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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 13, 1972, at 3:00 o'clock p.m., in the Council Chamber, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by David McConnell of North Mecklenburg Senior High School who was present participating in "Youth in Government Day".

#### HEARING ON AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 5, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-60.

The public hearing was held on the subject amendment.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated this change is financial only; there are no changes in the text of the plan and there are no changes in the five maps that support the redevelopment plan.

There are two reasons for amending the project at this time. First is to extend the estimated close-out date of the project and the budget period from December 21 of this year to December 21, 1973 for the purpose of giving the city more time to obtain the money for the purchase of the Independence Expressway right of way which lies within the project. The money for the purchase of this right of way was included in the recent bond referendum and was not approved by the voters. Second, by extending the life of the project, you add certain costs, and this is primarily interest cost. You are holding the project open beyond the time we normally would close it out if all the land was sold, and the money that we have invested in this land is drawing interest but we have to pay interest on it. There are some administrative costs added, but it is also necessary to change the financial plan. The change results in a net increase of \$95,074 in the project cost which is shared 1/3 by the city and 2/3 by the federal government. The city's 1/3 is \$31,691.00; the federal's 2/3 is \$63,383.00 for one year. This is a definite advantage to the city in being able to pay 1/3 of the cost of extending the project by having HUD participate, and the city's 1/3 share is available from 1969 bond funds which were approved for Brooklyn. There is already set up an unencumbered balance of some \$26,000 already, and they see no problem in getting the other \$5,600 surplus from other projects.

Councilman Whittington asked the city manager if he sees any assistance coming from the State? Mr. Burkhalter replied they are working on this in two ways. One they are hoping they might get the state to renegotiate so they will pay a larger share. Each right of way is negotiated separately based upon what the State finally decides is the proper relationship between local usage and others. Where we do not hope to get any more money, we are trying to get the State to advance some of this money, and let us pay it on a smaller basis. He stated we were kind of desperate up to this point, and we were very happy that Mr. Sawyer could get the amendment approved by HUD.

Mayor Belk stated he would like to thank Mr. Sawyer personally for bringing this up. That he does not know how the city could have had it at a cheaper figure than the way it has been done, and he should be congratulated. Not only did he do a good job, but he saved the city some money.

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Mayor Belk stated this is costing the city about \$30,000 to postpone this one year. Whether the federal government will allow it to be postponed another year for \$30,000 is another deal. But it means that the city does not have to put this amount of money out for at least another year in order to buy this right of way. If the federal government again will allow the same thing, we might have; but that is questionable. The reason Mr. Sawyer was asked to do this is because the bond package was defeated on the highways, and this item was included in that, and that is the reason we do not have the money.

Councilman Whittington stated the record should state that this is costing us \$30,000 more annually and we do not know whether HUD will approve it next year or not. The way it has been handled is commendable. But the record should state because of the failure of the bond package that it is costing the citizens that much more money annually. Mr. Burkhalter stated it could be \$90,000 next year because if the federal government does not participate any more, then the City will have to carry it.

Councilman McDuffie stated if the bond package had passed and we had been able to buy the right of way, then neither the federal government nor the city would put up the \$90,000. In redrawing the bond package, a lot of people talked about having to vote on large amounts that were not specified. That he understands the bond attorneys do not like to pin it down to using a certain amount of money for expressway right of way or the Plaza or for Sharon Amity; but for the taxpayers to understand and believe it is going to get done, we may have to use that kind of wording on the ballot.

Mayor Belk stated as an example, we are tied up right now because the Secretary of Transportation has not signed the other end of this which goes from Charlottetown Mall to Seventh Street. It has been okayed by the State of North Carolina for over a year, and because it touches the park it has to go through the Secretary of Transportations's signature. We put all our emphasis on I-77 which we thought was used a little more in place of this. This has been there for over a year and still has not gotten out of Washington. If we were held up on I-77 and waited for this particular one to come through, we could be held up on everything. This is the reason we want to put it in a general package so it will not be held up on one street against another for approval.

Councilman Short stated we have out on West Independence Boulevard this tremendous interchange and we have over beyond Seventh and running on out to 11th and 12th Streets, the other tremendous interchange already built, already operative; we have the urban renewal land in between. It is simply out of order and completely impossible for this community to fail to build this throughway in between those two interchanges that were built for the purpose. It is discouraging to think that we have to let this project, which is the backbone of the transportation system of this city, just hang in the balance like this and just barely save it year after year through some maneuvering in Washington. He stated Council should emphasize the importance of this project in every way it possibly can; through every civic club talk and in every conversation and by any means that we as councilmembers have to push something. We should push this project. It would be a tragedy for this community if we fail to complete that expressway loop which is the backbone of this city.

Councilman Alexander asked where COG can help the city in the approval of this? Councilman Short replied Centralina approved this project four years ago. It was a very huge item at that time; that he does not know specifically what COG can do ahead on this item, but he will look into it.

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Councilman Whittington stated the remarks that have been made by Mr. Short are important; but he would suggest that we go on with this hearing and come back to this item. There may be ways now that we can get it off center, and get it approved.

No one from the audience spoke further on the amendment.

No opposition was expressed to the proposed amendment.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 2, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-60, ADOPTED; AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE PERTAINING TO BROOKLYN PROJECT NO. N. C. R-60, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, a resolution entitled: "Resolution of the City Council of the City of Charlotte, North Carolina, approving Amendment No. 2, Redevelopment Plan for Project No. N. C. R-60", was adopted; and Agreement between the City of Charlotte, North Carolina and the Redevelopment Commission of the City of Charlotte, North Carolina, pertaining to Brooklyn Project No. N. C. R-60 was authorized.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 472, and ending at Page 474.

MONTH OF NOVEMBER PROCLAIMED AS EPILEPSY MONTH.

Mayor Belk recognized Mr. A. J. Morton, Jr., President of the Board of Directors of the Local Epilepsy Association of North Carolina, and presented him with a proclamation proclaiming the month of November, as Epilepsy Month in the City of Charlotte and urging all citizens to take time to become better acquainted with the general facts about epilepsy.

YOUTH IN GOVERNMENT DAY AND PARTICIPANTS INTRODUCED.

Mr. John A. Laurents of the Optimist Clubs of Charlotte thanked the Mayor and the members of City Council for helping the Optimist Club put on another program honoring the Youth of the City. That Optimist International is over 100,000 Optimists strong this year; there are over 3,000 clubs throughout the United States that are participating in Youth Appreciation Week. He stated this all started in Charlotte and it started in their club in 1954 and it has grown into an international program that is being recognized through the United States and Canada. As part of Youth Appreciation Week this year in the City of Charlotte and Mecklenburg County, there are 150 students from the city and county participating in Youth in Government.

The following students were introduced:

Degradval Burke of West Mecklenburg served as the City Attorney.  
David McConnell of North Mecklenburg served as Councilman Short.  
Avis Houston of Independence served as the City Clerk.  
Rick Walkup of Olympic served as an interested citizen.  
John Seigner of East Mecklenburg served as Councilman McDuffie.  
Sherry Houston of West Charlotte served as Councilman Jordan.  
Joel Johnson of Independence served as an interested citizen.  
Jim Moore of Independence served as an interested citizen.  
Joel Burch of Independence served as an interested citizen.  
Joe Ledford of Independence served as an interested citizen.  
Bob Newhart of West Mecklenburg served as an interested citizen.  
Stan Hines of Harding served as an interested citizen.  
Kathy Dellinger of West Charlotte served as Councilman Whittington.  
Darrell Branch of North Mecklenburg served as County Manager.  
Connie Powell of West Mecklenburg served as Mayor Belk.

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Ilean Dozier of North Mecklenburg served as the City Manager.  
Curtis Price of East Mecklenburg served as Councilwoman Easterling.  
Javet Wilson of North Mecklenburg served as an interested citizen.  
Keath Awood of North Mecklenburg served as Chairman M. W. Peterson, of  
the Mecklenburg County Commissioners.  
Sam Fulwood of Garinger served as Councilman Withrow.

Mayor Belk thanked each one for being present to take part in the Program today and presented each with a copy of the Mecklenburg Declaration of Independence.

Later in the meeting, Mayor Belk requested the City Manager to write Mr. Laurent and each of these students and thank them on behalf of the Mayor and Council.

MOTION TO HEAR W. E. LITTLE ON PARKING GARAGE, ADOPTED.

Councilman Alexander moved that Council hear from Mr. W. E. Little on the Public Parking Garage for Central Business District. The motion was seconded by Councilman Short, and carried unanimously.

MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

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

STAFF TO EVALUATE PLANS AND PROGRAMS FOR PUBLIC PARKING GARAGE FOR DOWNTOWN.

Mr. W. E. Little stated he was before Council on September 6 to discuss their parking proposal for College Street, and at that time, Council granted him until October 9th to come back with something more specific, and he came back and again said it would be a few more weeks.

That in the Conference Session today, his proposal was reviewed by Council, and at this time if Council thinks this proposal is good for the City, he would request Council to refer this to the City's Engineering Staff, City Manager and City Attorney for review and specific recommendations and then come back for formal approval by Council.

Councilman Jordan moved approval of the request. The motion was seconded by Councilman Withrow.

Councilman Short asked if the motion can include that this is a motion just for that limited purpose of review by the City Manager and the engineering staff and does not preclude the possibility of hearing other proposals if that is decided to be the thing to do.

Mr. Watts, Deputy City Attorney, stated back in October the minutes of the meeting stated that this would go out for bids unless something came in by a certain time; that perhaps Council would like to extend the time on this. That no bids would go out until such time as this proposal has been studied. That is entirely appropriate.

Councilman Jordan stated at the last meeting, they requested another 30 day extension and this was granted. He asked if Council is to grant another 30 day extension on this? Mr. Watts replied as much time as Council deems appropriate will be fine.

Mr. Little stated from their point of view, the time factor is going to be how long the city staff needs to study it, and they they should be given a relative short length of time after staff comes up with specifics to finalize all of their proposals.

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Councilman Alexander stated he has not attempted to set any limitations, but if it is apparent the city staff is taking longer than Council feels is necessary, there is nothing wrong in Council calling it up for consideration.

Councilman Whittington stated in the meantime, if other organizations show an interest in this, they can come with plans also. Mr. Burkhalter, City Manager, replied not while these plans are being studied.

Councilman McDuffie asked how long city staff needs? Councilman Whittington stated when Mr. Little came the first time, he asked for a specific number of days and when he came the second time, he asked for an extension of six weeks. At that time, Mr. Little said if he did not have all this land together, we could forget it. That he does not want to cut Mr. Little off but he does not want to go down the road here and two months from now Mr. Little cannot put this together and the city does not have a parking garage and will have to start over again. That he would be in favor of setting some limit on the time the City staff can review the plan and hopefully some limit on Mr. Little putting the land together.

Mr. Little stated if Council can give him two or three weeks from the time the report is ready from the City staff, they can all get together with the specifics of the property transfer and the traffic plan. That he has options which expire on December 31, and he needs to know something by that date.

Mr. Burkhalter stated he is sure two weeks would be ample time for Staff with one exception. That we definitely want this approved by the Ponte-Wolfe people so that it will fit into the concept. He asked the Planning Director if he feels qualified to do this, or if he would have to send it to Ponte Wolfe? Mr. McIntyre replied it should be referred back to the Ponte Wolfe group. Mr. Burkhalter stated then he thinks staff should have at least two weeks. Councilman McDuffie stated it should have a time limit and then if necessary have an extension because, in effect, this is holding up Mr. Little. Mr. Burkhalter stated staff will do it as soon as possible. That most of the city's staff has already looked at this. Councilman Whittington stated then we should say in two weeks we will have our study complete and at that time, we will give Mr. Little a deadline. The City Manager replied staff will try to give the report to Council next week. Mr. Little stated then they would like to have two weeks from that time to button up all their details.

Councilman Whittington requested Mr. Jordan to include in his motion that the City Manager has said staff will be ready in one week, and then give Mr. Little two weeks after that. Councilman Jordan stated he would agree to that.

The vote was taken on the motion and carried unanimously.

Councilman Short stated he is voting for the motion. In evaluating this matter, he hopes City staff will express some opinion and would address itself to the question presented by the fact that if this is done with this tower as proposed by Mr. Little's proposal, 600 spaces will be left over for use by the general public downtown, and even that is questionable later on. Whereas, if it were actually done by the city as originally planned, there would be some 1,400 or 2,000 spaces with the entire area devoted to parking and no office towers involved.

Councilman Alexander stated Council is pleased with the manner in which this presentation was made. That it has been innovative; and it will satisfy some of our thinking that private enterprise did have the capacity to come forward with an innovative idea that could be accepted.

Councilman McDuffie requested the City Manager to be prepared shortly after this period of time to bring an update on the next parking garage site. That we be prepared to start negotiating and having some plans made for the second parking garage with the civic center opening. A parking deck by itself in another location could be built in a shorter period of time, and in another direction from this one at a lower cost, and be available to the general public use. Mr. Burkhalter replied Staff has been looking at another area west of the civic center.

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MAYOR RETURNS TO CHAIR.

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

PETITION NO. 72-41 BY W. P. CHERRY AND SON, INC., ET AL FOR A CHANGE IN ZONING OF A TOTAL OF 7.72 ACRES OF LAND ON THE WEST SIDE OF PARK ROAD EXTENDING FROM 3500 THROUGH 3620 PARK ROAD, DENIED.

The subject petition for a change in zoning from R-9 to R-12MF on which a protest petition sufficient to invoke the 3/4 Rule has been filed was presented for Council's consideration. Council was advised the Planning Commission recommends the petition be approved for R-15MF instead of the requested R-12MF.

Councilman Whittington stated in his years on the Council, he thinks the Council and the Planning Commission have done a commendable job in trying to keep Park Road, from the creek where Kenilworth intersects Hillside Avenue, a single family neighborhood. That other than the YWCA this has been the result of the recommendations of the Planning Commission and Staff and the vote of Council.

Councilman Whittington moved that the petition be denied. The motion was seconded by Councilman Withrow.

Councilman Withrow asked if there has been any coordination between the Traffic Department and the Planning Commission in reference to this coming in near the Versailles Apartments, and all of them coming out close together. Mr. McIntyre, Planning Director, replied this is not close to those apartments. Councilman Withrow stated on zoning petitions close in to the city he would like to see coordination between the Traffic Engineer and the Planning Commission; that he does not know there is not coordination, but there should be coordination.

Councilman McDuffie stated rather than taking the easy and desirable way to pacify the residents, whom he is interested in, the presentation pointed out these lots were in the country when the houses were built and while he can vote for the motion, we are not answering the question about those oversized lots and some other use than single family. The present zoning classifications do not seem to fit these people to give the neighbors an adequate buffer and have R-20 which requires a plan which might give the people some chance to get rid of their property, and it does not seem reasonable to build single family houses back. That he would hate to see Council just turn it down without trying to give them some relief. That the ones he has talked to seem to feel if a buffer was established, it would be less objectionable as no one wants apartments in their back doors. That he wishes there was some way that R-20 zoning could be considered and gives the protestors and the sellers a chance to say yes they would rather have R-20 than nothing.

Councilman Short stated the petitioners can come back immediately and petition for R-20 as it is another zoning category. Councilman Whittington stated by denying this, it gives the petitioners an opportunity to come back with a better plan. Councilman McDuffie stated on the basis that Council would have to give consideration to a plan unit which would show the houses and apartments and where they would be, and the space between them and their neighbors, he will vote for the motion.

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

PETITION NO. 72-47 BY MARGARET H. CAUDLE AND C. L. MCCULLER FOR A CHANGE IN ZONING OF TWO TRACTS OF LAND AT 2700 AND 2716 PARK ROAD, DENIED.

The subject petition for a change in zoning from R-9 to R-6MF on which a protest petition sufficient to invoke the 3/4 Rule has been filed and on which the Planning Commission recommends the petition be approved for R-12MF was presented for Council consideration.

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Councilman Whittington moved that the petition be denied. The motion was seconded by Councilman Withrow.

Councilman McDuffie stated he would present the same argument as he did on the above petition. These people are next door to apartments and it does not seem we would be doing exactly right by leaving them with all the apartment houses next door. On the basis they can come back with a plan showing the units and the traffic he will vote for the motion.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 662-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF ALL PROPERTY ON SHADY LANE AND BURGESS DRIVE, SOUTHWEST OF WILMONT ROAD ON PETITION OF MENDEL THOMAS ROBERTS ET. AL.

Councilman Withrow moved that the subject ordinance be adopted changing the zoning from R-6MF to R-9. The motion was seconded by Councilman Whittington.

Councilman Short stated basically he sympathizes with the objectives here, but this is a situation where a group of citizens have zeroed in on one man and attempted to change the zoning of his land against his will in an effort to forestall what is an avalanche of problems out there. To really heal this problem it would be necessary to rezone the land of a great many people. If this rezoning should be done, the mention of Dalton Village should recall to anyone's mind the type of occurrences that flowed from the placing of that low income facility. We got into bussing and various other problems that have been a little bit difficult for the community; that all of us have agreed that we want to achieve these objectives - isolating this area to the extent that it has already been turned into low income homes and to prevent a further zoning, a further development this way. But to simply turn the brunt of this upon one man who has a few acres here does not appear to be the equitable way to get at this problem. That he is a little reluctant to just throttle this one man over a problem that invades this entire area of several square miles. Fortunately the Planning staff is working on a general rezoning plan and they have made progress on this, and he believes it will be available for Council in the not too far distance. That he is sure they expect to heal problems of this sort on the west side of Charlotte to the extent possible. In the interest of what he feels is a fair approach to a very difficult problem, he made a substitute motion to deny the request for changing the zoning from R-6MF to R-9. The motion did not receive a second.

Councilman McDuffie stated he is voting for the motion to change the zoning to R-9 with the idea that someone can present a plan so that everyone can see what they plan to build there and to give the residents a chance to voice their opposition.

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

The ordinance is recorded in full in Ordinance Book 19, at Page 349.

ORDINANCE NO. 663-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY IN THE 2300 BLOCK OF RANDOLPH ROAD, EXTENDING FROM VAN NESS TO LAUREL AVENUE, ON PETITION OF J. P. HACKNEY, ET AL.

Council was advised the Planning Commission recommends the request for a change in zoning from R-6MF to O-6 be approved.

Councilman Whittington asked what staff recommends to Council on this petition. That Council received a memo that say staff recommends consideration be given to straightening of Laurel Avenue at this intersection.

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Mr. Hopson, Public Works Director, stated this is a bad intersection within the city and if funding can be found, it is one that should be improved. There is a small TOPICS program which will make some improvements at the intersection. The TOPICS program is merely widening Laurel Avenue to add another lane and also Randolph at the intersection will have some limited improvements at Colville Road. That he does not believe it would affect this development. If the line is straightened out and it goes over to Providence Road in one direction, and to Seventh Street in the other direction, and possibly ultimately up towards 30th Street, it would divide one man's property into four parcels. Presently he has demolished a large home, and another is boarded up and ready for demolition. He pointed out on the maps the homes that would be taken if the improvements are made. If this improvement was made, they would probably cul-de-sac Laurel Avenue to get it out of the by-way intersection, and run the street straight across and make some very minor improvements to Colville Road intersection and do away with a part of Laurel Avenue. That a rough estimate of this is \$450,000 to \$500,000. The street would be three lanes in one area, and four lanes in another area. That if Council determines it wants to do something in this area, it would take a much longer engineering study.

Councilman McDuffie stated if you do this new interseciton and come across Laurel Avenue, then we are obligated to widen it to four lanes after it crosses Randolph Road, so you are not talking about \$400,000, it is more like \$1.0 million. That he is talking about the vicinity of 7th Street to Providence Road.

Councilman Whittington stated if you would straighten out this intersection, you would move twice the amount of traffic that you are moving now, without widening the road.

Councilman Jordan stated if a small piece is taken off the curb on Laurel where it projects out so the buses can get around without any trouble, it would solve a lot of problems. Mr. Burkhalter, City Manager, stated this will be done, unless Council stops it.

Councilman Whittington stated he wants to vote for this zoning because this block has been left out of all the other, from Caswell Road up to Van Ness, and it should be changed to office-institution. He asked if Council can rezone this property today to office-institution except the proposed right of way across there? Mr. McIntyre, Planning Director, replied they can zone down to a proposed right of way line. Councilman Whittington stated they can go ahead with the TOPICS program, and at such time through capital improvements they could straighten it out and carry this road all the way to Bascome or all the way to the Plaza, then you have really built a road through there. This is what he suggested to the Engineering Department four or five years ago. Councilman McDuffie stated if we plan to do that it should be in the capital improvements program.

There followed a lengthy discussion of the improvements to the streets, with a report from Mr. Hopson, Public Works Director, and Mr. Hoose, Traffic Engineer.

Councilman Short moved that the property be zoned O-6 running from its westerly boundary at Van Ness Street down to the beginning of the yellow area, as indicated on the map, and that the remainder of the petition be denied. The motion was seconded by Councilman Whittington.

During the further discussion, the Deputy City Attorney advised that Council could be in a considerable amount of difficulty if they attempted to zone this for a street as there are no street mapping laws in this state.

Councilman Alexander made a substitute motion to approve the petition as requested by the petitioners and as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie, and after more discussion, the vote was taken on the substitute motion, and carried as follows:

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

The ordinance is recorded in full in Ordinance Book 19, at Page 350.



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ORDINANCE NO. 664-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE, CREATING AN ADDITIONAL ADMINISTRATIVE ASSISTANT II IN THE UTILITIES DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted amending the 1972-73 Budget Ordinance, creating an additional Administrative Assistant II, in the Utilities Department, for the purpose of coordinating all federal, state and local funding for the Utilities Department.

The ordinance is recorded in full in Ordinance Book 19, at Page 351.

CHANGE ORDER NO. 2 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY, APPROVED.

Councilman Whittington moved approval of Change Order No. 2 in contract with Crowder Construction Company, increasing the contract price of \$720,805.00, by \$1,650.00, for the installation of 300 lineal feet of pipe handrail on new concrete steps and retaining walls in the contract for culvert construction and street construction in the Belmont Area. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman McDuffie requested that someone look at Parkwood Avenue where it connects to the new bridge which is not completed because the bond issue failed. That Parkwood is a new six lane street but it is curbed over and you have to go around. He suggested that the street be left open over to Caldwell until the new bridge is put in. With a traffic signal at Caldwell you could have controlled traffic and could make it a direct way to get in and out until the railroad bridge is completed.

ORDINANCE NO. 665-X TRANSFERRING FUNDS TO PROVIDE FOR THE DEMOLITION OF A STRUCTURE INVOLVED IN THE NORTH MCDOWELL STREET WIDENING PROJECT.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted, transferring \$2,000.00 to provide for the demolition of a structure involved in the North McDowell Street Widening Project.

The ordinance is recorded in full in Ordinance Book 19, at Page 352.

ORDINANCE NO. 666-X TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT FUND FOR THE WIDENING OF WELLESLEY AVENUE.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance transferring \$7,000.00 within the Capital Improvement Fund for the widening of Wellesley Avenue, as approved by the City Council on October 24, 1972.

The ordinance is recorded in full in Ordinance Book 19, at Page 353.

AMENDMENT TO CONTRACT BETWEEN MODEL CITIES DEPARTMENT AND CHARLOTTE AREA FUND FOR OPERATION OF PRE-SCHOOL DAY CARE PROJECT, APPROVED.

Councilman Alexander moved approval of subject amendment to contract between Model Cities Department and Charlotte Area Fund for the operation of pre-school day care project, increasing the budget from \$18,750 to \$21,000. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION.

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

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following ordinances were adopted affecting housing declared unfit for human habitation:

- (a) Ord. No. 667-X ordering demolition and removal of building at 621 Cherry Street.
- (b) Ord. No. 668-X ordering dwelling at 328-330 Lillington Avenue to be vacated and closed.
- (c) Ord. No. 669-X ordering dwelling at 335-37 Harrison Street to be vacated and closed.
- (d) Ord. No. 670-X ordering dwelling at 2400 Dundeen Street to be vacated and closed.
- (e) Ord. No. 671-X ordering the dwelling at 2404 Dundeen Street to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 354, and ending at Page 358.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAIN AND SANITARY SEWER TRUNK, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approving the following contracts for the construction of a water main and sanitary sewer trunk, as follows:

- (a) Contract with Koger Properties, Inc. for the construction of 1,020 feet of 8-inch c. i. water main and two fire hydrants in Executive Center Drive, outside the city, at an estimated cost of \$6,400.00. Funds will be advanced by applicant and will be refunded under terms of existing city policies.
- (b) Contract with Raymond E. Lurz for the construction of 150 linear feet of 8-inch sanitary sewer trunk at the rear of 4445 and 4451 East Independence Boulevard, inside the city, at an estimated cost of \$1,350.00. The applicant has deposited 100% of the estimated cost and will be refunded in accordance with the agreement.

ENCROACHMENT AGREEMENTS, APPROVED.

Councilman Jordan moved approval of the following encroachment agreements, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Agreement with the State Highway Commission permitting the City to construct an 8-inch c. i. water main in Arrowood Road, east of Nations Ford Road.
- (b) Agreement with the State Highway Commission permitting the City to construct an 8-inch V.C.P. sanitary sewer line within the right-of-way of Highway 24 and 27 to serve 5000 Albemarle Road.
- (c) Agreement with the State Highway Commission permitting the City to construct a 24-inch water main within the right of way of SR 3686 (Park Road), SR 3684 (Barclay Downs Drive), SR 3814 (Woodlawn Road) and SR 3600 (Sharon Road).
- (d) Agreement with the State Highway Commission permitting the City to construct an 8-inch c. i. water main within the right of way of the I-85 Service Road, at Sugar Creek Road.

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**RESOLUTION AUTHORIZING AGREEMENT WITH THE SEABOARD COAST LINE RAILROAD COMPANY PERMITTING THE CITY TO CONSTRUCT AN 18-INCH SANITARY SEWER LINE UNDERNEATH A RAILROAD TRESTLE TO SERVE PARKWAY AVENUE TRUNK.**

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, subject resolution was adopted authorizing an agreement with the Seabaord Coast Line Railroad Company permitting the City to construct an 18-inch sanitary sewer line underneath a railroad trestle to serve Parkway Avenue Trunk.

The resolution is recorded in full in Resolutions Book 8, at Page 475.

**PROPERTY TRANSACTIONS AUTHORIZED.**

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, authorizing approval of the following property transactions

- (a) Acquisition of 10' x 287' and 15' x 663.96' easements at Chesapeake Drive, from Pneumafil Corporation, at \$950.00, for sanitary sewer trunk to serve Chesapeake Drive.
- (b) Acquisition of 15' x 665.42' of easement at 8200 Albemarle Road, from Nancy A. Starrette and husband, at \$765.00, for sanitary sewer to serve Olde Savannah.
- (c) Acquisition of 15' x 373.83' of easement at 8320 Albemarle Road, from Henry P. Walker and wife, at \$474.00, for sanitary sewer to serve Olde Savannah.
- (d) Acquisition of 10' x 15' of easement at RFD 11, Box 224, Huntersville, from Iris J. Alexander (single), at \$50.00, for Interstate 77 sewer crossing.
- (e) Acquisition of 9.25' x 15' of easement at corner of Reames Road and Interstate 77, from Dr. Lowell E. Brittain and wife, at \$50.00 for Interstate 77 sewer crossing.
- (f) Acquisition of 10' x 15' of easement at RFD 7, Box 611, Huntersville, North Carolina, from Coleman Reames and wife, at \$50.00, for Interstate 77 sewer crossing.
- (g) Acquisition of 10' x 50.10' of easement at 5236 South Boulevard, from Calvin Mitchell and wife, at \$100.00, for sanitary sewer to serve White Stores, Inc. (5130 South Boulevard).
- (h) Acquisition of 25' x 248.15' of easement at 3639 Interstate 85, from Canada Dry Bottling of Raleigh-Durham, Inc. at \$250.00, for Upper Irwin Creek Interceptor sanitary sewer construction.

**PROPOSAL FROM LAW ENGINEERING TESTING COMPANY FOR SUBSURFACE SOIL INVESTIGATION FOR NEW PARALLEL RUNWAY AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.**

Councilman Whittington moved approval of the subject proposal from Law Engineering Testing Company for subsurface soil investigation in the amount of \$20,000, for the new parallel runway at Douglas Municipal Airport. The motion was seconded by Councilman Jordan, and carried unanimously.

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CONTRACT AWARDED CROWDER CONSTRUCTION FOR ALTERATIONS TO BUILDING AND FACILITIES FOR WEST THIRD STREET-WEST FOURTH STREET CONNECTOR.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject contract was awarded the low bidder, Crowder Construction Company, in the amount of \$123,120.00, on a unit price basis, for alterations to building and facilities for West Third Street-West Fourth Street Connector.

The following bids were received:

Crowder Construction Co.	\$123,120.00
Hipp Construction Co.	136,408.00
Rogers Builders, Inc.	159,168.00

Mr. Hopson, Public Works Director, stated this is the Virginia Paper Company and this was in the agreement between the paper company, the City and the railroad which was passed recently by Council. Also the Henderson-Gilmer building across the street requires some improvements.

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY, INC. FOR STREET IMPROVEMENTS AT THE PLAZA AND CENTRAL AVENUE.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding subject contract to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$71,872.05, on a unit price basis, for street improvements at The Plaza and Central Avenue.

The following bids were received:

T. A. Sherrill Construction Co., Inc.	\$71,872.05
Crowder Construction Co.	74,996.50
Rea Construction Co.	75,115.45
Blythe Brothers Co.	78,481.75

Mr. Hopson, Public Works Director, stated this will add a lane on The Plaza as it approaches Central Avenue, and will set the curb back as far as possibility to go to more lanes in this area - three lanes on one side and two on the other, and rounding off all four corners.

Councilman Whittington asked if parking is permitted in that block of The Plaza? Mr. Hoose replied parking is permitted in front of the doctor's office on the west side of The Plaza, and this will have to be changed.

CONTRACT AWARDED L. A. REYNOLDS COMPANY FOR SANITARY SEWER TO SERVE AIRPORT INDUSTRIAL PARK.

Councilman Withrow moved award of contract to the low bidder, L. A. Reynolds Company, in the amount of \$65,592.90, on a unit price basis, for sanitary sewer to serve Airport Industrial Park. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

L. A. Reynolds Company	\$ 65,592.90
Ben B. Propst	78,697.00
Sanders Brothers, Inc.	89,794.20
Thomas Structure Co.	94,108.90
Crowder Construction Co.	100,188.90

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CONTRACT AWARDED AGA CORPORATION FOR SURVEYING EQUIPMENT.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, AGA Corporation, in the amount of \$5,013.00, for surveying equipment.

The following bids were received:

AGA Corporation	\$5,013.00
AGA Corporation	5,252.00

BIDS FOR SANITARY SEWER CONSTRUCTION TO SERVE WILKINSON BOULEVARD MOBILE HOMES, REJECTED.

Councilman Short moved that all bids received for the construction of sanitary sewer to serve Wilkinson Boulevard Mobile Homes, be rejected as recommended. The motion was seconded by Councilman Withrow, and carried unanimously.

COUNCIL ADVISED THAT MODEL NEIGHBORHOOD COMMISSION MEETING INDICATED ON THE SCHEDULE OF MEETINGS WILL NOT BE HELD.

The City Manager advised that the Model Neighborhood Commission meeting shown on the schedule of meetings will not be held. That this information was given to the Clerk's office by rote; that the Commission does not meet that way; they only have call meetings.

Councilman Alexander stated regular meeting dates have been requested established for this Commission instead of a call situation.

Mayor Belk stated Mr. Alexander is right; they were trying to set up a schedule for regular meetings. Councilman Alexander stated the regulation was established through the Commission that regular meetings be established. The Mayor requested the City Manager to talk with the Director of Model Cities and give Council an answer to this.

Mr. Burkhalter advised that he has heard from the Housing Authority and the Park and Recreation Commission advising they will not schedule meetings on the same day and hour of the city council.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF SANITARY SEWER LINE WITHIN THE RIGHT OF WAY OF PARK ROAD, AUTHORIZED.

Councilman Whittington moved approval of an encroachment agreement with the State Highway Commission permitting the City to construct a 54-inch sanitary sewer line within the right of way of Park Road for sanitary sewer to lower Briar Creek Interceptor at Park Road. The motion was seconded by Councilman Withrow, and carried unanimously.

REPORT ON BELHAVEN AND I-85 RAMP TO BE MAILED TO COUNCIL.

The City Manager advised he has received a report requested by Council on the Belhaven and I-85 ramp, and he will mail the full report to Council this week.

He stated the State and Traffic Engineering Department have worked on this problem and they advise the area of roadway on each side of the ramp, which is the I-85-Belhaven ramp, for about 400 feet to I-85 will have one additional lane to set up a right movement from the ramp to Belhaven Boulevard, and a left turn movement. At present, one left turn movement holds up nine right turn movements. They will also improve the turning radius to the right by removing the old curb and improve the site distance by removing part of the bridge railing and relocating signs. The Traffic Engineering Department is to conduct 12 hour traffic surveys, 7:00 A.M. to 7:00 P.M. of all movement within the next week.

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COUNCIL ADVISED THAT FRANK HAAS AND HENRY UNDERHILL ARE BOTH MAKING GOOD PROGRESS.

Council was advised that Mr. Frank Haas, Superintendent of Cemeteries, is in the hospital at Myrtle Beach, South Carolina. That he had a heart attack, Thursday a week ago. Councilman Jordan stated he was down this past week and went over to see him, and he is supposed to stay three or four weeks before he will be permitted to come home.

Council was also advised that Mr. Henry Underhill, City Attorney, is at home after being in the hospital for an operation, and he is much improved and will probably be in the office next week for a short period of time.

Mayor Belk requested the City Manager to write each of these men and express the good wishes of the Mayor and City Council for a speedy recovery.

COUNCILMAN JORDAN LEAVES MEETING.

Councilman Jordan left the meeting at this time and was absent for the remainder of the Session.

MAYOR REQUESTED TO CONTACT SOUTHERN RAILROAD ABOUT LITTER ALONG RAILROAD TRACKS IN THE DILWORTH AREA.

Councilman McDuffie stated he is going to pass around a picture of the litter along the railroad tracks in Dilworth area. That this has been there for a year, and he would like for the Mayor to contact Southern Railroad about this. This is the same problem they had in North Charlotte when the residents claimed the railroad would not remove the old ties and materials along the tracks which was rotting. Councilman McDuffie stated the railroad has not honored the request he put in through the City Manager's office to do something about this.

DISCUSSION OF THE NEED FOR PLANS FOR INDEPENDENCE BOULEVARD, FROM HAWTHORNE LANE OUT.

Councilman McDuffie stated Council is derelict in its duties when it does not have any plans on the board about Independence Boulevard, from Hawthorne Lane out.

The City Manager advised the City has asked the State to use a consulting firm on this as they do not have the staff to do it. Mr. Hoose, Traffic Engineer, stated the city asked the State sometime ago to do this corridor study. They had some money appropriated but they did not have the staff to do it. That the City Manager wrote a letter suggesting this be let to a private concern. Councilman McDuffie stated he thinks the city should put up its own money to have this study. Somewhere down the road we should tell the state we have the money or just do it ourselves. Mayor Belk stated he is not against it; that he thinks this is the worse boulevard through the city. Councilman McDuffie stated if Seventh Street was four-laned all the way to Independence Boulevard, it could be one way from the Coliseum in. Mayor Belk stated he will call Mr. Faircloth of the State to see if he has anything on this.

The City Manager stated when the City asked the State to do this study there were favorable inclinations they would do it. Now we are caught in this Philadelphia plan; they cannot spend any federal money in Charlotte without this.

Councilman McDuffie asked what can we do in the meantime on a smaller scale to know what to do with all the traffic that is going to come out there, with Independence merging with the Northwest Freeway. Just say we have no plan!

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Mr. Hoose, Traffic Engineer, stated we are doing the best we can with what is out there. Some intersection redesigns have been done, and there are two more intersections to be done. Last week, Council approved a municipal agreement to spend state funds and not federal funds to do one. He stated the City has been caught in a bind under the Philadelphia plan because they do not have that much state money and they have federal money. He stated they are going to do some intersection movements at Hawthorne Lane and Independence. They will prohibit a left turn at Hawthorne Lane, north and south. Drivers will have to circle the block, and this will add an additional 21 seconds to the through grade on Independence. He stated they have retimed the signals and there is a new signal system in. That street carries almost 50,000 cars. That this will go into effect just as soon as he can get it completed.

Councilman McDuffie stated if Independence traffic could be diverted down 7th Street one way out, Hawthorne Lane could be one-way to Independence, and then everyone coming in would come in on 8th Street, turn right on Hawthorne and since Hawthorne would be one way make a left-turn onto Independence and traffic would never have to stop to make a left turn on 7th Street.

That he is suggesting that Independence traffic turn on Seventh Street coming from the Charlottetown Mall - one way Seventh Street, all the way out past the new shopping center, past Idlewild Road.

#### MOTION SETTING CONFERENCE SESSIONS OF COUNCIL IN COUNCIL CHAMBERS.

Councilman Whittington requested the City Manager to bring to Council a plan whereby Council conference sessions can be held in the conference room so that Council will have an opportunity to discuss these things such as Mr. Short and Mr. McDuffie have been discussing today. That this meeting would be open to the press and anyone else interested. It would eliminate all these things having to be discussed in the official meeting.

Mayor Belk stated he would object to the conference room because of the size of the room.

After further discussion, Councilman Alexander moved that Council hold its conference sessions in the Council Chamber. The motion was seconded by Councilman Withrow, and carried unanimously.

#### COUNCIL ADVISED THAT CENTRALINA BOARD OF DELEGATES WILL MEET IN MOORESVILLE ON WEDNESDAY NIGHT AT 7:00 O'CLOCK.

Councilman Short stated the Centralina Board of Delegates will meet in Mooresville this coming Wednesday at 7:00 o'clock for a reception and dinner. Then a number of items will be considered such as employing personnel to study available programs to aid the aging and the regional structure to expedite federal funding for health and environmental planning. They will also consider the legislative program. The Board will be asked to approve the conference committee among four Councils of Government which is aimed at cleaning up the pollution in the Yadkin and Catawba River basins. He extended an invitation to each member of Council to attend this meeting.

#### RESOLUTION EXPRESSING COUNCIL'S FEELING ABOUT THE FOX FIRE APARTMENT PROJECT (A-95) ON MULBERRY CHURCH ROAD REQUESTED PLACED ON AGENDA FOR NEXT MEETING.

Councilman Whittington requested the City Attorney to prepare a resolution expressing Council's feelings about what it will recommend to Mr. Short, the city's representative to COG, in the Fox Fire Apartment Project to be located on Mulberry Church Road. That this is a federal program and it will be an FHA program. Councilman Short stated this is identified as A-95, Centralina Item 72-43.

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REPORT ON BOND REFERENDUMS HELD IN MUNICIPALITIES IN NORTH CAROLINA THIS YEAR.

Councilman Short stated 33 municipalities in North Carolina have held bond referendums so far this year, and every proposition has passed with the exception of those items in the September 2, Charlotte referendum which did not pass. A great many of these were water and sewer projects which were self-sustaining. But a number of others passed that were not self-sustaining such as the building of four city halls, three parks and two fire stations, a lot of street improvements, \$6.0 million of off-street parking in Winston-Salem, and \$1.3 million in Winston-Salem for rapid transit system. Throughout North Carolina, the cities this year have sought \$86.0 million and \$61.0 million has been approved.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE THE NEED FOR TRAFFIC CONTROLS AT I-77 AND BEATTIES FORD ROAD.

Councilman Alexander stated with the opening of I-77, traffic coming off the ramp into Beatties Ford Road, and traffic traveling north to make a left turn to go into I-77 off Beatties Ford Road above the bridge is very difficult. Someone is going to get killed. He stated he does not know what arrangements have been made for traffic controls at these two points, but unless and until something is done, he would suggest that these two ramps be closed off. He requested the City Manager to have the Traffic Engineer investigate this and give him an answer immediately.

CONFERENCE SESSION REQUESTED WITH POLICE OFFICIALS ON MANY INCIDENTS OF HOLD-UPS IN THE CITY.

Councilman Alexander stated Council needs to sit down with the Police Chief and other officials and find out what is necessary to do something about this situation. That if it is the type of thing that requires comments that should not be made public, then our legal department should see what can be established to arrange this kind of talk. He stated we as City Officials should not continue to sit and have no knowledge about this situation. It looks as if Charlotte is now a place for all the hold-up experts in the country. He requested that an immediate conference be arranged with the police officials for these discussions.

Councilman McDuffie asked the City Attorney to advise Council if the City can require convenience stores to have cameras such as they use in banks. Mr. Watts, Deputy City Attorney, replied he will look into this, but he does not think the city has such authority. The City Manager stated the City can control the operation hours of these stores.


CITY MANAGER REQUESTED TO ARRANGE A MEETING WITH THE NEW COUNTY COMMISSION AND THE LOCAL DELEGATION.

Mayor Belk requested the City Manager to arrange a meeting with the newly elected county commissioners to try to keep them informed on what the city is doing. That he would also like a meeting with the Local Delegation as soon as the legislative package for the city is ready. That Council should have a preliminary meeting on this before presenting it to the Delegation.

Councilman Withrow suggested that the City Manager make up an agenda for these meetings; if Councilmembers have anything they would like placed on the agenda, then they should call the Manager and talk to him about it, and he will make the decision about whether or not it will be placed on the agenda.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk