is opposed to the kind of apartment house zoning that we apparently have been cluttered with where there is nothing but parking, and there is very little grass and green space. That he personally is of the opinion that he is not going to vote for anything less than R-12MF in the future. If the Sardis Woods development, a government subsidized piece of property, can get by with R-12MF, then he personally is not going to approve of anything less than R-12MF. Row houses appear to be what some of the apartment complexes are, and in a few years, when they get a little age on them, and the class of people who have to live in them on top of each other with no playground area, it is already prevalent in his neighborhood, that he personally does not want to be involved in the kind of zoning that gives the city something we cannot live with ten years from now. That he would hope when this comes up some of Council will be making a judgement on whether they approve of the number of units we allow to be built in some of these apartment complexes.

Councilman Withrow stated Petition No. 71-63 had a protest against it. That he would like for those people to be notified when this will be on the agenda. Also, he would like present at this meeting the contractors who are Ed Thomas and Jesse Wallar. He stated the builders promised some things he would like for them to re-affirm.

The City Manager stated this item will be on the agenda for the next meeting.

CITY ATTORNEY REQUESTED TO DRAW ORDINANCE TRANSFERRING JURISDICTION OVER POLICE AND FIRE CHIEFS FROM THE CITY COUNCIL TO THE CITY MANAGER.

Councilman Calhoun stated last summer when interviewing candidates for the position of Fire Chief, Council discussed at some length the feasibility and desirability of making a significant change in the organizational setup of the City to make it more consistent with good management practices and procedures. The objective would be to establish clear-cut communication channels and channels of authority from the Mayor and City Council to the City Manager of all department heads and not make any exceptions.

He stated he is referring to the transfer of the jurisdiction over the Fire Chief and the Police Chief directly to the City Manager, rather than to the City Council.

Councilman Calhoun moved that the City Attorney draw the necessary ordinance so that this can be accomplished at the earliest possible time. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Short suggested that the ordinance be prepared in such a way that the situations of the Fire Chief and of the Police Chief can be considered individually.

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REQUEST THAT BUS TRANSFERS AT SQUARE BE LOOKED INTO AND CHANGED PRIOR TO THE FULL IMPLEMENTATION OF THE PONTE-TRAVERS AND WOLFE PLAN.

Councilman Calhoun stated he would like to talk about the Ponte-Travers and Wolfe Plan and the various aspects of it. That when it was unveiled to him for the first time, he was tremendously impressed by not only the development aspects of it, but that parts of it which dealt with the movement of people.

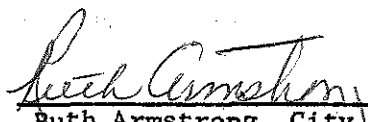
He stated there were three particulars:

- (1) Pedestrian walkways. This involves pedestrians - people moving on foot.
- (2) The downtown parking facility was very impressive.
- (3) Public transportation. This was a rerouting of the bus systems to relieve the congestion at the Square. There was an excellent plan.

Councilman Calhoun requested the City Manager to look into where the city stands on implementing that part of the Ponte-Travers and Wolfe Plan as it relates to transfer points of the bus line into other areas, other than downtown. He asked when Council is going to look at this, and when something can be done about it. He stated he understood this could be done without waiting for the implementation of other aspects of the plan. He stated this needs to be looked into with the bus line.

ADJOURNMENT.

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



 Ruth Armstrong, City Clerk