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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, June 12, 1972, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilmembers Ruth M. Easterling and Sandy R. Jordan.

* * * * *

INVOCATION.

The invocation was given by Councilman James B. Whittington.

MINUTES APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the minutes of the last meeting on June 5, 1972, as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO FIRE CAPTAIN WILLIAM MAXWELL KING.

Mayor Belk recognized Fire Captain William Maxwell King, and presented him with the City of Charlotte Employee Plaque for his services to the City from September 1, 1946 to May 31, 1972, and wished him well in his retirement.

PROCLAMATIONS CONCERNING FLAG WEEK AND HONORING AMERICA BY DISPLAYING FLAG: MEMBERS OF COUNCIL PRESENTED WITH DESK FLAGS BY AMERICAN LEGION POST 262 AND COUNTY COUNCIL.

Mayor Belk presented the following proclamations:

- (1) "Whereas, the 14th day of June has been set aside by our Nation for the observance of Flag Day when communities throughout this Nation will be flying their flags to honor America; and

Whereas, the 4th day of July will mark the 196th anniversary of the founding of our nation; and

Whereas, our Nation is faced with its greatest challenge, a growing population, demands for greater civil rights, the sapping of our country's moral strength through increase in crime, drug abuse and poverty; and

Whereas, all citizens of Charlotte should support patriotic activities to encourage the massive expression of appreciation for the blessings and strength of our great land.

Now, Therefore, I, John M. Belk, Mayor of the City of Charlotte, Do Hereby proclaim the period from June 14 through July 4, 1972 as a time to honor America in Charlotte, and urge all citizens to participate in Flag Day, and independence celebrations throughout the community.

I Do Further proclaim that Mrs. A. G. Odell, Jr. shall be the honorary chairman of all related activities during this period."

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- (2) "Whereas, Wednesday, June 14, has been declared Flag Day by the Congress of our Nation; and

Whereas, the communities throughout this Nation will be displaying the flag to honor our country; and

Whereas, in an effort to encourage an expression of appreciation of blessings and greatness of this Nation;

Now, therefore, I, John M. Belk, Mayor of the City of Charlotte, North Carolina, do hereby proclaim the week of June 12 to the 18th, 1972, as Flag Week, and urge all citizens, organizations, churches, and schools to join with me in displaying our flag."

Mr. Clyde E. Sullivan, Chairman of County Council Flag Day, Mr. Ernest L. Griesman, Commander of Post 262, and Mr. Bob McAnulty, County Council Commander were present and asked all citizens of the community to join with them in proudly displaying the flag during this week. In keeping with their request to all the citizens, they presented to the Mayor and each member of Council a desk flag to be displayed in the City Council Chamber. The presentation was made by Post 262 and the County Council.

Councilman Whittington stated in behalf of Bob McAnulty, Ernest Griesman, and Bob Clark who represent Independence Post 262 of the American Legion in Charlotte, this was the first post to be formed after World War II of all World War II veterans. He stated he believes this is the largest American Legion Post in the State; and this is just another way of showing the tremendous job this Post and its members do in the community, not only in patriotism, but in so many other projects.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA APPROVING SALE TO AND PURCHASE BY THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION IN REDEVELOPMENT PROJECT NO. N. C. R-24.

Mr. William Poe, Chairman of the Charlotte-Mecklenburg Board of Education, stated he would have been present at the last Council Meeting if he had known the item concerning the acquisition by the Board of Education of a tract of land adjacent to the Old Second Ward School was on Council's agenda. That he did not know about it, and Council voted not to permit the acquisition until they heard more about it. He stated he is here today for that purpose.

Mr. Poe stated going back to the beginning of the first urban renewal project, the area that is being discussed, consisting of about four acres of land, was set aside for public use. The school system had an option on that property; it being intended from the beginning that this land would be added to the old Second Ward site. At that time, the School Board had underway a Metropolitan High School, and it was the thinking of the Board that this land would be developed as part of a major inner-city school site. They did acquire from the city through the Redevelopment Commission, a number of smaller tracts of land which have been added to the old Second Ward site. These tracts border on Second Street at McDowell Street, and consist of several acres of land. So far nothing has been built on that land; it has simply been added to the school site. After the desegregation decision, the Board's thinking in regard to the Metropolitan High School changed somewhat, and they have had several projects they have thought about in connection with the use of that property. At the moment they have an 18-member committee studying the concept of a specialty school to be built on this particular site. In order to carry out that concept they believe they will need not only the land they now own, but also the approximately four acres which is still the property of the city. They had no idea this land was not available to them for school purposes. The School Board has declared it needs the land; it has the funds in the 1967 bond referendum with which to acquire the land; it has secured the approval of the county commissioners for the expenditure of this money for this

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purpose; it has secured the approval of the Redevelopment Commission to buy the land. Then the matter reached Council last week, and some questions were raised about whether or not the school system should be permitted to buy it.

Mr. Poe stated the school system has made that decision, and they would like to proceed with the purchase of the land. They understand unless they do proceed today, HUD will come back into the picture and will possibly reappraise the land. He stated they would like to buy it on the basis of the contract that has been in existence for sometime, and which has had the approval of all the governmental agencies involved except the City Council.

Mayor Belk asked if they plan to build a school on the site, and if so, when will they build? Mr. Poe replied the answer is they do plan to utilize this land in conjunction with their metropolitan specialty school. The concept has not jelled to the point that he can tell Council exactly what building will be on that site; but the concept has jelled to the point if the recommendation of the committee is to put this school downtown, then they will need the entire 14 acres of land to make this facility operate successfully.

Mayor Belk stated another point was this is a very cheap price for this piece of property; that we do not feel the city should give the land a cheaper price. If this site has no tangible date on when the School Board will use it, is there anyway we might be able to use it for other purposes in this whole governmental plaza, if it is not used for school facilities.

Mr. Poe replied the land is set aside for public purposes and there are only a limited number of those. But for the fact the School Board had to rearrange its plans, they would already have acquired the property at the price talked about. Also land in this area was sold to First Baptist Church, to the United Community Services, to the ABC Board, to an automobile dealer and to other people. The city sold at those prices to other people. The only thing that has changed the picture is that if it is reappraised the price might go up. He stated they cannot speculate on this land; there is a 40 year use requirement written into the contract from the Redevelopment Commission. Unless the property is used for a public purpose by the school system, then they have to let the land revert back to the City of Charlotte and simply get their money back.

Councilman Withrow stated he talked to Mr. Poe and Mr. Harris earlier and they said if they did not use this land by January 1, 1975, they would be willing to sell it back to the City for what they paid for it. Mr. Poe stated they agreed this was a reasonable proposition; that they cannot agree for the Board of Education. That Mr. Withrow put the question to him, which he thought a very reasonable one, if they do not have something very definite underway by January 1, 1975 would they relinquish their hold on the land. Speaking for himself he would say yes. If two and a half years from now they do not have it underway, or have a building there or the land in use he would feel they were being unfair to the overall development of the city if they did not relinquish. That he thinks something along that line would be satisfactory with the Board of Education. Certainly, no less than two and half years.

Councilman Alexander asked if he would object to a motion incorporating that thinking with Council aware that it cannot commit the Board to it? Mr. Poe replied he would not object to it.

Mr. W. J. Smith, Chairman of the Redevelopment Commission, stated he is concerned about the possibility that HUD would say this is a form of option, which they have turned down, and have said it must be completed within 90 days subject to a reappraisal.

Mayor Belk asked the City Attorney if it can be brought up as a statement of intent of the School Board to get back together in 1975, without the option? Mr. Underhill replied a gentleman's agreement can be made but it may not be legally binding.

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Councilman Whittington stated all Council is trying to do is to get something from the School Board saying they are going to use this land and will be ready in two and half years or in 1975. Mr. Poe replied that is a reasonable request; and Council is entitled to know that; that he would be very disappointed if the Board has not completed its plans and erected whatever facility it is going to erect, or have it well underway by that time.

Councilman McDuffie stated some members of Council have expressed doubt there is enough land to house a school that might get a lot of people driving in. He asked the size of other high school campuses? Mr. Poe replied all the senior high school sites in the outlying areas have approximately 50 acres or more; but they do not anticipate this will have sports facilities. Councilman McDuffie stated he is talking about parking lots; that Mayor Belk raised the question about the need for other land in that area and we will have to pay twice as much for it, and to sell this property at a price this low and it not be used was the question raised, and whether there would be enough parking facilities, and then the Council would be obligated somehow to help the School Board find other land for parking if the facility is built. He stated he understands the question was raised outside that the School Board could not hire an architect, and could not make firm plans according to HUD until they own the land. He stated he hopes they will keep in mind that we do not want the Board to build facilities that will require other land and other parking facilities to increase the cost. Mr. Poe replied he does not think that would happen.

Councilman McDuffie stated there was another question and that was the School Board and First Baptist Church would have to agree if the land is used for something other than public use? Mr. Poe replied under the present plan if there is a change in the zoning for something other than public use, then other people who acquired land in Section 1 would have to agree to the sale.

Mr. Poe stated this facility would be a different type; they hope to have programs that would attract students who would go half a day to Garinger, East, South or West Charlotte, and then come into this facility for a part of their school training. It is different from the regular high school program.

Councilman Withrow stated Mr. Poe has said it is the intent of the school board to use this property, and if they do not use it by January 1, 1975 then they will turn it back over to the City at the same price it was purchased.

Councilman Withrow moved adoption of a Resolution of the City Council of the City of Charlotte approving sale to and purchase by the Charlotte-Mecklenburg Board of Education in Redevelopment Project No. N. C. R-24. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 258.

SOUTHWEST ACTION COMMITTEE REQUESTS IMPROVEMENTS IN OPERATION OF THE YORK ROAD LANDFILL SITE, AND THAT FUTURE SITES BE LOCATED IN OTHER AREAS OF THE CITY AND COUNTY.

Mr. T. LaFontine Odom, Attorney, stated he represents the Southwest Action Committee, and they have a great deal of concern about the York Road Landfill site. He stated copies of the complaint have been mailed to each councilmember.

Mr. Odom stated the heart of the request to City Council is three fold. First they request the City Council to terminate any plans to further expand the York Road Landfill site; in conjunction with that, they request that the city begin immediately to secure landfill sites in other areas. Second, they have been very concerned with the way the landfill site has been operated, with the way the highway had become dirty and dangerous in

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wet weather. In the last couple of weeks, they think this has been substantially improved; although they think the real danger lies during wet weather. Third, since land is so valuable, they think the out-of-state use, especially by companies should be stopped. If the residents have to bear a great responsibility for the other parts of the county and the city, certainly the use of this landfill site by out of state companies should not be allowed.

Mr. Odom stated the area has been cleaned up somewhat in the last couple of weeks. He passed around photographs; some were taken last week; others were taken in 1970, and the black and white were made in 1971. He stated there are two problems that have caused the unsightly nature. One concerns vehicles going to the landfill site. One of the photographs shows a truck that is not covered. One of the citizens told him a city truck was seen today and it was not covered. The other problem involves vehicles coming out. If it is rainy weather, York Road becomes like a piece of glass. He stated a number of private citizens have come to city hall and talked with the personnel here and made some suggestions in an attempt to keep the trucks clean when they come out. If they drive down into the landfill area, there is no way to keep them from leaving a great deal of debris. Two suggestions were made to the Department of Public Works. One was a holding type pit where a vehicle could drive through where water is filtering back and forth. Another suggestion was something similar to a car wash where the vehicles would be sprayed.

Mr. Odom stated he drives the road every day, and he knows that what has been stated is very true. The main concern, especially of those who live right in the immediate area, deals with any further expansion. One family is located right next to the landfill and they have no choice other than to sell. But when you look at the tax maps and property maps, what scares them so much is the possibility of a landfill site there for ever and ever. He stated having a landfill there for a few years will not permanently damage the southwest area; but if that landfill area, which is well over 200 acres, is expanded to 500, 1,000 or 1,500 acres, which is very possible, they think it will do nothing but completely revolutionize the southwest area in so far as it being a residential area. He stated they do not mind having a little bit of garbage. There was a lot of discussion when the city came out there, and he was one of them that talked about it. That he personally felt, and still feels, this is an obligation on all the citizens' part, and everybody has to take a little of the bad with the good. He stated they feel they have had their share and they would like to distribute it a little bit.

Mr. Odom stated they would like to have an answer from the City within two or three weeks that would at least give the residents the moral commitment to alleviate the problem - one, in the operation; and second, to assure the residents that the city will not expand the site any further, and once its full use has been utilized, the city will attempt to do what the residents were told several years ago, and that is this would be a beautiful golf course, or at least a recreational area.

Mr. Odom stated they have signed petitions that contain approximately 1,000 signatures; and a large number of people are present with him today.

Councilman Short asked if the rubbish in the road shown in the photographs was somewhat typical prior to two weeks ago? Mr. Odom replied some people say yes; that he has seen it sparsely himself; up until about three or four weeks ago, it had gotten awful. He stated these are city owned vehicles, they are private vehicles and they are trucks; the people have seen the out of state licenses.

Councilman McDuffie asked if the city ordinance concerning covered vehicles applies only to the vehicles going to the landfill? Mr. Underhill, City Attorney, replied it covers all vehicles carrying debris.

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Councilman Alexander stated this phase of the ordinance was discussed some weeks ago. Evidently there is some laxity in enforcement of that regulation. He asked if there is any way that enforcement can be stepped up to make this a real thing. That we should not have ordinances that we either do not enforce or cannot enforce.

Mr. Burkhalter stated there is no reason why the city does not have absolute control over this; if anyone will report the number of any truck going in there that is supposed to be covered and is not, then we can take some action. Councilman McDuffie stated this is for city vehicles; but if the residents see litter blowing off any other truck then they should call the police department and be the witness to take them to court.

Councilman Alexander asked if there is any way to stop the trucks from South Carolina using the landfill? Mr. Burkhalter stated if a corporation is doing work in Charlotte and is hauling rubbish from a building in Charlotte it is possible the truck would be from some other county. It is very simple to say that no one with an out of state license can use the landfill. Councilman Alexander stated he thinks we should insist that these trucks be covered, and if they complain just let them complain. There is no point in having an ordinance and not enforcing it just because someone gets mad because they have to cover their trucks.

Councilman Withrow stated time and time again these people have called him. That during the time we were tying rubbish, people would go out and dump their trash in the ditch a little ways from the landfill, and it was bad. That he agrees with these people that everyone should assume part of the responsibility and part of the burden. That we should investigate this. It is not fair to make one area assume all the burden. He requested the City Manager to investigate the idea of getting landfills all over the city in other areas, and let all the city assume some of the responsibility.

ORDINANCE NO. 479 AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF CHARLOTTE, ENTITLED "FIRE PROTECTION AND PREVENTION".

The City Manager stated several weeks ago, Council requested more information on the proposed amendment to the Fire Prevention Code. That Chief Lee has prepared a very detailed summary of this, and he is present to answer any questions.

Chief Lee stated in response to Council's request a few weeks back for a summary of the Department's recommendation for the NFP code and the ordinance updating the present fire prevention code from the 1965 version, they mention some of the complexities the city is facing as it continues to grow. This has been one of the concerns of the fire department and is one of the reasons they are requesting the adoption of the recommended ordinance encompassing the NFPA codes.

Chief Lee stated while we are currently losing in excess of 1200 lives a year from fire and fire associated causes, it hardly seems a time to be relaxing codes. In adopting these codes we are neither relaxing or causing them to be more strict, but it is giving them the tool they feel is essential to carry out the fire prevention work. Also, the last year for which statistics have been tabulated, nationally there were in excess of \$27.5 billion lost as a result of fire. In the City of Charlotte there was a \$2.8 million loss as a result of fire. The NFP Code has been adopted by the County of Mecklenburg; it is considered a consensus standard by occupational safety health act as enforced currently in the City of Charlotte and County of Mecklenburg by the United States Government; it is widely used by architects, engineers and insurance rating engineers. That the fire department is frequently called on to interpret this code which it does not enforce.

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Chief Joe Morris then presented the overall summary of the proposed ordinance.

Councilman Whittington moved adoption of the ordinance as presented. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 92.

Councilman McDuffie stated recently there have been two fires in Charlotte caused by welders. He asked if there is any wording in the code which would cover this? Chief Morris replied that is covered in the 1970 edition of the code; that the Fire Department proposed to work with builders on this, and they have already started work with them on one of the high rise buildings.

Councilman McDuffie stated sometime ago Council mentioned the possibility of inspecting the building code concerning fire walls in apartment houses. According to an article he read yesterday, firefighter groups over the country are now saying fire prevention and protection is going so high that the next step has to be stricter building codes which would require sprinklers in most buildings and in high rise for sure. Chief Morris stated they feel sprinklers are one of the main answers.

Councilman McDuffie requested the City Manager to get a report and recommendation from the Fire Department as to what the City might do in the fire code in relation to the building code. Mr. Burkhalter, City Manager, stated the city cannot amend its code to be more severe than the state code, without the Building Code Council's approval. The city would have to ask them to do this.

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

The following ordinances were presented for adoption:

- (a) Ordinance No. 480-X ordering dwelling at 327-329 West 9th Street to be vacated and demolished.
- (b) Ordinance No. 481-X ordering dwelling at 513 North Pine Street to be vacated and demolished.
- (c) Ordinance No. 482-X ordering dwelling at 1428 Pecan Avenue to be vacated and closed.

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

No one spoke for or against the orders.

Mr. Jamison, Superintendent of the Building Inspection Department, described the property for Council, and photographs of the building were passed around for Council to view.

Council was advised the property owners on the following orders have indicated they would not contest the orders:

- (d) Ordinance No. 483-X ordering dwelling at 2330 Randolph Road to be closed.
- (e) Ordinance No. 484-X ordering dwelling at 2631-33 Oak Street to be closed.
- (f) Ordinance No. 485-X ordering dwelling at 1106 South Church Street to be demolished.

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After discussion, Councilman Whittington moved adoption of the six ordinances. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 96.

CONTRACTS WITH PEAT, MARWICK, MITCHELL & COMPANY TO AUDIT ACCOUNTS OF CHARLOTTE PARK AND RECREATION COMMISSION AND THE ANNUAL AUDIT OF THE CITY OF CHARLOTTE.

Upon motion of Councilman Alexander, seconded by Councilman McDuffie, and unanimously carried, the following contracts were approved:

- (a) Contract with Peat, Marwick, Mitchell and Company to audit the accounts of the Charlotte Park and Recreation Commission for the fiscal year ending June 30, 1972, at a fee not to exceed \$2,800.00.
- (b) Contract with Peat, Marwick, Mitchell and Company for the annual audit of the City of Charlotte accounts, at a fee not to exceed \$21,500.00.

MAYOR LEAVES MEETING.

Mayor Belk left the meeting during the following discussion and Mayor pro tem Alexander presided.

DISCUSSION OF AUDITS AND HOW AUDITORS ARE SELECTED: MOTION THAT HASKINS & SELLS BE SELECTED FOR THE 1973 AUDIT FAILS TO CARRY FOR LACK OF FOUR AFFIRMATIVE VOTES.

Councilman Withrow asked how the City decides who will do the audit? Is it on a bid basis, and how do we determine how much to pay? Mr. Burkhalter, City Manager, stated this was discussed last year, and Mr. Fennell, Finance Director, stated that three years is about the lifetime of a company, and he would not recommend changing auditors every year. That when you change your auditor you delay the report from two to three months. A company is asked to submit what it thinks is the time required, and how much the charge is per hour.

Councilman Short stated there are a number of local firms who want to render this professional service for the city; just as there are a number of architects who want to render architectural services for the city. That this is public business and he would agree with Mr. Fennell and Mr. Burkhalter there should be a change in this so that various firms would have the opportunity to do this work for a few years and then go on to someone else.

Councilman Short moved that for the audit in 1973, one year from now, the City give this business to the firm of Haskins and Sells, at a maximum fee of \$21,500. The motion was seconded by Councilman Whittington.

Councilman Short stated this may not be a bad idea as it will enable Peat, Marwick, Mitchell to allocate their men and resources and time with the understanding they have had this long enough, and it will give them one year's warning; it gives Haskins and Sells a chance to realize they are going to have to gear up for this, and become familiar with it. He stated he has discussed this with them and this motion would be satisfactory with them.

Councilman McDuffie asked how he came up with this particular firm? Councilman Short replied previously it was with George Scott and Company; it is now with Peat, Marwick and Mitchell for what would amount to four years under his motion, and he just came up with this as one of our finest corporate citizens, and he thinks it is about their turn. He stated there

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are others which he hopes in the future would have a turn also. Councilman McDuffie asked if Mr. Fennell could not have some input into selecting the firm; although he agrees that one keeping it as long as 15 years is not good.

Mr. Fennell stated Haskins & Sells is one of the seven top firms; that he is only interested as long as the firm is qualified and the city gets a good audit. That he has no objections to any of the major firms.

Councilman McDuffie stated he hopes Mr. Short will consider the same changes on other agencies when they come up with the same kind of judgment. Councilman Short replied he does not know what he refers to specifically; but it seems to him that placing public business with various corporate citizens in the non-bid situations is a wise thing. Councilman McDuffie stated he would like the record to show that Mr. Short feels it is good to change auditors, and the recommendation here says after three years.

Mayor Belk asked why he is saying a non-bid, and Councilman Short replied a bid is not required. The City Manager stated he does not think the companies will bid on this type work; they will submit an offer, and usually they all submit about the same amount.

Mr. Bobo, Assistant City Manager, stated next year they hope to combine a number of audits into one, and Council restricts itself when it addresses itself to the same amount as this year. He stated next year they hope to combine the Redevelopment Commission, and the Park and Recreation Commission with the general audit. Councilman Short replied he does not think this is a real obstacle to what he is suggesting; if the system is changed and the situation changes we would have no trouble with this firm. That he thinks basically there is some merit in setting this course ahead as much as a year so the various firms involved will know what is what. Councilman Withrow stated he is not against the motion, but he would hope we could get on a bid basis using this year's rate. Councilman Short stated the legislation does not require bidding in the case of employing professional talent and professional assistance.

(MAYOR BELK LEFT AT THIS TIME, AND MAYOR PRO TEM ALEXANDER PRESIDED UNTIL HE RETURNED.)

Mr. Burkhalter stated perhaps Council would like to instruct staff to negotiate with this firm and come back to Council with some recommendation on not only the city audit but all the audits we would like included. That staff might spend the next two or three weeks, and Mr. Fennell could negotiate with this firm about doing the other work at the same time, and make it all one package. Councilman Short replied the motion he made will not inhibit that type of discussions, and he does not see how anyone can argue with sticking with the same maximum.

Councilman Withrow made a substitute motion to postpone the matter until the Mayor returns. The motion was seconded by Councilman Short, and lost for the lack of four affirmative votes, as follows:

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

The vote was taken on the main motion and lost for the lack of four affirmative votes, as follows:

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

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ORDINANCE NO. 486-X TRANSFERRING FUNDS TO COMPLETE THE WIDENING OF MCDOWELL STREET, FROM BAXTER STREET TO MOREHEAD STREET.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to adopt an ordinance transferring \$20,315 to complete the widening of McDowell Street, from Baxter Street to Morehead Street.

The ordinance is recorded in full in Ordinance Book 19, at Page 102.

Councilman Whittington asked when this work will start, and how long it will take? Mr. Hopson, Public Works Director, replied it will probably take six to eight weeks.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNK, AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contracts for the construction of sanitary sewer mains were approved, as follows:

- (a) Contract with Coca-Cola Bottling Company of Mid-Carolinas for the construction of 1,430 feet of 10" sewer lines and 1,180 feet of 8" sewer lines to be located in Chesapeake Drive and Snyder Street, inside the city, at an estimated cost of \$107,000 with the applicant to initially bear the entire cost of the project and upon completion of the project, the city will own, maintain and operate the lines, all in accordance with existing policies of the city.
- (b) Contract with Kates' Skating Rink for the construction of 1,476 feet of 8" sanitary sewer lines in Old Pineville Road, inside the city, at an estimated cost of \$8,870.00, with the applicant to pay the total cost of the project and will be refunded \$8,011.92 of the amount under existing policies of the city.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION OF F. W. HUNTLEY CONSTRUCTION COMPANY, INC., ET AL TO CLOSE EDGEWAY DRIVE, BETWEEN THE EASTERLY MARGIN OF BLOOMDALE DRIVE AND THE WESTERLY MARGIN OF CASTLETON ROAD, ADOPTED.

Councilman Whittington moved adoption of a resolution fixing date of public hearing on Monday, July 10, 1972, on petition of F. W. Huntley Construction Company, Inc., et al to close Edgeway Avenue, between the easterly margin of Bloomdale Drive and the westerly margin of Castleton Road. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 259.

MAYOR BELK RETURNS TO MEETING.

Mayor Belk returned to the meeting at this time, and presided for the remainder of the session.

BILLINGSLEY ROAD AT RANDOLPH ROAD INTERSECTION IMPROVEMENTS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, authorizing improvements at the intersection of Billingsley Road at Randolph Road by constructing a turning lane on Billingsley Road and increasing the turning radii at the intersection to improve the flow of traffic at an estimated cost of \$3,635.00.

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CONTRACT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE COLLEGE OF ARCHITECTURE, AUTHORIZED.

After explanation by Dr. Travland, Assistant Model Cities Director, Councilman Alexander moved that a contract be authorized between the City of Charlotte Model Cities Department and the University of North Carolina at Charlotte College of Architecture for technical and professional services in the total amount of \$8,798.00. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT WITH EARL REDWINE & ASSOCIATES TO PREPARE DETAILED FINANCIAL STATUS REPORT OF MODEL CITIES DEPARTMENT FOR SUBMISSION TO HUD.

After explanation by Mr. Carstarphen, Assistant City Manager, Councilman Whittington moved the approval of a contract with Earl Redwine & Associates in the amount of \$7,500.00 to help Model Cities Department to prepare a detailed financial status report for submission to HUD. The motion was seconded by Councilman Short, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 15' x 310.41' of easement at 700 Farmhurst Drive, from Tree Tops, a joint venture, Glen B. Hardyman as Attorney-in-fact for all ventures, except B. W. Miller, Henry C. Lomax and Glen B. Hardyman, at \$1.00, for sanitary sewer to serve Tree Tops II Apartments.
- (b) Acquisition of 10' x 1,820.55' of easement at 701 Farmhurst Drive, from The Ervin Company, at \$1.00, for sanitary sewer construction to serve Tree Top II Apartments.
- (c) Acquisition of 15' x 20' of easement at Excellsior Street at Navada Boulevard, from The Ervin Company, at \$1.00, for 10-inch water meter connection.
- (d) Acquisition of 15' x 10.78' of easement at 6001 Wilkinson Boulevard, from Mack J. Hunter and wife, Eloise, at \$1.00, for trunk to Wilkinson Boulevard Mobile Home Sanitary Sewer Construction.
- (e) Acquisition of 15' x 6.06' of easement at 3616 Rodwell Road, from Percy Creighton Rodwell, at \$1.00, for trunk to Wilkinson Boulevard Mobile Homes Sanitary Sewer Construction.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION PERMITTING CONSTRUCTION OF SANITARY SEWER LINE WITHIN RIGHT OF WAY OF FARMHURST DRIVE.

Councilman Withrow moved approval of an encroachment agreement with the State Highway Commission permitting the City of Charlotte to construct an 8-inch sanitary sewer line within the right of way of Farmhurst Drive. The motion was seconded by Councilman Alexander, and carried unanimously.

CONVEYANCE OF AIR RIGHTS OVER CERTAIN CITY STREETS TO GEORGIA INDUSTRIAL REALTY COMPANY, A SUBSIDIARY OF SOUTHERN RAILWAY COMPANY, DEFERRED FOR REPORT FROM CITY ATTORNEY AND CITY MANAGER.

Councilman Alexander moved approval of the conveyance of Air Rights over certain city streets to Georgia Industrial Realty Company, a subsidiary of Southern Railway Company. The motion did not receive a second.

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Councilman Short stated this is something Council should exercise a great deal of care on - disposing of the air rights above the very vital streets of the city. That Council needs at least an hour's conference session on this. He stated there is no evidence of concurrence in this by those other parties this would run up against. In between Second and Third Street running across College Street, this will run up against First Union National Bank. How do we know they agree with this? That he has no way to know what their reaction will be. In addition, there are some other things that Council should know about this before selling the air space above all these very important city streets. What would happen if Southern Railway went bankrupt like the New York Central Railroad did? What could the city do if Southern tried to sell this to someone else? Can the city get a first refusal on it? What would happen in relation to other things that might be needed such as electric wires, water lines, sewer lines and so forth that might need to go across these ramps and be a part of them?

Councilman Alexander stated in light of the fact that we have already made an agreement with Southern along this line, would we not be violating that agreement? Mr. Underhill, City Attorney, replied in 1971 the city basically agreed it would use its best efforts to the General Assembly to secure legislation to permit the city to convey these air rights; the legislation was obtained principally at the request of the city; it was part of the city's legislative package. The legislation itself describes the areas; it builds in certain restrictions; there is nothing to prevent Southern from assigning this to someone else. In fact they have already done so in this document; they are assigning it to one of their wholly owned subsidiaries.

Mr. Underhill stated these air rights can only be used for two purposes - pedestrian walkways or vehicular points of access. They cannot use this property for other purposes. The plans to construct these facilities must be approved by the city; the lighting, ventilation, design and the horizontal placement of the structures must be approved by the city before they can be constructed.

Councilman Short stated Council does not know if this is a railroad purpose or not; we may be giving them a right we cannot possibly get back. You cannot condemn a railroad property right if it is used for railroad purpose.

Councilman Alexander stated we went into the agreement with Southern for the use of the land with the understanding that we would do what is necessary to grant them the necessary air rights. He asked if we are violating this agreement?

Councilman Short stated there is no one any more eager than he is to build this pedestrian walkway system in downtown Charlotte. This was something planned and talked about even before the Ponte-Wolfe plan which places the pedestrian walkways in another area. But he thinks it should be done carefully, and Council should have more information, and more safeguards than apparently we have now.

Councilman Withrow asked if someone builds another tall building in future years and wanted to connect the two buildings together by air rights, would they have the right to do this; would Southern have the right of refusal? Mr. Underhill replied Southern has air rights for two purposes - to build pedestrian walkways or points of access; they cannot build any type of structure above these air rights other than pedestrian walkways or points of access.

Councilman Short stated he does not think there is anything out of order businesswise to delay this and ask Mr. Jim Hewson and others to come and talk about this.

Councilman Short moved that Council postpone this two weeks and ask the City Manager to arrange that this be discussed further will all parties involved at a conference session. The motion was seconded by Councilman McDuffie.

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Councilman Alexander stated this establishes a precedent as regards this Council's purpose and intent when it comes time for contractual agreements to be formalized. Last year, we needed the consent of Southern so we could move ahead on our street development downtown; we had an opportunity at that time to use our legal talents to provide us with whatever legal information we needed to arrive at the consummation of the proposal at that time. We were delighted that Southern concurred and agreed to grant us the use of certain land with the understanding we would arrange for certain air rights when the time came. His point is the time has come for this, and we give an inference of hedging on an agreement when the shoe is on the other side. Councilman Short replied on the contrary we are getting along famously with them; better than most any other town. So let's make sure we continue this way by having a possible point of contention understood.

Councilman Whittington stated we now have the power to reserve air rights, and according to Wilbur Smith's plan of 1960, we should do everything we can to utilize these air rights. He asked if the conveyance of these air rights will do anything to prevent that as the plans have to be approved by Council? Mr. Underhill replied any facility they construct will have to have the approval of the various city departments involved in any project, such as inspection, engineering and traffic.

Councilman Whittington stated he does not see any need to do what Mr. Short wants to do at this point. Councilman McDuffie stated if we do not do that then other people will come back and ask for air rights and will ask the question as to what dollar value Southern gave to get these air rights. Mr. Underhill stated in the agreement, Southern donated to the City about \$850,000 worth of right of way.

The vote was taken on the motion to defer for two weeks, and lost for lack of four affirmative votes as follows:

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

Councilman Alexander moved approval of the conveyance of the air rights over certain city streets to Georgia Industrial Realty Company, a subsidiary of Southern Railway Company. The motion was seconded by Councilman Whittington.

Councilman Short stated he is going to vote against this with the full understanding that he is absolutely in favor of the downtown pedestrian plan and he is well aware of the fine cooperation we have had with Southern Railroad.

Councilman Whittington asked Mr. Short if he would agree to let Mr. Burkhalter, and Mr. Underhill have a conference with Mr. Jim Hewson, the attorney for Southern Railway, and whoever he would want to invite involving the other companies such as NCNB and First Union, and explain to them what Council is doing and go ahead and approve it? Councilman Short replied he does not think Council should approve this today without First Union National Bank even knowing we are putting this ramp right up next to their building. He stated he would like to know what would happen to this when Southern Railway is out of the picture. Railroads do not last forever.

Councilman Withrow asked Mr. Short if he would agree to let Mr. Burkhalter and Mr. Underhill contact these people and then bring it back to Council rather than calling all these people.

Councilman Withrow moved that Mr. Burkhalter and Mr. Underhill contact all these people involved and bring the matter back to Council in two weeks. The motion was seconded by Councilman McDuffie. The vote was taken on the motion and carried unanimously.

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SETTLEMENT IN CASE OF CITY V. JULIA WELCH TORRENCE FOR SANITARY SEWER TO SERVE AALOHA APARTMENTS.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, approving the settlement in the case of the City v. Julia Welch Torrence in the amount of \$1,000 for sanitary sewer to serve Aaloaha Apartments as recommended by the City Attorney.

SPECIAL OFFICER PERMIT ISSUED TO JOHNSON MURRAY.

Councilman Whittington moved approval of the issuance of a special officer permit to Johnson Murray for use on the premises of K-Mart, 6025 Pineville Road, for a period of one year. The motion was seconded by Councilman Alexander, and carried unanimously.

SALE OF SURPLUS GARBAGE TRUCK TO SUBURBAN WASTE & GARBAGE COMPANY, AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the sale of one surplus 1965 Dodge garbage truck to Suburban Waste & Garbage Company, Rockingham, North Carolina in the amount of \$2,000 was authorized.

COUNCILMAN SHORT LEAVES MEETING.

Councilman Short left the meeting at this time, and returned as noted in the minutes.

CONTRACT AWARDED MILL-POWER SUPPLY COMPANY FOR TRAFFIC CONTROL CABLE.

Motion was made by Councilman Whittington to award contract to the low bidder, Mill-Power Supply Company, in the amount of \$28,290.00, on a unit price basis, for traffic control cable. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Mill-Power Supply Company	\$28,290.00
Southeastern Safety Supplies	32,160.00

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CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR TRUCK CAB AND CHASSIS.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, International Harvester Company, in the amount of \$3,105.08, on a unit price basis, for one 10,000 GVW truck cab and chassis for Utility Department.

ALL BIDS REJECTED FOR TWO TRUCKS, CAB AND CHASSIS FOR UTILITY DEPARTMENT.

Councilman Whittington moved that all bids received for two 24,000 GVW trucks, cab and chassis for Utility Department, be rejected, specifications revised and bids readvertised. The motion was seconded by Councilman Alexander, and carried unanimously.

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CONTRACT AWARDED THE ERVIN COMPANY FOR SANITARY SEWER FACILITIES TO SERVE BARRINGTON OAK APARTMENTS.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, The Ervin Company, in the amount of \$45,048.00 on a unit price basis for sanitary sewer facilities to serve Barrington Oak Apartments.

The following bids were received:

The Ervin Company	\$45,048.00
Thomas Structure Company	62,653.00
Joe R. Abernethy Company	63,979.50
Crowder Construction Company	93,165.00

CONTRACT AWARDED CROWDER CONSTRUCTION FOR MCDOWELL STREET WIDENING, FROM URBAN RENEWAL BOUNDARY TO MOREHEAD STREET.

Councilman Whittington moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$53,283.75 on a unit price basis for McDowell Street Widening, from urban renewal boundary to Morehead Street. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$53,283.75
Blythe Brothers Company	55,516.50
Rea Construction Company	55,541.25
T. A. Sherrill Construction Co., Inc.	57,273.25

COUNCILMAN SHORT RETURNS TO MEETING.

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

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MARLWOOD HOME OWNERS ASSOCIATION REQUEST WATER SERVICE.

Mr. Conrad Helms of the Marlwood Home Owners Association stated he hopes all members of Council have received a copy of a letter from them dated May 19 stating a problem they are having with water.

He stated they submitted a petition to the County Commissioners before the City took over the city-county water departments, and as of last Friday, June 2, that petition had not reached the County Commissioners; it was in Mr. Franklin's desk. That he has visited with that Department and he hopes by now the petition is over there.

Councilman Alexander stated at the last Council Meeting, Council requested Mr. Franklin to look into this matter and to come back to Council with a report.

Mr. Helms stated the petition has 22 names on it; the original request submitted at the request of the water department had 15 names. The only reason they get that this particular three block area does not get water is that the firm, HD & R said this area is not feasible. All other areas were feasible, but this area is not. Mr. Helms stated he and a water department engineer made a feasibility check in linear feet and it was determined the Norwich Road area which is getting water had eight signers for water; two of which were on Marlwood Circle and two were vacant lots. The Marlwood Circle portion that is omitted had a first offer of 15 people who would use water and the feasibility of one installation for every 193 feet. The Norwich area had a feasibility of one installation for every 195 feet, which makes their area more feasible and exactly opposite of what HD & R firm said.

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Mr. Helms stated since that time, they have 22 signers and it brings their feasibility down to 125 feet for every installation, or one for every lot. One street that is feasible had six vacant lots and is dead end and is getting water. Another house in there has a polluted well and it has been condemned.

He stated an environmental study was made and they found some polluted wells in the area; by pollution he means high bacteria count. He stated either HD & R did not have full information or they did not use it properly.

Mr. Helms stated they would like the situation changed and will appreciate anything that can be done for them in the area; they are willing to do anything they can.

Mr. Bobo, Assistant City Manager, stated this project was started by the County and the City is only completing what they started. This was only brought to the city's attention last week, and Mr. Franklin is working on it and will give a report for Council.

Mayor Belk requested Mr. Helms to give Mr. Bobo all his information, and stated that Mr. Bobo will get back in touch with him.

PLANNING COMMISSION REQUESTED TO MAKE DECISION ON PETITION FOR REZONING OF PROPERTY ON FREEDOM DRIVE.

Councilman Short stated Zoning Petition No. 71-57 by M. R. (Chick) Godley for a change in zoning from R-6 to R-9MF of approximately 9.0 acres of land bounded by Freedom Drive, Browns Avenue and Thriftwood Drive was heard last summer, and Council has not received a recommendation from the Planning Commission. He stated he thinks enough time has gone by and Mr. Godley has somewhat of a point that we are just waiting too long to give him an answer. He asked that the Planning Commission be requested to make a decision on this request.

CITY MANAGER INSTRUCTED TO SEEK DEVELOPERS INTERESTED IN BUILDING PARKING GARAGE IN ACCORDANCE WITH PLANS PRESENTED TO COUNCIL, AND THAT COUNCIL'S PREFERENCE IS DESIGNATED AS PLAN NO. 1.

Councilman Alexander moved that the City Manager be instructed to seek developers who will be interested in building a parking garage in accordance with the plans presented to Council today, and that the developers be informed that the complete development of the block, designated as Plan No. 1 be stated as Council's preference. The motion was seconded by Councilman Short, and carried unanimously.

CONSIDERATION OF AN ARCHITECT TO PLAN THE JOINT FIRE AND POLICE FACILITIES REQUESTED PLACED ON AGENDA FOR NEXT MEETING.

Councilman Whittington stated recently Council approved a contract with the International Association of Chiefs of Police to conduct a study of a joint Police and Fire Department's training facilities needs. He stated he hopes Council can put this on the agenda at its next meeting to consider an architect for the plans so they can begin now to move forward with the IAPC and our own fire chief and police chief so everyone will be on the project at the ground level.

BOARDING FEE AT AIRPORT DISCUSSION.

Councilman Withrow stated he would like for the Airport Committee to study the idea of a boarding fee at the airport and have the Airport Committee come to Council with recommendations. Councilman Alexander suggested that the Financial Planning Commission have a chance to discuss it first; that it is on their agenda for discussion.

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Councilman McDuffie stated he read in the paper that about six cities had already passed the tax last week. That Raleigh-Durham reportedly put on a \$2.00 fee; Richmond a \$1.00 fee and Philadelphia both a getting on and off fee of \$1.00 each. He stated there is some static from the airlines; that it took about 45 seconds per passenger to collect the tax, and they do not want any part of it.

Mr. Burkhalter, City Manager, stated Council should give this a lot of consideration before deciding on this; they should think about whether they want people to use the airport, and how they propose to finance it. According to the City Attorney, you cannot use this revenue for anything except the airport. So the question comes down to how is the best way to finance the airport development. He stated he is not speaking for or against the tax, but he wants Council to be aware of the fact that for years the best way for developing the airport was to let the airlines pay for the cost of building a terminal with air landing fees. This is one way to determine the way you build the terminal; the other way is to put it on the person who rides the planes.

Councilman Withrow stated he brought this up because he thought the public in reading this in the news media might think it is a place to get more revenue; that he thought it should be studied and let the people know whether it is advisable or not. That he is willing to wait for the Financial Planning Commission to have a chance to study it.

DISCUSSION OF FENCING BONNIE BRAE GOLF COURSE IF REQUESTED BY PARK AND RECREATION COMMISSION.

Councilman McDuffie stated about a year ago he had a letter from Mr. Steve McManus about the Revolution Golf Course harrassment; the children on the course stealing the golf balls and trying to sell golf balls; and unauthorized people all over the course. He stated at that time he corresponded with the Chairman of the Park and Recreation Commission, Mr. Ace Walker, and expressed the desire that a fence be built around the golf course. That Mr. Walker answered he was very happy to know that he was interested and they were delighted, but they did not have sufficient funds in order to do it. Sometime later he received a horseback estimate on a 10 foot fence of \$47,000.

Councilman McDuffie stated in light of the recent incident where a city employee was killed and another injured, the question has arisen again on whether a fence is desirable as opposed to more armed guards. He stated he takes the position that Park and Recreation is not really interested in building a fence but will ask Council to provide more funds to have more armed guards. That he sees golfers walking down the fairways with people caddying for them not carrying a golf bag but a shot gun, which is a deplorable answer to solving the problem.

Councilman McDuffie stated he has asked several fence companies to give an estimate, and he has received figures that range from \$17,000 for a seven foot fence to \$27,000 for a eight foot with two strands of bobwire. He stated in his judgement the fence offers a good deal of security and peace of mind. That with a person to ride a golf cart around a fence to see that it is maintained, we can get by with less money and keep the golf course open. He stated another attitude is to abandon the golf course, and in effect let the lawless element consume the 50 to 60 acres of open space.

He stated he would hope that Council would consider asking the Park and Recreation Commission to give Council their solution in getting a firm estimate in fencing a golf course so that it can be made safe or if they prefer to see how many guards they propose to make it safe, and this be included in the budget. He stated he would like Council to consider stating its preference. Apparently for somewhere between \$20 and \$25 thousand a seven or eight foot fence can be erected to give the golf course security.

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Councilman McDuffie stated this golf course is now surrounded by some low income housing and a lower income neighborhood where unfortunately the crime rate is higher; there are more people without jobs and they are prone to wander around. That in his judgement a fence would prevent the aimless wandering on the golf course. He stated Carolina Golf Course is in the same neighborhood and does not have the problem Bonnie Brae has; and it is because they built a fence about two years ago. He stated they say in the letter they are interested in a fence but do not have the funds; that this was written six months ago, and he would like to provide the funds, and would like for this Council to consider giving them the necessary funds to fence the golf course just as we gave them another guard for \$6,000 two weeks ago which was supposed to be for the security of the golf course. Yet we read in the press, the guard Council gave them was utilized to guard building materials at night, and not to guard the people who were playing. He stated he hopes we would offer Park and Recreation the chance to tell Council how much it would cost to fence the golf course, and if they desire to have it fenced.

Councilman Withrow stated he would like for Parks and Recreation to study the possibility of leasing the golf course at \$1.00 a year and have in the contract that they cannot charge any more than is now being charged. That he thinks there are some private companies interested in this.

Councilman Short stated two things have happened recently. One - the Executive Director, along with Ace Walker, were before Council about a month ago asking for more protection. That other thing that happened was the terrible tragedy where a very fine young man was killed on the golf course. In view of these two circumstances he thinks it is in order to make Mr. Walker feel entirely welcome and make it seem appropriate for him if he wishes to come in and discuss these matters with Council further.

Councilman Whittington stated if the Park and Recreation Commission, or its Chairman, comes to Council and says they believe a fence would be a deterrent to this sort of thing happening in the future, and they asked for that, and requested it, then he would consider it. But he thinks this should come from them; it is a separate entity, and if they want to come to Council and make this request he will consider it. That we have fenced in a cemetery, and if the Park and Recreation Commission requests that we fence in a golf course for the protection of those who play there, then he would be in favor of it.

Councilman Short stated the joint working together of a fence plus a guard may have some added potential beyond what either one would have alone. That if they wish to come to Council it would be appropriate to make them welcome.

Councilman McDuffie stated he would hope this Council would go on record stating they favor a fence in the budget if park and recreation wants a fence.

Councilman Withrow stated this same thing came up during the budget last year; this is not the first time this has happened; it is the first time someone was killed. That he is in favor of anything that will allow the people to play in safety; that he does not know whether the fence is the answer.

Mr. Burkhalter stated Council can alter the budget anyway they want to; that the conference on the Park and Recreation budget has been completed; that this would simply be a matter of taking money from one place to another, and this is a decision the Commission should have the right to make. They have already decided where they want their money. Councilman McDuffie stated he is saying we will have to give them another \$20,000 for a fence if that is the only way to get the fence. Mr. Burkhalter stated if you tell a group of people you will give them \$20,000 to build a fence, they will build a fence; this is not asking them what they want to do about their budget.

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BREAKFAST MEETING SCHEDULED FOR TUESDAY MORNING AT 8:00 O'CLOCK AT RAMADA INN.

The City Manager reminded Council that a breakfast meeting is scheduled for Council to meet with the candidates for the legislature and county commissioners tomorrow morning at the Ramada Inn on East Boulevard.

DISCUSSION OF EFFECT OF ENVIRONMENTAL ACT OF 1969 ON CITY PROJECTS.

Mayor Belk stated one of the biggest things going on right now as far as cities are concerned is the Environmental Act of 1969, and its interpretation. That it affects not only trees and water, but noise. If you just take the noise portion of the act you cannot do anything with Earle Village.

He stated he plans to bring some type of regulations concerning this before the next meeting with the Mayors. He stated the Greenville Area project would be almost killed because of the railroad. Big cities would almost be eliminated because of this noise aspect.

Mayor Belk stated the federal government gives a grant and then has a book to tell you how to fight it. If they are going to stop everything a city is going to do it is mighty bad from a federal viewpoint, and the only way he knows is to change the whole federal law on the environmental act. If they go through with this, it will stop every city in the country.

Councilman Whittington stated last week he asked Mr. Hopson, Public Works Director, because he came here from Richmond, if he would ask the State of Virginia to give us a copy of their environmental plan. It is environmental considerations and the conduct of Virginia's highway program. He stated perhaps the Mayor would look at it and take it with him to the Mayor's conference, and maybe there is something in there that would be helpful. Perhaps we should have our own environmental impact plan here in Charlotte with citizens participation and the other ideas that this report has.

Councilman Short stated this certainly needs reconsideration. The environmental impact statements are required only in federally funded and federally assisted projects, and yet federally assisted projects are projects already approved. In effect, they pass these laws setting up these beautiful programs and invite folks to come in and do all these wonderful capital improvements in a city with federal assistance, and then pass a law making it impossible to do the programs. He thinks the matter should be restudied and particularly it should be restudied as to that feature which says the "unexecuted portion of projects already underway are subject to environmental impact approval". The effect is that you could get into the middle of a project and then not be able to continue it; even a project that has already been funded. It seems to him the planning for environmental control should come at the outset and they would refuse the program in the first place. If they do approve it, then let you go ahead with the whole program.

Mayor Belk stated an example is on Alexander Street where the railroad bed is located. You cannot put anything in that area; we do not have any idea of how much it would knock out. This is just the noise portion. The reason is there are four trains that go by. Three of them happen to be at night and you cannot put anything within 200 feet of that area. He stated we will have no more Fourth Ward; we cannot build anything within the beltway around town as far as housing is concerned. If you cannot build anything as far as housing is concerned in a central city, then something is wrong.

Mayor Belk stated the law was passed in 1969, and it is now 1972, and they are throwing out everything we have been doing in the last three years, and something is wrong in that approach. He thinks Congress should be a little more understandable on what they want to accomplish. They are talking about this being retroactive. This is real touchy and HUD is really shook up about it. This could phase out 40 cities in the State of North Carolina.

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Mr. Burkhalter, City Manager, stated if the trains ran between 8 in the morning and 10 at night, it would not make any difference; but if they ran after 10 at night you cannot build a house within 200 feet of the track.

Councilman Whittington stated he would hope Mayor Belk would meet with someone, perhaps the President of the National League of Municipalities, and see if a joint committee can go before the Congress now. If you wait until next year, it is just waiting another year.

The City Manager stated a Bill has already been introduced in Congress to remove the retroactive portion of the law. He stated there are ways to overcome some of the requirements. The thing that is the most drastic is the noise pollution. He stated the noise pollution occurs not only in the environmental protection act, but in the clean water act, and the clean water act sets up certain standards. You can avoid this by building a solid brick wall 18 inches thick and 20 feet high in front of the house, and it would be alright; or you could berm earth 30 feet high and 40 feet wide; this would take up about half the land and the expense would be so great you could not build a house. No one really thought all these things out.

Mayor Belk stated he would like to spend an entire session on this so there would be a better understanding of this by all members of Council.

RESOLUTION HONORING DR. WILLIAM C. SELF, SUPERINTENDENT OF THE CHARLOTTE-MECKLENBURG SCHOOL SYSTEM.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the following resolution was adopted:

"WHEREAS, Dr. William C. Self has accepted a position as Professor at the University of North Carolina, Chapel Hill, in the School of Education, and will be leaving the City of Charlotte in the near future; and

WHEREAS, Dr. Self first joined the administrative staff of the Charlotte-Mecklenburg School System in July of 1962 as Associate Superintendent of the System, serving five years in that position at which time he became Superintendent of the System; and

WHEREAS, in addition he has served on numerous boards in the City and County, among them the County Board of Health, the Board of Directors of Central Piedmont Community College, and was responsible for making appointments to the Selective Service Board; and

WHEREAS, as Superintendent of Education, Dr. Self has provided the strong leadership necessary to carry this community through a troubled and difficult period in education; and

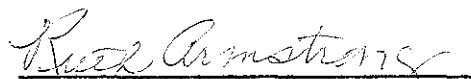
WHEREAS, Dr. Self has devoted himself in an exemplary manner to the welfare of this City and to the education of all children, and his loyal and outstanding service as Superintendent and other capacities of public service will be sorely missed.

THEREFORE BE IT RESOLVED that the Mayor and City Council hereby extend greatest appreciation, praise and admiration to Dr. William C. Self for tasks faithfully and excellently done, and wish him happiness and success in his new endeavor.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Council and a copy thereof be sent to Dr. Self and his family, in recognition of his accomplishments."

ADJOURNMENT.

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


Ruth Armstrong, City Clerk