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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, June 18, 1973, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Chairman pro tempore James B. Whittington presiding, and Councilmembers James D. McDuffie, Milton Short and Joe D. Withrow present.

ABSENT: Mayor John M. Belk and Councilmembers Fred D. Alexander, Ruth M. Easterling and Sandy R. Jordan.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Finley, Jolly, Kratt, Ross and Royal present.

ABSENT: Commissioners Boyce, Moss and Turner.

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COUNCILMAN WHITTINGTON ELECTED CHAIRMAN OF MEETING IN ABSENCE OF MAYOR AND MAYOR PRO TEM.

Councilman Short moved ad hoc that Councilman Whittington be elected Chairman of today's meeting. The motion was seconded by Councilman Withrow, and carried unanimously.

INVOCATION.

The invocation was given by Mr. David Burkhalter, City Manager.

APPROVAL OF MINUTES.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the minutes were approved for the meetings on May 29, June 4 and June 11, 1973.

STATEMENT BY CHAIRMAN WHITTINGTON.

Chairman Whittington stated before the zoning hearings are heard today that he should say, because of the absence of the Mayor and three members of Council, he has been elected to preside and he will have a vote.

He stated since there are only four members present, which is a quorum, if there is any item on the docket today that is not unanimously agreed upon, this meeting will be adjourned until 4:00 o'clock p.m., Friday, June 22, to continue when more members of Council and the Mayor will be in attendance to resolve the question.

HEARING ON PETITION NO. 73-23 BY EDWARD C. GRIFFIN, J. T. POLK, AARON T. BAKER, HUGH K. EAGLE AND OLETTA RUBY DEESE FOR A CHANGE IN ZONING FROM R-9 TO O-6 AND R-9MF OF PROPERTY FRONTING ON THE NORTHERLY SIDE OF MONROE ROAD BEGINNING ABOUT 1,350' EAST OF SHARON AMITY ROAD AND PROPERTY ON BOTH SIDES OF THE EASTERLY END OF LANTANA AVENUE WITH FRONTAGE ON THE SOUTH SIDE AND ON THE NORTH SIDE.

The public hearing was held on the subject petition on which a protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

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Mr. Fred Bryant, Assistant Planning Director, stated this property is located north of Monroe Road, leading easterly through the city. He pointed out Sharon Amity on a map coming from Independence Boulevard, running southerly to the intersection of Monroe Road. The property is north of Monroe Road and east of Sharon Amity, a majority of the property is related to Lantana Avenue, Lantana being the street parallel to and just north of Monroe Road; being a dead end street at the beginning of this property. The other portion of the property is related and has frontage on Monroe Road. The land use configuration in the area is probably familiar to most of Council. Within the bounds of the property itself, there is first of all, in the northwesterly corner, a single family house that is on the property owned by Mr. Griffin. There is an existing lake located on the property and there is another single family house that is really related to Monroe Road that is on the back portion of this property. There is an operation on Monroe Road, within the bounds of the subject property, which has been used, from time to time, for topsoil and other types of similar sales and storage operations. There is a single house on Monroe Road at this point and the rest of the property and the majority of the property is vacant.

He stated the adjoining land uses are principally residential in nature; coming down Lantana Avenue, there is almost a solid pattern of residential usage, with the exception of a couple of duplexes located near Sharon Amity; and the rest of the residential development is single family in nature. There are two single family houses on the property just north of Lantana. To the north of the property, along several streets that come in from Independence Boulevard, there is a satellite single family residential category use. To the east, along Glendora Drive, there is a predominance of single family development with a couple of vacant lots as you come down Monroe Road. The large wooded area on the south side of Monroe Road is the Sharon Memorial Cemetery, then there are the Lemon Tree Apartments. To the west of the property and along Monroe Road, there are a couple of office buildings which were changed to an O-6 classification; still remaining several single family homes as well. The predominant pattern of land use in the area is residential at the present time.

The zoning pattern on the property in question is zoned single family residential classification at the present time and is adjoined on several sides by similar single family residential zoning. The one area in which it adjoins non-residential zoning is the strip of land along Monroe Road and immediately west of the frontage portion of the property and that is O-6. When you come up to Sharon Amity Road, there is business zoning around the intersection on the corners there and then some multi-family zoning along Sharon Amity itself. There is also the beginning of office zoning on the southside of Monroe Road, east of the property, and the multi-family zoning which accommodates the Lemon Tree Area. There is a large Duke Power Company line which extends along the easterly portion of the property and a substation as well.

Mr. Bryant pointed out that this request involves two types of zoning; the frontage portion of the property has been requested for office classification, the remainder of the property has been requested for multi-family; so it is a joint petition requesting a combination of office and multi-family rezoning.

Councilman Withrow asked if anyone knows how deep the water was when we had the last flood in that area and Mr. Bryant replied he did not know.

Chairman Whittington asked if he had the development plans for this project. Councilman Short asked if this is the beginning of McMullen Creek and Mr. Bryant replied he has the understanding there was a very large lake in the area at one time; the majority of which has been drained and some filling has taken place over a period of years. There still remains a small lake up in this area. Councilman Withrow stated he just wondered about the water and Mr. Bryant replied he could not answer that question.

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Councilman Short stated the flood plain ordinance certainly has not advanced to the point of considering this property, if it would ever consider it, but possibly the Planning Commission might give Council some comments as to how it would apply to this property if it were tested.

Mr. Joe Griffin, attorney representing the five petitioners, stated at first glance it looks like they are going to multi-family in the heart of single family zoning. The question that has been presented thus far is that this property is low lying and unsuitable for single family zoning.

He pointed out that on the east side of the property, the power line has a 68 foot right of way and they think this will be a good buffer as to the single family property adjoining it. On the south, it is buffered by Old Monroe Road, which is a four-lane highway that is not suitable for single family residence. On the west, the first part of it is buffered by the 0-6 zoning and then it is residential along that side. However, there is a 30-foot drift along the lower part of that side which is reserved for right of way.

On the north, or back side of the property, they have determined they cannot, to the best of their knowledge and ability, get into it from those streets.

Mr. Griffin stated he would like to mention the terrain of the property. Principally, it is not suitable for single family development. There is a big drain, about 10 feet wide going right down through there. Finally, as to the front of the property that is being asked to be zoned 0-6, they are asking Council to consider from that point on toward Charlotte, on both sides of the road, it is almost continuous, either office or business, for a good portion going from this property back toward Monroe.

If for no other reason, is the fact of the four lane highway, it seems to make it obvious that it is not suitable for single family residence. To the north of the property, there are some things that would perhaps make it more palatable to the protestor and to the Planning Commission. That their request is for R-9MF but it would not bother them at all if this were changed to R-12MF. There is now an existing lake and one single family residence; it is in the development plan that one of their clients, Edward C. Griffin, has to leave the lake and the single family residence there, in the event this area was deleted from the R-9MF request, or R-12MF would be satisfactory; then, that would be agreeable.

Mr. Griffin pointed out the area in question on the map and stated he believed Mr. Bryant has the lake too large on the map, but it would cut off a slice, running into Lantana Avenue. It would not hurt them and it would assure the protestors that there would be a buffer of the width of the lake and the single family residence.

Chairman Whittington asked Mr. Griffin the name of the street and Mr. Griffin replied Harcourt Lane.

Mr. Griffin stated Mr. Polk, one of the petitioners, would be willing to delete this from the request of R-9MF. He stated if you would delete this part, you would have office to office, residence to residence and would have the buffer of the lake behind the line; it would be buffered on three sides from the single family development.

He stated he would be remiss if he did not point out that there are five clients he is representing, four of them having part office zoning and one of them of the four having part office and part multi-family and one having multi-family. That he has been requested by the client that has multi-family to ask the Planning Commission and Council that in the event that they did not see fit to go along with all this request, please do not penalize the office part on the front. There are five people and he does not want any of them to feel they have been misled or misrepresented in any way.

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Mr. H. B. Steele, 5501 Lantana Avenue, stated he is not an adjoining property owner but is within about 500 feet of the property. That a portion of this property was up for rezoning last year but was turned down, the Ed Griffin portion from the lake back north to the other property owners up there.

Mr. Steele stated he would like to read the following letter in protest of this petition:

"Mayor Belk
City Council
Planning Commission
Charlotte, N. C.

This is to protest the re-zoning of the parcel of land located between Monroe Road, Glendora Road, Lantana Avenue and Yardley Place.

Part of the request is for O-6 along Monroe Road to which I do not object, but I do protest multi-family residence in the remainder for the following reasons:

Through traffic in what is now a cul-de-sac (Charleston, Lantana, etc.) would endanger our children and add to what is now a major traffic problem in the city. The water shed is bad now and a flood plain would ensue if all the trees and grass were removed.

I further protest the lack of a zoning sign at Yardley Place because somebody 'thought we weren't interested.'

Yours very truly,

William G. Robbins
4825 Charleston Dr."

Mr. Steele stated in talking with Mr. Robbins today, he learned his neighbor's driveway was washed out to the extent of about three feet deep on last Friday's flood in this general area. He said it was coming from the paving of the business lot just north of this belt and spilling water in this area.

He stated the other item he wanted to mention was an excerpt from the June 10th Charlotte Observer concerning the two traffic articles on the east side of Charlotte. The reporter labeled Monroe Road and Sharon Amity as Number Three in these dangerous intersections. This intersection was improved in 1969 and 1970 to last until 1995 capacity, but has already reached these volumes. The reason is the recent explosive growth on the eastern portion of the city. Left turn lanes were installed here because of the safety factors but this has caused congestion. The only plans now are to lengthen left turn lanes.

Mr. Steele stated this is the Number Three intersection in the City of Charlotte and this information is from the City Traffic Engineers.

That over a little further in the article is Number Ten - Independence Boulevard and Sharon Amity and that 40,000 vehicles go north and south on Independence Boulevard a day; 20,000 on Sharon Amity, at this one intersection. Number Three, Monroe and Sharon Amity Road have 3,400 vehicles to cross here in a peak hour. Number Ten shows 4,360 vehicles crossing this intersection within one peak hour.

Councilman Withrow asked if Mr. Robbins is speaking for the whole group who protested and Mr. Steele replied he is speaking for the group.

Councilman Withrow asked the City Attorney if Mr. Robbins can withdraw the protest on the office part of the petition? Mr. Steele stated that in talking to these property owners, they did indicate to him that they would not protest the office zoning on Monroe Road for that part of it. Mr. Underhill, City Attorney, replied since all the property was included in one petition and the protest has to be signed by a sufficient number to invoke the 3/4 Rule which stands against the entire petition, you could not sever off one part of that property under petition from another; it would have to stand as one petition, as submitted.

Mr. Steele stated he may not be the spokesman for the group but just knows a fairly good number of individuals that signed the protest. Mr. Underhill, City Attorney, stated that he does not know where Mr. Robbins lives, possibly on Charleston Avenue, but there are others on other streets that abut this particular property and unless Mr. Robbins is authorized to speak for the 30 people who signed the protest, he does not think his lack of objection to the Monroe Road portion of this petition would be sufficient to withdraw the protest to that portion of it, just speaking by himself as one property owner signing the petition.

Mr. Deese, 6117 Monroe Road, stated from what Mr. Steele read, it was his understanding that he was speaking for the entire group to the objection of this zoning on Monroe Road and he was speaking, not only for himself, but for the entire group. Mr. Steele replied that is correct.

Mr. Underhill stated in the past when such a situation has developed, when we had protestors who wished to withdraw a protest, we required everybody that signed the protest to also sign the letter of withdrawal. That all we have here is a letter from a Mr. Robbins, saying that he, and he puts it in the first person, "I do not object". He stated he did not know if this would be sufficient to withdraw the protest as it relates to the other people as it does not point out anywhere that he is their spokesman or that they have given him the authority to make such a withdrawal. He further stated as a matter of fact Council would not accept it unless it was signed by everyone that signed the original protest. If he is their agent and is authorized to act for the remainder of the protestors, then Council would have to have some proof of this before it could be accepted.

Mr. Griffin stated his office would be happy to submit a petition of withdrawal as to only the office if Council would merely vote to give us an extension of time to withdraw the protest if this can be done.

Mr. Underhill stated this could not be done as the Code does not speak to withdrawals of protests but the way we have handled this in the past would be that a request for withdrawal can be filed with the Council any time before they vote. Mr. Underhill asked if Mr. Griffin is speaking of the protest and not with the withdrawal of the zoning petition and Mr. Griffin replied withdrawal to the protest as to the office only, if Council would so permit.

Chairman Whittington stated he did not feel Council would object to his presenting this withdrawal at the next meeting on July 2. That he would say for himself, and not speaking for the rest of Council, that before he would want to vote on the petition one way or the other, that he should present to Mr. Tate and the Planning Commission a development plan so that they will have something to see and Council will have something to see as it relates to R-9MF where his house and this lake and just how wide it is going to be. It should also state that Charleston Drive and the other streets will not be opened - all of this, he would want to see in the development plan, speaking only for himself, before Council considers this, and he hopes Mr. Griffin will cooperate.

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Mr. Underhill stated to keep everything straight in that regard, there have been a couple of fairly recent cases that the North Carolina Supreme Court has decided involving rezoning changes that put out some guidelines as to how you are to interpret representative drawings or plans presented to Council by anyone seeking rezoning. He stated the person seeking rezoning is not bound by plans or drawings, or sketches which they may present. They are committed to use the property if the property is rezoned for any of the uses that are permitted under the permitted use pattern and locking a petitioner into a particular drawing or plan which he cannot deviate from, as long as your zoning order permits a variety of uses, is, under law, considered contract zoning and therefore is invalid. He stated he would also point out that the petition, in this case, is not the type of zoning that requires a development plan and would not be legally bound by any plans they may present to Council, or the Planning Commission, and they would be permitted to, if the zoning should change, to develop the property in accordance with what the zoning permits.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 73-20 BY PAUL H. MOORE, W. C. STEWART AND T. J. HAWTHORNE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY AT 425 and 427 PECAN AVENUE AND AT 1940 AND 1942 AND 1944 EAST EIGHTH STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this petition consists of three lots, two of which face Pecan Avenue at or near the intersection of Eighth Street, the third one being one which faces Eighth Street, near Pecan. The property in question is near Eighth Street, Hawthorne Lane, Lamar, Clement and then on to the intersection of Pecan. That Seventh Street comes out parallel to Eighth Street where it intersects with Caswell Road and Pecan and continues on easterly through the city.

He stated the property in question is located at the intersection of East Eighth Street and Pecan and has on it at the present time several nonconforming uses. First of all, on the one lot that faces East Eighth Street, there is a sheet metal company operating out of the building at the present time. On the rear portion of one of the corner lots which comes out to Pecan, there is a sign painting establishment located in a building also facing Eighth Street on the rear of that corner lot. Facing Pecan Avenue, there are two residential structures on the two lots facing Pecan, so there are at least two nonconforming business uses that have been established on this portion of the property.

Mr. Bryant stated the surrounding land use is somewhat mixed, on the Seventh Street side of the property, there is solid configuration of business activities and business zoning, including Stanley Drug Store and several other retail stores located on Seventh Street. There is an electrical contractor facility located on Pecan about midway on the block between Seventh and Eighth, a barber shop and several other businesses in this general area.

That a service station is located on one corner at Seventh Street and Pecan; immediately adjacent to the property, on Eighth Street, there are two single family homes and another nonconforming structure located on Eighth Street. It was a little bit unclear as to the exact nature of the use of the other structure, there was a sign on the front listing a telephone number to call to have carpet cleaned, whether or not a carpet cleaning operation is involved there, he is not sure. But in the event a commercial type building is located on that property it would be nonconforming. Other than that, Eighth Street is solidly developed into single family usage, particularly between Clement and Pecan, it is almost solidly developed with single family residences.

He stated across Pecan from the subject property is a large water tower located at the corner and then more single family housing and other scattered residential type development along Eighth and Ninth Street and the other streets in the general area.

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The zoning pattern is one of business zoning along Seventh Street out to a point past Pecan, then there is one lot on Pecan, touching the subject property to the rear, not exactly adjacent to it, that is zoned O-6. Beyond that all of the area along Eighth, Ninth and Clement is zoned multi-family at the present time. This is a request to change from multi-family to office of this property.

No one spoke for or against the subject petition.

Council decision was deferred for the recommendation of the Planning Commission

HEARING ON PETITION NO. 73-21 BY HERMAN E. WILLIS FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT AT 3217 COMMONWEALTH AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this particular lot is located on the north side of Commonwealth Avenue, east of Briar Creek Road, coming from Independence Boulevard, going up into the intersection of Commonwealth and then on in the direction of Central Avenue.

The property is in the block between Briar Creek Road, Pinecrest Avenue and Waterman Avenue, near Independence Boulevard and Commonwealth Avenue. Mr. Bryant pointed out on the map the area including the subject property which is generally utilized at the present time by single family residential usage. Near the intersection of Pinecrest and Woodland, there is a series of commercial establishments that is, for the most part, located on the southside of Commonwealth with a big variety of uses involved. These range from an upholstery shop, printing shop, grocery store, a couple of beauty shops and a service station. On the northside of Commonwealth, at the intersection of Pinecrest, there is a sewing center and an office building adjacent to that. Other than that, the area is developed with single family housing at the present time. The zoning pattern in the area is business prevalent along Commonwealth Avenue and along the area of Pinecrest and Woodland to accommodate the existing commercial structures and also to provide for some expansion to the east.

He stated this business zoning is almost completely surrounded with a narrow pattern of office zoning to serve as transition between the business and residential. Beyond this point, it is then a solid residential pattern, single family and multi-family. The subject lot constitutes a request to extend the office zoning one additional lot west, along Commonwealth Avenue and is a request to change from a single family residential zoning to O-6.

Mr. Bryant pointed out the large area which is now owned by the school board. He stated in 1962 the zoning was established and there was some considerable discussion about what the zoning of the school property should be and the end result was office classification. The major portion of the office zoning is school property.

Councilman McDuffie stated this property should be bought by the City and used for parking for the coliseum with a walkway and for satellite office building in the future. He stated it is foolish for the City to spend hundreds of thousands of dollars to buy churches and houses behind the coliseum when there is vacant land across the street.

Chairman Whittington stated Council for a long time has considered this property for additional parking for the Coliseum with a walkway. Councilman McDuffie stated this should be considered seriously because of the parking situation and getting in and out of there.

Chairman Whittington requested Mr. Bryant and his staff to give some thought to this school property and Mr. Bryant replied he would be glad to.

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Mr. John West, attorney representing the petitioner, stated his clients purchased this property about a year ago because they felt it was a good buy. That Mrs. Willis has been a beauty shop operator for a long time and would like to open a beauty shop on this property.

He stated there are already two beauty shops in the general area and the property is desirable for this use. That there are eight houses between Pinecrest and this property, four are rental and three are owned by someone who lives in the general area.

Mr. West stated this property is located in a transitional area and he did not see anything that looked new when he went out there. That there is a great variety of service type businesses in the area. Right across the street from this particular property is a house and adjoining that is a vacant lot. Then from the vacant land on back into the Woodcrest area, it is all business. On the side of the street the Willis' own, the houses are used for residential purposes and on the opposite side of the street, it is mostly commercial property.

He stated they do not have any particular use for the property other than as a beauty shop at the present time.

Councilman Short asked if his client has any plans to consolidate this property with adjoining property and Mr. West replied a councilmember's brother owns the property on the opposite side but not on the O-6 side and he is not a part of the petition. That this lot is 50' x 190', the same as all the other lots out there and all the houses are in good shape.

Councilman Short asked if a building can be put there and still have enough space for parking and Mr. West replied they would use just the house as it is now.

No one spoke against the petition.

Council decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 73-22 BY EDWARDS LUMBER COMPANY FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF 4.49 ACRES OF LAND AT 5627 PINEVILLE ROAD AND BEING NORTH OF EMERYWOOD DRIVE AND WEST OF LONDONDERRY ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request involves property that is a part of the overall ownership of the Edwards Lumber Company on South Boulevard. He pointed out the general area to Council on the map of the Lumber company site, then down to the intersection of Emerywood, down to Archdale. He stated Emerywood, runs northerly and somewhat parallel to the subject property. That the property in question is of irregular shape, about four and one-half acres and is bounded on the south by the Edwards Lumber Company use area. There has been left a 100 foot buffer adjacent to the apartment development which is to the north of the property along Kentland Lane and Flagstaff Drive; there is also another 100 foot area adjacent to the single family homes that are prevalent along Londonderry. All of the area to the east are solid single family residential pattern which is a part of the Montclair Subdivision.

Immediately in front of the property there is a strip of vacant land and along South Boulevard itself, there is a mass of various types of commercial developments ranging from a sheet metal shop which is located on the westside of South Boulevard, to a McDonald's Restaurant and then into the Woolco Shop Shopping Center and Tyvola Mall Shopping Center. To the south there is a service station on the corner, a used car lot, a Little General Store and several other businesses and than the K-Mart Shopping Center.

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He stated generally the pattern usage along South Boulevard is commercial. Mr. Bryant pointed out the Smith Junior High School on the map and stated the zoning pattern in the area at the present time to the west of South Boulevard is a solid pattern of I-2, industrial zoning. To the east, there is a solid pattern B-2, business zoning, and the property in question is bounded by existing B-2 to the south and to the west.

He stated there is R-9MF to the north of the property to accommodate the apartment development and there is single family residential zoning throughout to the east. A small area of office zoning exists along Londonderry, near Emerywood; the subject property is actually bounded by business zoning on two sides, multi-family zoning on two sides as well, but predominately single family on the eastside.

Mr. Joe Millsaps, attorney representing the petitioner, stated he would like to present Council with a small booklet, with maps, in order for them to follow along with his presentation. He pointed out the 4.49 acre tract of land requested to be rezoned from R-9MF to B-2. He stated Edwards Lumber Company has proposed a 100-foot buffer zone around the perimeter of the property; the balance of the property is already zoned B-2.

He stated in order to give Council a full understanding of how this came about, he would like to present a brief history of the property. The original purchase was made by Edwards Lumber Company in 1953; at that time Mecklenburg was not only the market for the lumber products but it was also the source for the raw material.

Mr. Millsaps stated in 1955, Edwards Lumber Company purchased Lot "B" in exchange for Lot "C" as noted in the booklet for the purpose of squaring up the property line. He noted that the 1962 zoning bisected the existing property lines of Edwards Lumber Company and the property was already in the ownership of Edwards Lumber Company at that time. Mr. Millsaps pointed out the property which is covered in the rezoning petition.

He stated he cannot answer as to exactly what will be done with the property in question except that effective January 1, 1974, Edwards Lumber Company will be moved to a new location on Monroe Road.

That Edwards Lumber Company has had a couple of inquiries about the property, one by a department store interested in the B-2 property and they are not interested in the R-9MF because it is landlocked. The other inquiry was from a furniture dealer and they have a similar problem there.

Mr. Millsaps stated the present zoning limits the 4.49 acre tract's use to its owner for all practical purposes; there is no specific plan but the absence of proper zoning for this land seriously hampers negotiations for the sale of the entire tract.

That Edwards Lumber Company respectfully requests that the Planning Commission recommend approval and the Council will vote to allow this petition for rezoning.

Councilman McDuffie asked if the zoning that took place in 1962 went a certain number of feet back and Mr. Bryant replied in this particular area the zoning pattern was established on the basis of what still appeared on the maps that were being used at that time as property lines. The zoning reflected what was thought to be a pattern of ownership, where in reality, it did not.

Councilman Short stated Mr. Millsaps has made an excellent presentation of a complicated situation.

Mr. George Trotter stated the presentation that was made is a fine one as far as it goes, however, it ignores a few essential points proposed by him to the Planning Commission. That he represents Trotter and Allen Construction Company who are the owners of the Yorktown Apartments which are immediately to the rear of this property on two sides.

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He stated this project was completed approximately three or four years ago and were number two in size in the City of Charlotte. That they are medium priced apartments, representing some 342 units.

Mr. Trotter stated they are about fourth or fifth in size in the City now and represent approximately 1,000 citizens, or taxpayers, who reside in these apartments. That he is speaking for the approximately 150 residents who will probably live there the next 50 or 75 years. This property has, on Cannon Avenue, forty eight units, with living rooms having glass doors and this property is in view from these apartments.

He stated at the time these apartments were constructed, the plan was approved by the Planning Board and they, at the time, contacted Mr. Edwards, who was then the chief owner, in regard to purchasing this property. At the time he laid off some portion of the property that he might sell and he was offered what he asked for the property. That Mr. Edwards was of the mind to sell at that time but his children were not in agreement and for that reason the property was not purchased.

Mr. Trotter stated they indicated that it would be necessary at some future time for it to be for multi-family development in order to conform with the physical architecture of the buildings that they were putting in place there and this is what they have told the Edwards family since then.

He stated Mr. Millsaps' presentation should have listed one other person as a potential buyer of this property because he was interested in buying at least the buffer strip in order to protect these 150 people in the 48 living rooms. That this was in order to give them the visual situation that they currently have. He stated the Edwards family is asking for something they are not willing to give them and they are presenting them any value for something they do not own which would be this change in zoning - this is something they do not now own, the B-2.

Mr. Trotter stated the main reason they object to the B-2 zoning is because it is not sufficiently restrictive in that it will allow such uses through there as trucks, retail and wholesale usage, cat and dog hospitals, petroleum yards for bulk storage and quite an additional list of several pages of unresidential conformances. He stated they feel it will mess up the economic, as well as the living situation for the 150 people for the next 75 years.

Councilman Withrow asked if trees were planted in the buffer zone and it was so stated that this could never be built on, would that be satisfactory and Mr. Trotter replied he would be delighted with this situation as it would be a liveable situation and anything else would not be a liveable situation in those 48 units.

Councilman Short asked if Yorktown Apartments are located on both sides of Kentland and Mr. Trotter replied the school is on one side. Councilman Short asked if the apartments are so located that their fronts are looking to the rear line and Mr. Trotter replied that is correct.

Chairman Whittington asked if the petitioners would be willing to do what Councilman Withrow has suggested and Mr. Edwards replied he would be agreeable to that.

After further discussion, Chairman Whittington suggested that Mr. Edwards get with the City Attorney and the Chairman of the Planning Commission and then Council will make a decision on this if they receive the recommendation by July 2. If this could be worked out in the interim both problems could be taken care of.

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Councilman Short stated possibly these people should get together themselves without the presence of the Chairman of Planning Commission. Mr. Edwards stated his company has always realized the problems with the property and never intended to sell this property to anybody. That they feel they have a boxed in piece of property that is virtually useless to them, and because of the terrain, and the low fall, they are going to have a fill problem there and he does not know how this would fit in with Trotter and Allen's plans but it is a definite problem.

He stated he has already relinquished 2.9 acres trying to protect Trotter and Allen's development and feels very strongly that this property ought to have been B-2 all along. If there is anyway to reconcile the situation by providing the tree cover and the slope, they would be glad to do it.

Councilman Withrow stated Mr. Trotter has indicated they would be satisfied if the buffer could remain just as it is; that nothing would have to be done; just sign an agreement that the trees and slope would remain.

Chairman Whittington stated Mr. Tate has suggested that they defer their recommendation until the two parties and the City Attorney can reach an agreement and the City Attorney can advise the Planning Commission of what has been agreed upon.

Councilman Short stated he would again suggest that these parties get together on their own hook, without any public officials being present or any public employees, and Mr. Underhill stated this would be satisfactory.

Chairman Whittington suggested Mr. Edwards and Mr. Trotter get together and notify the Planning Commission Staff, so that the Planning Commission can then get in gear to make a recommendation to Council.

Council decision was deferred for a recommendation from the Planning Commission

AMERICAN MANAGEMENT ASSOCIATION CERTIFICATES PRESENTED TO CITY EMPLOYEES.

Chairman Whittington presented certificates to the following City Employees who completed the Supervisory Management Course:

- | | |
|----------------------------------|------------------------|
| 1. Ann M. Adams | 13. Chris Griffin |
| 2. Marion M. Baxley | 14. Carey C. Hagler |
| 3. Thomas C. Birmingham | 15. Elizabeth Helms |
| 4. Charles Robinson Buckley, III | 16. Francis L. Killian |
| 5. Lynn P. Burleson | 17. Tommy N. Kiser |
| 6. Boyd F. Cauble | 18. H. Lee Madden, Jr. |
| 7. Margaret M. Cline | 19. Joseph A. Moore |
| 8. Charles M. Creech | 20. John H. Ross |
| 9. Belinda J. Crowell | 21. Joseph W. Silver |
| 10. U. G. Ford, III | 22. J. B. Stutts |
| 11. Henry W. Fox | 23. Edward Tucker |
| 12. Barbara B. Godsey | 24. Chester R. West |

Each of the employees was congratulated by the City Manager and members of Council.

Chairman Whittington stated this program, which was introduced by Mayor Belk and Mr. Burkhalter, has made our employees better personnel and better qualified to represent the City; that Council is grateful for their contributions. Councilman Withrow stated it is a pleasure to see so many young people receiving these certificates.

MEETING RECESSED AND RECONVENED.

Chairman Whittington called a recess at 3:20 o'clock p.m., and reconvened the meeting at 3:30 o'clock p.m.

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EXPLANATION OF VOTE BY CHAIRMAN WHITTINGTON.

Chairman Whittington stated for the benefit of those who have come into this meeting since the zoning hearings began at 2:00 o'clock, he announced at that time that because there were only four members of Council present, that the person in the Chair, namely Jim Whittington, could vote, but if there is any disagreement by any member of Council, on any item on the docket, that decision would have to be postponed either until Friday at 4:00 o'clock p.m., or until the next Council Meeting, on July 2nd.

APPROVAL OF TAX RATE AND PROPOSED 1973-74 BUDGET.

Chairman Whittington stated he has been informed by the City Manager and Staff that it is necessary that City Council indicate to them their thinking and desires and decisions on what the tax rate should be and what the budget should be for the year 1973-74.

Councilman Short stated he believes the Councilmembers and the Mayor are quite proud and pleased with the proposed budget and would like to proceed with it. That by careful economical management and sound and wise financial planning, the budget increases in the five major departments have been held to no more tax money than comes from the natural increase of property values in Charlotte.

He stated responsive to Council's desires, substantial funds have been made available for traffic control and for Parks and Recreation. The year end balances from last year have been very carefully rebudgeted; the complexities of annexation have been dealt with so that annexation can proceed, even if the most unfavorable outcome develops from the pending lawsuit.

Councilman Short stated there is some flexibility in this budget which might possibly allow Council an opportunity later in the year to consider several special requests for funds. The cost of living increases have been provided for all employees, and additional increases and reclassifications in a few very carefully evaluated cases.

That a 1973-74 Capital Improvements Program of \$14,813,000 is proposed for funding, mostly from bond funds, but, with \$1,460,000 of current funds, and this is considerably more than in several prior years. All of these things we have all wanted have been accomplished within the present tax rate of \$1.69 as strongly desired and requested by Council.

He stated the Councilmembers have reviewed the budget in ten hours of public hearings and have undertaken individual study and conferencing on the budget and he believes that Council can now concur that the recommended budget meets Council's concern for the Charlotte taxpayer while offering a balanced program of services.

Councilman Short moved that Council approved the recommended budget, set the tax rate of \$1.69 for 1973-74, and ask the staff to prepare the necessary formal ordinances for Council approval at the July 2 meeting. That as a part of his motion, there is the provision that the 1972-73 five year Capital Improvements Program remain unchanged, that is, to those years subsequent to 73-74 until Council considers the program following the presentation of the new thoroughfare plan. Councilman Withrow seconded the motion.

Chairman Whittington stated he would concur with what Councilman Short has said and feels that if Council can hold the tax rate of \$1.69 for two consecutive years, which is what they are doing, they are doing a better job here than in most cities across the country who have found it necessary to increase their tax rate in order to provide services for their citizens. That the most important thing is he believes it is the Council's duty to do all that it possibly can to assure the citizens that they are receiving a balanced program of services in the most economical manner without any undue hardship in terms of taxes.

He stated he feels this is what this Council has done and he would like to commend them for it and also commend Mr. Burkhalter and staff for doing just what Council told them they wanted them to do - to hold the line.

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Councilman McDuffie stated he thinks the budget is a fair document and properly projects the needs of the city and thinks Councilman Short's recommendation pointed out that there was natural growth in the budget and he would not want the public to think that Council is not aware that there is an increase of several million dollars in inflation which necessitates that and there is also an increase in revenues to take care of it. That taxes are up because of reevaluation a few years ago.

He stated Council has an obligation to meet the needs of the city rather than establishing a particular tax and he would like to encourage all who are part of government to do a better job than they have done in the past with the idea that the public is aware of the large cost of government, not only in Charlotte, but in the whole country and that they have a bad regard for not getting their dollars worth. That we, who work for the city, have an obligation to be dedicated and to try to do more and try to make everyone feel they are getting their dollars worth because everything we do in the city is not free, as the cost of street lighting alone is over one million dollars. He stated we need to help the public understand that everything we have in the budget is there for some reason and that Council welcomes their criticisms and suggestions in trying to make this a better place to live and at the same time hold the budget down.

Councilman Withrow stated he is in agreement with what has been said by the other members of Council.

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

PUBLIC WORKS DIRECTOR COMMENDED FOR ARTICLE IN AMERICAN PUBLIC WORKS PUBLICATION.

Chairman Whittington stated he would like to commend Mr. Hobson, Public Works Director, for the recent article in the American Public Works Publication regarding our Capital Improvement Project which is on the front page of the magazine. That Mr. Hopson always does a good job and Council appreciates it.

ORDINANCE NO. 800-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTHEASTERLY SIDE OF ABBEY PLACE, SOUTH OF MONTFORD DRIVE, AS PETITIONED BY ROBERT H. WATSON.

Councilman Short moved adoption of the subject ordinance changing the zoning from O-15 to O-6 of 1.6 acres of land on the southeasterly side of Abbey Place, beginning 207' south of Montford Drive, as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie.

Councilman McDuffie stated if there was another Councilmember present, he would be inclined to vote no on this petition that he felt could be handled better by the Board of Zoning Adjustment because it is backed up to the flood plan. That he would not want to be any part of more building being done along Sugar Creek that might prevent Council, in the future, from doing what needs to be done to stop the flood problem. He stated petitioners said they could get by with just a small change.

Councilman Short stated he suggested to Mr. Bob Watson that he see about the possibilities of a Zoning Adjustment here but, while he is speaking second hand, he is sure that this was just so cut up and so complex that there was no other way to realize any beneficial use of the property other than just to rezone it. Councilman McDuffie stated it was assured at the Zoning Meeting that the easement for the flood control was there and would remain unbuilt on and that this zoning request was just to rearrange the building closer to the front of the lot. He stated with that understanding, he will vote for it, and hopefully it will not come back to haunt us and cause other zoning in that particular neighborhood to be requested, just to keep up with this one that allows less setback from the street.

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

The ordinance is recorded in full in Ordinance Book 20, on Page 98.

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ORDINANCE NO. 801-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF TWO LOTS AT 2509 AND 2513 SHARON AMITY ROAD, AS PETITIONED BY JAMES T. ROBERTSON, III, GLEN L. KRUMEL AND BOBBY HORNE.

Councilman Short moved the subject ordinance be adopted changing the zoning from R-9 to O-6 of two lots at 2509 and 2513 Sharon Amity Road, as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie.

Councilman McDuffie stated he seconded the motion but he, again, does not like the zoning because there is bad zoning across the street which perpetuated this zoning; there is no way to stop the erosion when you do this kind of zoning. Every four-lane street in the city can come and say, give me office, when you grant one on the corner and the people next to it are entitled and the ones across the street, it is just an erosion that keeps going. He stated it is on a bad curve on Sharon Amity and there is no way that Council can prevent the rest of the block from being zoned office in fairness to the neighbors.

Councilman Short stated Councilman McDuffie is right but this is one of those situations that is a close decision and that is what Council is here for.

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

The ordinance is recorded in full in Ordinance Book 20, on Page 99.

ORDINANCE NO 802-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FRONTING ON THE NORTHWESTERLY SIDE OF NORTH MCDOWELL STREET, BEGINNING NORTHEAST OF EAST TRADE STREET, AS PETITIONED BY MICHAEL J. BEGLEY, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF CHARLOTTE, NORTH CAROLINA.

Councilman Withrow moved adoption of the subject ordinance changing the zoning from O-6 to B-2 of property fronting 160' on the northwesterly side of North McDowell Street, beginning 160' northeast of East Trade Street, as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, on Page 100.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON ZONING PETITIONS ON MONDAY, JULY 16, 1973.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted providing for public hearings on Monday, July 16, 1973, on Petitions No. 73-24 through 73-29 for zoning changes.

The resolution is recorded in full in Resolutions Book 9, on Page 182.

RESOLUTION APPROVING AND PROVIDING FOR THE EXECUTION OF A SECOND AMENDATORY CONTRACT AMENDING LOAN AND GRANT CONTRACT NO. N. C. R-78 (LG) BY AND BETWEEN CITY OF CHARLOTTE (SUCCESSOR TO REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE) AND THE UNITED STATES OF AMERICA AND RESOLUTION AUTHORIZING THE ISSUANCE OF PROJECT LOAN NOTES IN CONNECTION WITH URBAN RENEWAL PROJECT NO. N. C. R-78.

Council was advised that at the May 29, 1973 meeting, a resolution was adopted authorizing the filing of an amendatory application for loan and grant for Project No. N. C. R-78 (Greenville), which reduced the HUD relocation grant by \$858,507, which amount had been estimated to be surplus to our needs for completing the relocation payments for the project. That Congress appropriated this money especially for the purpose of funding the implementation of the National Uniform Relocation Assistance and the Real Property Acquisition

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Policies Act of 1970, and it could not be used for any other purpose. Since it was surplus for the Greenville Project, it was recommended that it be released and return to HUD at this time in order that it might be transferred by HUD to the First Ward Project.

Councilman Short asked how Council will know if these funds will be passed on to First Ward Project and Mr. Vernon Sawyer, Director of Urban Redevelopment Department, replied we do not know positively, but we believe the verbal statements of HUD. There is a general shortage of money that is allocated to North Carolina and which is being dispensed through the area office in Greensboro.

Mr. Sawyer stated we do know we do not need this money in Greenville, but we do need it in First Ward. That because the money can only be used for relocation purposes and cannot be used for anything else, we would have to turn it back to HUD at some point in time, because we know we need it and HUD has stated if we relinquish it now, it will be added to our First Ward Relocation Fund, they are recommending that it be done at this time. He stated we will know definitely on the 27th day of June when First Ward is supposed to be approved.

Councilman Short moved adoption of the subject resolutions, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 9, on Pages 183, 184 and 185.

RESOLUTION READOPTING A JOINT RESOLUTION OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY CREATING AND ESTABLISHING THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Mr. Burkhalter, City Manager, advised that at the last meeting of Council, a resolution was passed and the County passed one at the same time, but their resolution was a little different. Some of the wording was changed and rather than try to amend our first resolution, it was suggested that Council adopt the subject resolution.

Councilman Short stated the basic idea here is to allow the County to be able to appoint some members to this Commission who would live in the City of Charlotte although this is not their zoning jurisdiction. Mr. Burkhalter stated another change is the Chairman is to become an ex officio member of the Commission.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 9, beginning on Page 186.

APPROVAL OF THE AUTHORIZATION FOR THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF ECONOMIC OPPORTUNITY FOR THE SUMMER YOUTH SUPPORT PROGRAM.

Motion was made by Councilman McDuffie and seconded by Councilman Withrow, authorizing the submission of an application to the Office of Economic Opportunity, in the amount of \$60,000.00, for the Summer Youth Support Program.

Councilman Short asked if this is the same program as last summer and Mr. Burkhalter replied yes, this is the one which was approved late in the summer.

The vote was taken on the motion and carried unanimously.

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APPROVAL OF THE SUBMISSION OF AN APPLICATION TO THE NATIONAL LEAGUE OF CITIES/
U.S. CONFERENCE OF MAYORS FOR THE 1973 SUMMER YOUTH TRANSPORTATION PROGRAM.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, the subject application was approved for submission to the National League of Cities/U.S. Conference of Mayors, in the amount of \$7,000.00, for the 1973 Summer Youth Transportation Program.

APPROVAL OF AN LEAA APPLICATION FOR A DRUG OUTREACH CENTER OF THE NORTH
CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES.

Council was advised this application requests federal funding, in the amount of \$53,341, to establish an additional Drug Outreach Center under Open House Counseling Service, Inc. That this federal funding, when matched with \$13,948 of Model Cities funding, will make possible facilities and staffing for administering programs which are directed at the problems of drug abuse.

Councilman McDuffie stated Council had a report from Dr. Jonnie McLeod about a year ago and he would like to know if Council could get an update on the drug program as he feels it would be helpful to them. He requested that Mr. Travland, of Model Cities, prepare a report for them.

After discussion, motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, approving an LEAA Application for a Drug Outreach Center of North Carolina Department of Natural and Economic Resources.

PRESENTATION OF THE ON-SITE ASSISTANCE SUMMARY AND RECOMMENDATIONS AND THE
ACTION PLAN BY STATE CIVIL DEFENSE DIRECTOR.

Mr. K. D. Williams, Civil Defense Director, stated he appeared before Council on February 5 with a new Civil Defense Program called the On-Site Assistance Project. That after a lot of hard work by the state and federal people, the project has been finished and copies were sent to Council last week.

Mr. David Britt, State Civil Defense Director, stated Council has received the subject two documents with recommendations made by the officials of the City of Charlotte and County of Mecklenburg. That the second document is called the Action Plan and should be considered along with the Summary and Recommendations, and hopefully, a decision could be given as to Council's desire.

He stated he appeared before the County Commissioners earlier today in Charlotte and the Commissioners accepted the documents as written. That he is proud of the response from the officials of Charlotte-Mecklenburg and he could not be more pleased.

Mr. Britt stated he has been very anxious about Charlotte-Mecklenburg in that this is the most populated area in the state and they have found that this area is quite well prepared with resources. That they have some recommendations in the documents and feel there are certain coordinating aspects of programs that Council wishes to fulfill.

Councilman Short asked if Mr. Britt wanted the approval of these documents today since the County has already approved the recommendations; that in speaking for himself, he is not as familiar with the recommendations as he would like to be and would like to know if these recommendations could be approved at the next meeting of Council. Mr. Britt replied it would be satisfactory as far as he is concerned.

Councilman Short moved to accept these recommendations on the On-Site Assistance "Summary and Recommendations" and the "Action Plan" for Council consideration, which motion was seconded by Councilman Withrow, and carried unanimously.

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ORDINANCE NO. 803 CREATING A MUNICIPAL INFORMATION REVIEW BOARD REGULATING THE MUNICIPAL INFORMATION SYSTEM.

Mr. Stan R. Brookshire stated on behalf of the Municipal Review Board he is presenting, for Council approval, an ordinance which creates a permanent Municipal Information Review Board to supervise the collection, storage, use and dissemination of public records and vital information through the computerization of the municipal information system, made possible by modern technology.

He stated the ordinance which he is submitting, after many months of study, with the assistance of the City Manager's Staff, particularly the very valuable assistance of Curtis Branscome, and the assistance of the Institute of Government, is very long. That he hopes that each Councilmember has had an opportunity to read and study it.

He stated the ordinance proposes that the Board shall have seven members, appointed by the Mayor, for three year staggered terms; the Mayor shall name one of the appointees as Chairman and shall initially appoint, in addition to the Chairman, two members for a term of three years, two members for a term of two years and two members for a term of one year.

Mr. Brookshire stated he would hope Council would not consider him a candidate for any of the terms as he has other commitments which would not allow him to serve any longer than he has already served on the project.

He stated that members shall serve without compensation and shall not be eligible to succeed themselves more than once, in other words, not more than two consecutive terms. That the responsibilities of MIRB include the classification of the information to be stored and the category of persons to be privileged to the access and uses of the stored information. Proper safeguards are established in the ordinance to protect citizen's rights as provided now by law. Decisions of the MIRB are final, subject only to the reversal by City Council, on the appeal of any protesting citizens.

He stated this ordinance provides for maximum security, efficiency and speed in the storage, use and dissemination of departmental records, with safeguards against any and all unauthorized or illegal use of this information.

Chairman Whittington asked if any members had been appointed and Mr. Brookshire replied the original board was appointed by the Mayor two years ago but it was his understanding when he accepted a place on the board at that time, they were to develop an ordinance and guidelines for Council's approval, and if Council approved the ordinance, then a permanent Municipal Review Board would be appointed. That he would assume the original Municipal Review Board has been discharged.

Councilman McDuffie moved adoption of the proposed ordinance creating a Municipal Information Review Board Regulating the Municipal Information System, which motion was seconded by Councilman Short.

Councilman Short stated he has been a member of this Committee and has been to a number of meetings and he would like to take the opportunity to thank Mr. Brookshire for his leadership; that he has been right on top of the situation every time and there have been a great many complexities presented to this Committee. The basic idea is to protect citizens from an overuse of computerized data by persons. That Mr. Brookshire has been sort of in a national spot here because this is a pilot program involving just four or five cities across the country. He stated what has been achieved under his leadership has brought a certain amount of recognition amongst computer circles to the City of Charlotte and will be copied and will be a pilot for other municipalities. He stated Council certainly thanks Mr. Brookshire for this work.

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

The ordinance is recorded in full in Ordinance Book 20, beginning on Page 101.

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ORDINANCE NO. 804-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT ACCOUNT FOR CONSTRUCTION OF MINI PARKS.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted amending Ordinance No. 520-X, the 1972-73 Budget Ordinance by transferring funds within the Capital Improvement Account for the construction of mini parks, in the amount of \$9,000.00.

The ordinance is recorded in full in Ordinance Book 20, on Page 109.

ORDINANCE TO AMEND ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE TRANSFERRING FUNDS TO WIDEN PORTIONS OF NORTH CLARKSON STREET AND CATES AVENUE, DEFERRED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, action on the subject ordinance was deferred until the next meeting of Council.

ORDINANCE NO. 805-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE TRANSFERRING FUNDS FROM THE 1969 BOND ISSUE TO THE BELMONT NEIGHBORHOOD CENTER ACCOUNT.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, adopting subject ordinance transferring funds from the 1969 Bond Issue to the Belmont Neighborhood Center Account, in the amount of \$108,352.80.

The ordinance is recorded in full in Ordinance Book 20, on Page 110.

RESOLUTION FOR APPROVAL OF BELMONT NEIGHBORHOOD FACILITY CENTER SITE, PROJECT NO. N.C. N-13.

Councilman Short moved adoption of the subject resolution for approval of Belmont Neighborhood Facility Center Site, Project No. N.C. N-13, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, beginning on Page 189.

CHANGE ORDER NO. G-4 IN CONTRACT WITH BARGER CONSTRUCTION COMPANY, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, the subject Change Order No. G-4, in contract with Barger Construction Company, was approved, in the amount of \$649.80, for the Greenville Neighborhood Center.

CHANGE ORDER NO. I IN CONTRACT WITH SANDERS BROTHERS OF CHARLOTTE FOR CONSTRUCTION OF KENNEDY CREEK SANITARY SEWER INTERCEPTOR, APPROVED.

Mr. Lee Dukes, Assistant Director of Utilities Department, stated the contractor has requested permission to try a device to get under the roadway which could result in a savings to the City of \$16,000.00. That if the method does not work, the Contractor would be responsible for any cost. If this method is not successful, the original method would be used at the original price bid.

Councilman Withrow stated this method is being tried in a good many cities now. It is a new process and they claim it is working in sewer lines where, rather than digging up the lines, you put this liner in and it is doing wonders. That he feels we should try it here in Charlotte.

Councilman Withrow moved approval of subject Change Order No. 1 in contract with Sanders Brothers of Charlotte for construction of Kennedy Creek Sanitary Sewer Interceptor, which motion was seconded by Councilman Short, and unanimously carried.

MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION TO PROVIDE FOR THE INSTALLATION OF PLASTIC PAVEMENT MARKINGS ALONG STREETS WITHIN THE CITY, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving a Municipal Agreement with the North Carolina State Highway Commission to provide for the installation of Plastic pavement markings along streets within the city.

The resolution is recorded in full in Resolutions Book 9, at Page 195.

RESOLUTION TO AMEND THE RESOLUTION ADOPTED BY CITY COUNCIL ON FEBRUARY 26, 1973, AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO REPPIE MAE HARVEY AND HUSBAND, HENRY RECTOR HARVEY, LOCATED AT 942 NORTH CALDWELL STREET FOR THE NORTH CALDWELL STREET IMPROVEMENT PROJECT.

Councilman Withrow moved adoption of subject resolution to amend the resolution adopted by City Council on February 26, 1973, authorizing condemnation proceedings for the acquisition of property belonging to Rippie Mae Harvey and husband, Henry Rector Harvey, located at 942 North Caldwell Street, in the City of Charlotte, for the North Caldwell Street Improvement Project. The motion was seconded by Councilman McDuffie, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, on Page 191.

APPROVAL OF SETTLEMENTS IN AIRPORT CONDEMNATION CASES.

Upon motion of Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, the following settlements were approved for airport condemnation cases, as recommended by the City Attorney:

- (a) J. A. Bethune and wife, Mary E. Bethune Parcel 604, in the amount of \$56,000.00.
- (b) Frances Bethune
Parcels 605 and 606, in the amount of \$69,500.00.

SETTLEMENT IN CASE OF CITY V. ALLEN A. BAILEY, ET UX, AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, authorizing settlement in the case of City v. Allen A. Bailey, et ux, in the amount of \$2,100.00 for Sharon Lane Widening Project, as recommended by the City Attorney.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the following streets for continuous maintenance by the City:

Deering Oaks, Section 2-C:

- (a) Lathrop Lane, from Ferncliff Road to 380' south of Ferncliff Road;

Fairmeadows:

- (b) Eastburn Road, from Fairheath Road to Sunnybrook Drive;

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Atando Industrial Park:

- (c) Graphic Court, from Service Street to 310' northwest of Service Street;
- (d) Simplicity Street, from Asbury Avenue to Atando Avenue;
- (e) Asbury Avenue, from Atando Avenue to 1,415 feet west of Simplicity Street;
- (f) Atando Avenue, from Simplicity Street to 900' west of Simplicity Street.

CHANGE ORDER NO. 1 IN CONTRACT WITH HIPP CONSTRUCTION COMPANY, APPROVED.

Councilman Withrow moved approval of subject Change Order No. 1 in contract with Hipp Construction Company, decreasing the contract price by \$315.00 for sidewalk improvements on various streets within the city, which motion was seconded by Councilman Short, and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH PIERCE DITCHING COMPANY OF KINGSFORT, TENNESSEE, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject Change Order No. 1 was approved in contract with Pierce Ditching Company of Kingsport, Tennessee, in the amount of \$6,200.00, for construction of 16", 20" and 24" water distribution feeder mains along Craighead Road, Graham Street and Starita Road.

CHANGE ORDER NO. E-2 IN CONTRACT WITH INDUSTRIAL ELECTRIC COMPANY, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, approving subject Change Order No. E-2 in contract with Industrial Electric Company, in the amount of \$867.00, for additions to the Irwin Creek Wastewater Treatment Plant.

ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY, AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject encroachment agreement with Southern Railway Company was approved permitting the City to construct an 8-inch sanitary sewer line within the right of way of Southern Railway Company, said crossing to be located 3,867 feet northeast of Milepost 7, at Sweden Road, in the amount of \$50.00.

The resolution is recorded in full in Resolutions Book 9, at Page 192.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the subject encroachment agreement with the State Highway Commission permitting the City to construct an 8-inch C. I. water main beginning in the middle of U.S. 29 at the point of intersection of Suther Road, SR 2834.

APPROVAL OF SANITARY SEWER CONTRACTS.

Councilman Withrow moved approval of the following sanitary sewer contracts, which motion was seconded by Councilman McDuffie, and carried unanimously:

- (a) Contract with Blythe Properties, Inc. for construction of approximately 1,410 linear feet of 8-inch trunk sewer beginning at the rear of R. F. K. Junior High School, thence southeast to the Blythe property at Clanton Road and I-77, inside the city, at an estimated cost of \$12,680.00. The applicant has deposited 100% of the estimated cost, and will be refunded as per agreement.

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- (b) Contract with The Simpson-Barnette Company for construction of approximately 3,010 linear feet of 8-inch sewer mains within the Birnam Woods Subdivision, Section VI outside the city, at an estimated cost of \$29,043.00. The applicant will finance the entire cost of this project and refund is as per agreement.
- (c) Contract with William Trotter Development Company for construction of approximately 1,070 linear feet of 8-inch sewer main in Covecreek Drive and Equitable Place, University Commercial Place, Section II, outside the city, at an estimated cost of \$11,052.81. The applicant has deposited 100% of the estimated cost and refund is as per agreement.
- (d) Contract with Chips Realty Company for construction of approximately 440 linear feet of 8-inch sewer extension in Piper Lane, located in the Airport Industrial Park on Wilmount Road, outside the city, at an estimated cost of \$2,000.00. The applicant has deposited 100% of the estimated cost of this project.
- (e) Contract with The Westminister Company for construction of approximately 3,494 linear feet of 8-inch trunk and main to serve Stonehaven-Section 18, located south of Old Monroe Road and west of McAlpine Creek, outside the city, at an estimated cost of \$37,514.00. The applicant has deposited 10% of the estimated cost of construction. Upon completion of securing bids, the applicant will deposit the remainder of the necessary monies and refund is as per agreement.
- (f) Contract with Mid-South Construction Company for construction of approximately 276 linear feet of 8-inch trunk sewer at J.J. Barner Warehouse, 3412 Statesville Ave, inside the city, at an estimated cost of \$1,905.00. The applicant has deposited 100% of the estimated cost and it is non-refundable.

ORDINANCE NO. 806-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET
ORDINANCE TRANSFERRING FUNDS FROM THE UTILITIES FUND BUDGET TO PROVIDE FUNDS
FOR THE CONSTRUCTION OF THE ODOR CONTROL AND MONITORING STATION.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted transferring \$25,000.00 from the Utilities Fund Budget to provide funds for the construction of the Odor Control and Monitoring Station.

The ordinance is recorded in full in Ordinance Book 20, at Page 111.

RESOLUTION AUTHORIZING ACCEPTANCE OF STATE MATCHING GRANT OFFER ON PROJECT
C-370309, IRWIN AND MCALPINE PLANT ADDITIONS.

Councilman Short moved adoption of subject resolution authorizing acceptance of \$1,616,160 State Matching Grant Offer on Project C-370309, Irwin and McAlpine Plant Additions, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, on Page 193.

ORDINANCES AFFECTING UNFIT HOUSING, DEFERRED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, deferring action on the ordinances affecting unfit housing until the next meeting of Council.

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ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9, OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Short moved adoption of the following ordinances ordering the removal of weeds and grass, which motion was seconded by Councilman McDuffie, and carried unanimously:

- (a) Ordinance No. 807-X ordering removal of weeds and grass at 3514 Warp Street
- (b) Ordinance No. 808-X ordering removal of weeds and grass at 2436 Afton Lane.
- (c) Ordinance No. 809-X ordering removal of weeds and grass at 2733 LaSalle Street.
- (d) Ordinance No. 810-X ordering removal of weeds and grass adjacent to 4226 Woodleaf Road.
- (e) Ordinance No. 811-X ordering removal of weeds and grass adjacent to 509 Beatties Ford Road.
- (f) Ordinance No. 812-X ordering removal of weeds and grass at 513 Beatties Ford Road.
- (g) Ordinance No. 813-X ordering removal of weeds and grass adjacent to 3421 Ritch Road.
- (h) Ordinance No. 814-X ordering removal of weeds and grass at 312 West Boulevard
- (i) Ordinance No. 815-X ordering removal of weeds and grass at 4032 Sunnycrest Lane.
- (j) Ordinance No. 816-X ordering removal of weeds and grass at 3826 Ellenwood Place.
- (k) Ordinance No. 817-X ordering removal of weeds and grass at the corner of Sage Street and Linwood Drive.
- (l) Ordinance No. 818-X ordering removal of weeds and grass adjacent to 2022 Garnett Place.
- (m) Ordinance No. 819-X ordering removal of weeds and grass adjacent to 1905 Washington Street.
- (n) Ordinance No. 820-X ordering removal of weeds and grass at the rear of 1927 Washington Street.
- (o) Ordinance No. 821-X ordering removal of weeds and grass adjacent to 1906 Double Oaks Road.
- (p) Ordinance No. 822-X ordering removal of weeds and grass at 216 Mill Road.
- (q) Ordinance No. 823-X ordering removal of weeds and grass adjacent to 126 Martin Street.
- (r) Ordinance No. 824-X ordering removal of weeds and grass at 727 East 17th Street.

The above ordinances are recorded in full in Ordinance Book 20, beginning on Page 112.

APPROVAL OF THE ISSUANCE OF A SPECIAL OFFICER PERMIT.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the issuance of a Special Officer Permit for a period of one year to David Stuart Harlee for use on the premises of First Union Plaza and 308 South Tryon Street.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Short moved the following property transactions be authorized, which motion was seconded by Councilman Withrow, and unanimously carried:

- (a) Acquisition of 25' x 112.73' x 361.80' x 160± x 226.27' x 106.57' of easement at 6216 Pence Road, from Thomas E. Teeter and wife, Marion S., at \$449.00, for McAlpine Creek Outfall Extension Sanitary Sewer Construction Project.

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- (b) Acquisition of 15' x 163.07' of easement at 2201 Sharon Road West, from Knarf Investment, Inc., at \$163.00, for sanitary sewer to serve Hunters Glen Apartments.

ACQUISITION OF PROPERTY NEAR DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, acquisition of property on Besser Drive was approved, in the amount of \$4,000.00, from Allene King Stevens, for the Master Plan Land Acquisition Project at Douglas Municipal Airport.

LEASE WITH WESTSIDE PROFESSIONAL ASSOCIATES, LTD. IN THE INDEPENDENCE BUILDING FOR THE USE OF THE CIVIL DEFENSE DEPARTMENT, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the subject lease with Westside Professional Associates, Ltd. for the leasing of approximately 2,240 square feet of office space in the Independence Plaza Building for the use of the Civil Defense Department. The terms of the lease are for a period of three years, with an annual rental of \$12,972.00, payable in monthly installments of \$1,081.00.

LEASE WITH FAIRFAX ENTERPRISES, INC. FOR OFFICE SPACE ON THE FIFTH FLOOR OF THE CAMERON BROWN BUILDING FOR THE USE OF THE URBAN REDEVELOPMENT DEPARTMENT, APPROVED.

Councilman Short moved approval of the subject lease with Fairfax Enterprises, Inc. for the leasing of 14,450 square feet of office space, on the fifth floor of the Cameron Brown Building for the use of the Urban Redevelopment Department of the City of Charlotte. The motion was seconded by Councilman Withrow, and carried unanimously.

REPORT REQUESTED FROM CITY MANAGER RELATIVE TO POSSIBILITY OF BUILDING A NEW CITY HALL.

Councilman Short stated at this time the City is paying over a half million dollars in rent annually and this is money that we have all said could go for debt service on a new City Hall. Councilman Withrow stated he has a workable solution to the problem that he would like to talk over with the City Manager.

Chairman Whittington stated this is something all of the Council has been talking about for years, particularly Councilman Jordan, who is not here today. He asked Mr. Burkhalter, City Manager to meet with Councilman Withrow and get the suggestion he has and then come back to Council with a recommendation about what might be considered for a new building with the debt service being what it is on these properties we are now leasing and give Council something to work with.

APPROVAL OF AN EXTENSION OF SERVICE OF CITY OF CHARLOTTE EMPLOYEES.

Upon motion of Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, the following City of Charlotte employees were granted an extension of service, through June 30, 1974:

| NAME | AGE | BIRTHDATE | DEPARTMENT |
|----------------|-----|-----------|----------------------------|
| Milton Clapp | 67 | 5-04-06 | Utility Department |
| W. M. Franklin | 68 | 6-09-05 | Utility Department |
| R. L. Gregg | 68 | 12-08-05 | Utility Department |
| W. I. Green | 66 | 6-18-07 | Public Works-Motor Transp. |
| L. E. Holian | 66 | 8-03-07 | Public Works-Central Serv. |
| Ruben Johnson | 66 | 7-26-07 | Public Works-Sanitation |
| W. C. Lee | 68 | 5-05-05 | Public Works-Streets |

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MAYOR AUTHORIZED TO EXECUTE A DEED FOR THE SALE OF CITY OWNED PROPERTY AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, authorizing the Mayor to execute a deed for the sale of city-owned property at Douglas Municipal Airport to Mrs. Allene Stevens, in the amount of \$35,000.00.

RELOCATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE JAMES F. PRICE FAMILY, AUTHORIZED.

Councilman Withrow moved approval of a Relocation Agreement between the City of Charlotte and the James F. Price family for temporary housing near Douglas Municipal Airport as recommended by the Airport Manager, which motion was seconded by Councilman McDuffie, and carried unanimously.

ORDINANCES TO ADJUST THE 1972-73 BUDGET ORDINANCE, APPROVED.

Upon motion of Councilman Short, seconded by Councilman McDuffie, and unanimously carried, the following ordinances were adopted to adjust the 1972-73 Budget Ordinance:

- (a) Ordinance No. 825-X amending Ordinance No. 520-X, the 1972-73 Budget Ordinance authorizing the transfer of funds within the General and Capital Improvement Funds, in the total amount of \$266,715.76.
- (b) Ordinance No. 826-X transferring funds within the Utilities Capital Improvement Fund to cover over-expended accounts, in the total amount of \$44,900.68.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 130.

CONTRACT AWARDED ONLY BIDDER, BLYTHE BROTHERS COMPANY FOR PLANT MIX ASPHALT, SECTION I.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the only bidder, Blythe Brothers Company, in the amount of \$39,800.00, on a unit price basis, for Plant Mix Asphalt, Section I.

CONTRACT AWARDED ONLY BIDDER, REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT, SECTION II.

Councilman Withrow moved award of contract to the only bidder, Rea Construction Company, in the amount of \$39,800.00, on a unit price basis, for Plant Mix Asphalt, Section II. The motion was seconded by Councilman McDuffie, and carried unanimously.

CONTRACT AWARDED ONLY BIDDER, REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT, SECTION III.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, subject contract was awarded the only bidder, Rea Construction Company, in the amount of \$39,800.00, on a unit price basis, for Plant Mix Asphalt, Section III.

CONTRACT AWARDED ONLY BIDDER, BLYTHE BROTHERS COMPANY, FOR PLANT MIX ASPHALT SECTION IV.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the only bidder, Blythe Brothers Company, in the amount of \$39,800.00, on a unit price basis, for Plant Mix Asphalt, Section IV.

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CONTRACT AWARDED OF CONTRACT TO THE ONLY BIDDER, REA CONSTRUCTION COMPANY, FOR PLANT MIX ASPHALT, SECTION V.

Councilman Withrow moved award of contract to the only bidder, Rea Construction Company, in the amount of \$47,775.00 on a unit price basis, for Plant Mix Asphalt, Section V, which motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED TO THE LOW BIDDER, REA CONSTRUCTION COMPANY, FOR COLD MIX ASPHALT, SECTION VI.

Upon motion of Councilman Short, seconded by Councilman McDuffie, and unanimously carried, subject contract was awarded to the low bidder, Rea Construction Company, in the amount of \$3,780.00 on a unit price basis, for Cold Mix Asphalt, Section VI.

The following bids were received:

| | |
|--------------------------|------------|
| Rea Construction Company | \$3,780.00 |
| Blythe Brothers Company | 3,812.00 |

CONTRACT AWARDED TO THE LOW BIDDER, BLYTHE BROTHERS COMPANY FOR COLD MIX ASPHALT, SECTION VII.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Blythe Brothers Company, in the amount of \$3,692.00, on a unit price basis, for Cold Mix Asphalt, Section VII.

The following bids were received:

| | |
|--------------------------|------------|
| Blythe Brothers Company | \$3,692.00 |
| Rea Construction Company | 3,860.00 |

CONTRACT AWARDED TO THE LOW BIDDER, BLYTHE BROTHERS COMPANY, FOR CREEK IMPROVEMENTS-SUGAR CREEK AT FREEDOM PARK.

Councilman McDuffie moved award of contract to the low bidder, Blythe Brothers Company, in the amount of \$81,225.00, on a unit price basis, for Creek Improvements-Sugar Creek at Freedom Park. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

| | |
|---------------------------------------|-------------|
| Blythe Brothers Company | \$81,225.00 |
| Crowder Construction Company | 85,500.00 |
| T. A. Sherrill Construction Co., Inc. | 92,340.00 |

CONTRACT AWARDED TO THE LOW BIDDER, BEN B. PROPST COMPANY, FOR SANITARY SEWER CONSTRUCTION - OLD MONROE ROAD.

Upon motion of Councilman Short, seconded by Councilman McDuffie, and unanimously carried, subject contract was awarded to the low bidder, Ben B. Propst Company, in the amount of \$86,344.50, for sanitary sewer construction - Old Monroe Road.

The following bids were received:

| | |
|---------------------------|--------------|
| Ben B. Propst Company | \$ 86,344.50 |
| Blythe Brothers Company | 96,995.20 |
| Rand Construction Company | 103,081.50 |
| Thomas Structure Company | 143,608.00 |
| Dellinger, Inc. | 145,406.95 |
| Sanders Brothers, Inc. | 151,749.00 |
| R. H. Wiggins, Inc. | 177,413.00 |

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CONTRACT AWARDED TO THE LOW BIDDER, SOUTHEASTERN SAFETY SUPPLIES FOR PLASTIC PAVEMENT MARKING.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Southeastern Safety Supplies, in the amount of \$8,050.00, on a unit price basis, for Plastic Pavement Marking.

The following bids were received:

| | |
|------------------------------|-------------|
| Southeastern Safety Supplies | \$ 8,050.00 |
| Rosenblatt & Associates | 9,800.00 |
| Prismo Universal | 11,550.00 |
| Cataphote Corporation | 13,650.00 |

CONTRACT AWARDED TO THE LOW BIDDER, COLUMBUS SERVICE INTERNATIONAL FOR JANITORIAL SERVICE-GREENVILLE NEIGHBORHOOD CENTER.

Councilman Short moved award of contract to the low bidder, Columbus Service International in the amount of \$19,932.00, for Janitorial Service-Greenville Neighborhood Center. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

| | |
|--------------------------------|-------------|
| Columbus Service International | \$19,932.00 |
| Latimer House Cleaning Serv. | 22,923.00 |

CONTRACT AWARDED TO THE LOW BIDDER, FRANK H. CONNER COMPANY FOR METAL BUILDING FOR ANIMAL SHELTER AT TOOMEY AVENUE.

Upon motion of Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded to the low bidder, Frank H. Conner Company, in the amount of \$9,606.00, for Metal Building for Animal Shelter at Toomey Avenue.

The following bids were received:

| | |
|-------------------------------|-------------|
| Frank H. Conner Co. | \$ 9,606.00 |
| Metrolina Builders, Inc. | 9,941.00 |
| Laxton Construction Co., Inc. | 12,300.00 |
| Rodgers Builders, Inc. | 12,543.00 |

CONTRACT AWARDED TO THE LOW BIDDER, CROWDER CONSTRUCTION, FOR INTERSECTION IMPROVEMENTS - INDEPENDENCE BLVD./PECAN AVENUE: INDEPENDENCE BLVD./KINGS DRIVE: LAUREL AVENUE/RANDOLPH ROAD.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$122,047.50, on a unit price basis, for Intersection Improvements-Independence Blvd./Pecan Avenue; Independence Blvd./Kings Drive; Laurel Avenue/Randolph Road.

The following bids were received:

| | |
|---------------------------------------|--------------|
| Crowder Construction Company | \$122,047.50 |
| Rea Construction Company | 123,764.00 |
| T. A. Sherrill Construction Co., Inc. | 137,249.00 |
| Blythe Brothers Company | 170,101.25 |

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CONTRACT AWARDED TO THE LOW BASE BID OF CROWDER CONSTRUCTION FOR CHARLOTTE CITY PARKS, MODEL CITIES NEIGHBORHOOD OPEN SPACE CONTRACT.

Councilman Short moved award of contract to the low base bid of Crowder Construction Company, in the amount of \$139,025.00 for Charlotte City Parks, Model Cities Neighborhood Open Space Contract. The motion was seconded by Councilman McDuffie, and carried unanimously.

The following bids were received:

BASE BIDS:

| | |
|---------------------------|-------------|
| Crowder Construction Co. | \$65,800.00 |
| | 29,000.00 |
| Rodgers Builders | 72,500.00 |
| | 31,600.00 |
| Blythe Brothers Co. | 74,350.00 |
| | 41,000.00 |
| Morretti Construction Co. | 82,500.00 |
| | 47,000.00 |

ALTERNATE BIDS:

| | | |
|---------------------------|--------------|-------------|
| Crowder Construction Co. | Alternate #1 | \$12,200.00 |
| | Alternate #2 | 3,200.00 |
| | Alternate #3 | 6,325.00 |
| | Alternate #4 | 22,500.00 |
| Rodgers Builders | Alternate #1 | 13,600.00 |
| | Alternate #2 | 3,550.00 |
| | Alternate #3 | 7,500.00 |
| | Alternate #4 | 25,000.00 |
| Blythe Brothers Co. | Alternate #1 | 15,000.00 |
| | Alternate #2 | 4,750.00 |
| | Alternate #3 | 8,000.00 |
| | Alternate #4 | 26,450.00 |
| Morretti Construction Co. | Alternate #1 | 12,500.00 |
| | Alternate #2 | 2,797.00 |
| | Alternate #3 | 7,998.00 |
| | Alternate #4 | 17,602.00 |

AWARD OF CONTRACT FOR STREET IMPROVEMENTS-NORTH CLARKSON STREET, DEFERRED,

Upon motion of Councilman Short, seconded by Councilman Withrow, action of the subject contract was deferred until the next meeting of Council.

CONTRACT AWARDED TO THE LOW BIDDER, CROWDER CONSTRUCTION COMPANY FOR STEELE CREEK ROAD BRIDGE IMPROVEMENT.

Motion was made by Councilman Withrow, seconded by Councilman McDuffie, and unanimously carried, awarding subject contract to the low bidder, Crowder Construction Company, in the amount of \$419,721.00, on a unit price basis, for Steele Creek Road Bridge Improvement.

The following bids were received:

| | |
|---------------------------------------|--------------|
| Crowder Construction Co. | \$419,721.00 |
| Wilson Construction Co. | 427,118.50 |
| Blythe Brothers Co. | 458,228.25 |
| Hickory Construction Co., Inc. | 461,005.25 |
| T. A. Sherrill Construction Co., Inc. | 472,599.00 |

MOTION TO APPOINT A CHAIRMAN OF CAMPAIGN TO PREVENT LITTERING IN THE CITY OF CHARLOTTE.

Councilman Withrow moved that Council appoint a Chairman of a Campaign to prevent littering in the City of Charlotte, which motion was seconded by Councilman Short, and unanimously carried.

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DISCUSSION OF MASTER THOROUGHFARE PLAN AND CAPITAL IMPROVEMENT PROGRAM.

Mrs. Caroline Miller stated she is a member of the Myers Park Action Team and a member of the CCAT group. She is here today because of recent actions on the part of Council which has given her great concern.

She stated on May 29, at the first televised session of the City Council Meeting, alleged to be in a series of televised sessions, 85 citizen-delegates from 13 neighborhood associations were on hand at the Education Center at 7:30. Since they had followed the proper procedures outlined by Council, they were all presuming to be a part of the televised session.

She stated they wanted Council to reconsider some street widening and expansions in the same way that Council had particularized Sharon. At precisely 7:40 o'clock p.m., as Council saw the crowd gathering, the Producer-Director of WTVI, Mr. Bruce Gray, was summoned and told by your Public Relations Officer, Mr. William Guerrant, that the City Manager, with Council's backing, had ordered that the cameras be turned off as soon as the formal agenda was completed and before the meeting was to be adjourned.

That when the Producer-Director asked why, he was told that Mr. Burkhalter had said that since there was a large crowd there, none of whom were on the agenda, they might be bringing "controversial" issues before the Council. By the time this order was relayed to WTVI official, Mr. Elliott Sanderson, it was then five minutes until 8:00 o'clock. Mr. Sanderson stated that although this is in conflict with his original understanding of the television program, he was forced to accept the City Manager's orders because he had no time to react.

She stated upon their investigation of the above action, they found that the WTVI official understanding was, in fact, that the session was to be televised from gavel-to-gavel, or from start to finish. That they were pleased to have a crowd gathered because they were proud that Charlotte's public had the opportunity to view the workings of their School Board and they would like the public to be as knowledgeable about the workings of their city government.

Mrs. Miller stated when the CCAT people had time to reflect upon the apparent act of censorship on Council's part, they did some careful research in the facts. When the City Manager's Office was contacted and asked why the cameras were turned off, his answer was that the cameras were turned off according to School Board's policy. She stated either the city officials did not know what the School Board's policy was or they were blatantly misrepresenting the true facts.

She stated the School Board's policy, by the by-laws passed in 1968 and amended in February of this year, is to the effect that any citizens appearing on their televised listening sessions are advised they may appear at the next session and be on the agenda and be fully covered by television; a citizen may do this by request. The Charlotte City Council had no such procedure; by the cameras being turned off before the ending of the meeting, Council demonstrated their fears that Council was not considering their portion as part of the meeting. That it is actually an attempt on Council's part to stop citizen participation.

Mrs. Miller stated these citizens are trying to come to Council and question the wisdom of road widening and destruction of their neighborhoods. She stated since Council does not consider this as part of their meeting, then they do not either and they are asking for some specific changes. First, since Council is going to reconsider the Master Thoroughfare Plan, their concern is that some public input be considered. Second, before Council votes on the Capital Improvement Plan for 1973-78, will a public hearing be held on this matter?

Chairman Whittington replied Council has already had a public hearing on the budget, two weeks ago, and Mr. Underhill stated that is correct. Mrs. Miller stated the hearing was on the budget and Chairman Whittington replied the Capital Improvement Plan is a part of the budget.

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Councilman Short stated unless he is mistaken Council will not ever vote on the 1973-78 Capital Improvement Plan, nor does Council vote on any of them; these are just proposals from planners and if Council wants to take an item from the proposal for funding, then that particular proposal would be voted in.

After further discussion, Mr. Burkhalter explained the Capital Improvement Program is a five year program of suggested projects that Council can vote to take them on or take them off at any time. That anytime Council wants to do one, the money has to be funded.

Chairman Whittington stated Council met today at 2:00 o'clock to hear five zoning hearings and they were aware that her group was going to be here after that. He stated Mrs. Miller was in the meeting room along, with most of the people in the audience, when Council adopted Councilman Short's motion. That the Capital Improvement Budget is nothing but a program of work or a schedule of work, that Council has out there in front of it as a picture of what they hope to accomplish for the next five years. It is not funded and it is something Council hopes to do. Council could do away with the Capital Improvement Budget altogether or Council could say that they are going to set up \$500,000 this year to build Ratcliffe Avenue, for example, and then get that fiscal year over, then budget \$350,000 to build Starbrook Bridge; but until Council actually does these things, all Council is talking about here is a program which it hopes to accomplish.

Councilman Short stated the Capital Improvement Program is the plans of the planners, like Mr. McIntyre, Mr. Burkhalter and others; it is not the commitments of this Council.

Mr. Burkhalter stated the Capital Improvement Program is required to be submitted by the Planning Commission to the City Manager for suggestions to present to Council; suggestions for a Capital Improvement Program for five years, to be updated each year. That this has been done. The programs in the plan for the next five years are what is suggested for Council to accomplish; it does not make any difference as long as these projects are not funded. Voting to leave them in or take them out does not alter the fact of whether they are needed or not. The only thing that ever changes this is when Council appropriates money; there are two ways in which this can be done. One is for Council to do it in the budget, and the other is to take those items and have them in a referendum or bond issue which was what was done just recently. Most of those items were selected from the Capital Improvement Program; people voted to do it. This is the way the program is implemented; even if Council takes no action on the program proposed before them, it is still there; whether Council approves or disapproves it does not make any difference because it is not done until Council picks one out and get the money to do it.

After further discussion, Mrs. Miller asked what happened to Councilman Alexander's formal recommendation that before a vote was taken, the entire Wilbur Smith Thoroughfare Plan would be reconsidered and Chairman Whittington replied the Planning Commission and the Engineering Department have been asked to study these streets and that will be done when the Wilbur Smith Thoroughfare Plan is updated and brought back to the staff; then a recommendation will be made to Council.

Mrs. Miller asked when this will occur and Chairman Whittington replied all he knows is that it will be in the Fall. Mrs. Miller asked what happened to Councilman Alexander's recommendation last week that it be considered at City Council today and the City Manager replied Councilman Alexander requested the City Clerk to defer this item.

Mrs. Miller asked if this could be acted on today so they can be assured that it will come back on the agenda as this is the only way Council allows them any input into this plan.

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Chairman Whittington stated Council will notify her when this is to come up through the City Manager's Office. That the Wilbur Smith Thoroughfare Plan is to come back to Council with the Planning Commission and the Engineering Department's recommendations and that cannot be done until the Wilbur Smith Thoroughfare Plan is updated and brought to Council.

Mrs. Miller asked if he had any idea when this might occur and Chairman Whittington replied the staff has indicated late August or early Fall.

Mr. Joseph Slechta, 2719 Belvedere Avenue, read the following letter from twelve local physicians:

"This letter is an appeal to the City Council and the citizens of Charlotte from Physicians of multiple specialties practicing in the City of Charlotte.

Since 1960 Charlotte has followed a road building program which is concerned with the establishment of a vast network of freeways, expressways and major roads throughout the city. The effect of this road building upon the physical environment is evident from the destruction of neighborhoods and trees. The effect of the road building upon the health of the people of Charlotte is not readily apparent but the facts are startling.

On April 25, 1971, the following editorial appeared in the Charlotte Observer:

'DIRTY AIR IS SERIOUS THREAT HERE.'

In a dirty-air test run by federal officials last year, Charlotte came out fifteenth in a list of the dirtiest cities in the county.

The Chamber of Commerce disputed the finding, but there is no denying the existence here of an air pollution problem traceable primarily to automobile exhaust.

Other federal officials released a study of the metropolitan area, pointing to auto emissions and the burning of coal as creating an area-wide problem. The report said Metrolina could be in for real trouble. 'The region is characterized by frequent low-wind speeds, stagnant air masses, and temperature inverstions.' Three or four times a year, conditions combine to keep us blanketed with stagnant air masses for period of four days or more the federal report says.

That's the kind of thing a pollution consultant, hired by the local Health and Hospital Council, referred to last year when he warned Charlotte to act quickly in order to avoid becoming known as 'the Los Angeles of the East Coast.'

In an article which appeared in the November 2, 1970 issue of the Journal of The American Medical Association entitled 'The Role of Air Pollution in Chronic Obstructive Pulmonary Disease', the following statements appeared:

'The automobile is by far the single most important hazard and is responsible for most of the pollution from carbon monoxide, hydrocarbons and nitrogen oxides...'

One of the authors went on to state:

'...I should like to consider air pollution as one of the factors in the causation of chronic bronchitis and emphysema. The death rate from emphysema has doubled every five years for the last two decades.'

In view of the above, we suggest that before any further steps be taken in Charlotte's road building programs, the City Council consider the formation of an independent commission to study the environmental effects (in the realm of the physical as well as social) upon the people of our city.

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The time has come that man, the human being, must begin to take precedence over his machines.

Lucius Gage, Jr., M.D.
Douglas Glasgow, M.D.
John Glover, M.D.
Robert Miller, M.D.
William Porter, M.D.
Raymond Wheeler, M.D.
Edward E. Landis, Jr., M.D.
William C. Sugg, M.D.
David S. Citron, M.D.
Thomas H. McMillan, M.D.
Clinton H. McKay, M.D.
Fred Culpepper, M.C."

Chairman Whittington stated Council received a copy of this letter last week; that prior to that Dr. Gaule wrote an individual letter to Councilmembers.

Mr. Slechta stated in the discussion of the reconsideration of the Master Road Plan, he would like to mention three items for Council's formal action.

That the appropriate time is now on the first suggestion. He stated he would like to see Council take formal action on the subject of the Master Thoroughfare Plan, so we can have citizen participation.

Mr. Slechta stated his group is not interested in only one road, here or there, or merely the engineering of the road plan. That they wish to know whether Council is actively interested in saving neighborhoods threatened by disruption and devaluation. Such neighborhoods as Matheson, County Club, Midwood, Tryon Hills, Druid Hills, University Park, Windover, Ashley Park, Westerly Hills and others. In other words, does Council believe in maintaining and improving the quality of life in these and other neighborhoods or is it committed to selecting the city roadways as a solution to all ills. That he would like a public commitment of the Council on this matter.

He stated he would like to ask Council to commit itself to active exploration of the alternatives for the solution of the traffic problem.

Later in the meeting, Mrs. Miller asked if there are any plans for future televised Council Meetings and Chairman Whittington replied he does not know. That Council has asked the staff to set up as many televised Council Meetings as they could and the public will be notified in advance of the meetings.

STATEMENT BY MRS. CLARA SKURLA.

Mrs. Clara Skurla, 727 Lockridge Avenue, read the following statement:

"Charlotte City Council
City Hall
Charlotte, N. C.

Gentlemen and Ladies:

Two weeks ago when I spoke to part of City Council I realized afterward that my remarks were "off the record" because the meeting had been officially closed. Therefore, since I want them to be officially "on the record", I have returned this week to make my request again.

Because you are Charlotte's elected leaders, as well as its lawmakers, you have asked the people of our city to come before you and present any city-related problems so that you might take appropriate action and solve them for us. I believe what you-all say, so here I am with a very serious problem.

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My subject is abortions, and I am terribly upset about the unborn babies that are being killed here in Charlotte. I have waited too long before bringing this to your public attention because previously I was under the mistaken belief that private conversations would move people to take actions to make abortions illegal. But....I was wrong, so here I am in public petitioning you now.

There has been a great deal of discussion everywhere about this subject and, as you-all probably know by now, human life begins at the moment of conception. All known medical knowledge tells us this --- as well as common sense. It's easy to figure out ---- when the sperm and the egg meet, a third thing is formed, and that is a human life. This is a completely new life, and separate from the Mother, although it lives and grows inside her body for the first nine months of its life.

The reason WHY we DO NOT kill this unborn child is because GOD has made a Commandment which says -- "You shall not kill," -- and He meant for EVERYONE to follow it--you-all and me and doctors and lawmakers and judges and Mothers and EVERYONE!

The reason why this situation is so different than others covered by ordinary laws is because this unborn child cannot speak and ask for its own life. Therefore I am asking for it.

This is the United States of America, whose national motto is "In God We Trust", and the first line of our Declaration of Independence lists as "Inalienable Rights" - "Life, Liberty and the "Pursuit of Happiness." "Inalienable" means - "unable to be taken away from" --- and the Right to Life is the FIRST one mentioned. Lately, as you have probably noticed, the "rights of the Innocent", and especially when they are children, are grossly ignored by our laws and society. What crime has this unborn child committed that it must pay for with its life?

Charlotte Hospitals are doing thousands of abortions every month. The way they got started in this business is that the Doctors just started breaking the laws protecting these human lives, which were already on the Statute books. The newspapers as long as seven (7) years ago published these facts, and even named names of the local doctors who were doing them. Subsequently, pressure was put on very busy Legislators in their very busy season to change the laws to accommodate the lawbreakers. This, of course, brings up the very interesting questions of - "Do Doctors in Charlotte not have to follow our laws? -- and also, - "What else like this is going on in our hospitals?"

Sometimes in the past history of the U. S., people have deliberately broken a law to get it changed because they tried every legal means they knew to get a bad law changed and had no success. The legalized segregation laws which were on the books in the South until about 20 years ago is a case in point, and the Civil Rights people resorted to deliberate disobedience to get those laws changed.

But...that is different from the abortion law case. Those legalized segregation laws were wrong, because they took the civil rights away from one group of citizens -- the Negroes. The abortion laws which were broken by deliberate disobedience, however, were right laws, which protected the rights of the innocent. They were replaced by wrong laws which took away the rights of a certain group of people --- unborn children. In the first case, bad laws were replaced by good laws, in the second case, good laws were replaced by bad laws. That is the difference between these two groups of people who broke laws to get them changed.

Everything about this killing of unborn children is WRONG - ALL WRONG!

A Mother who contracts with a Doctor for an abortion is promised delivery of a dead baby and so, I understand, if the baby is born noticeably moving and breathing, it is dropped into formaldehyde to kill it, or just left to die in its own suffering. (Ask anyone on Council, and especially Jim Whittington and Fred Alexander because they are in the funeral business, if they know what is done in Charlotte Hospitals.)

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In some cities the abortion clinics are in the neighborhoods, and I read that they put the fetus in plastic bags and put it out in the street for the garbage man to take away and blood runs all over the street and the children coming home from school ask all kinds of questions about it.

Sadly, too, no one likes to mention that an abortion is not a harmless operation and that Mothers can and DO die from them and are sometimes permanently damaged for life.

THIS ALL IS WRONG -- and because it is, I respectfully request that you-all, as our City Council, please make a law prohibiting the killing of unborn children in our City.

I know when you do this that at the beginning you won't be very popular, because lots and lots of people want to do this terrible thing, and they will come out actively against you. Some Mothers will fight you...and some Civil Rights groups who are mixed up on what people are free to do and what they are not free to do will oppose you --- and young people, mostly college kids who are taught things by professors who have never themselves taken time to think deeply and thoroughly about the right and wrong of this will line up in opposition. And the doctors themselves --- some of them just LOVE the money it brings in, and we already have at least one abortion specialist here in Charlotte. Some doctors will be for you, and some against, but since "the love of money is the root of all evil," well you can easily tell which doctors to respect in this case. The strongest and most well-financed attacks will come from Planned Parenthood and Population-Control people, and then will follow those who are anti-Catholic. The latter will try to inject a particular religion into it, and say it is just a Catholic thing ruled on by the Pope, but this is just another excuse, for I know of no religion which follows God's rules which gives its followers permission to kill people they do not want.

A lot of people will be actively against you, and some of them might even be your closest and dearest friends and relatives -- but they need cause you no concern. You don't need to worry about what people think of you -- the only thing you need be concerned about is what GOD thinks of you.

A further complication you will discover is the Supreme Court ruling of January 22, which gives the United States official permission to kill these unborn children. The Supreme Court, learned though it may be, has frequently made mistakes. Judges are only people, and subject like everyone else to human error, and there are reversals of decisions every day. For example, in 1858, in the Dred Scott decision, they ruled that Black people were not really persons. Mr. Alexander can testify right here and now that those justices were wrong in that case.

So...would you please make a law which prohibits killing of unborn children in Charlotte? There are lots of things you do in your life which you think are important, but they really aren't. When you balance them in their proper perspective, no building you build or street project or tree you do- or-do-not cut down will in any way measure up to the saving of one innocent life.

God gave us His Commandments because He wanted the world to know what Rules to follow to make a good world. When all people follow them, then there will be a peaceful and orderly world, built upon these foundation stones of Law, and filled with Brotherly Love.

You, as our City's leaders, have a duty to correct wrongs when they are called to your attention, and, as YOU lead, so others will follow.

God made us a most beautiful promise when we follow His laws ourselves and lead others to follow them --- In John, Chapter 15, He said --

"You will live in my love if you keep my Commandments."

So...please DO...and make our laws in the City of Charlotte accordingly.

Sincerely, Clara Skurla".

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SUGGESTION BY COUNCILMAN SHORT THAT CHARLOTTE SEEK ENABLING LEGISLATION TO APPLY A TAX BY WEIGHT OR BY SPACE ON PASSENGER AUTOMOBILES.

Councilman Short stated he would like to suggest that Charlotte and other cities with traffic problems should seek enabling legislation to apply a tax by weight on passenger automobiles instead of the present method of taxing according to the market value.

That the amount of the property tax now depends on the retail value of the vehicle; the amount of the weight tax that he is suggesting would reflect the square footage of space that a vehicle occupies on the pavement.

He stated it just does not make sense to tax an automobile on value the same as you tax a fur coat or a piece of jewelry. Everytime an automobile is used, it has to occupy paved space, built and maintained for it at great expense by the government. This is certainly not true of fur coats and jewelry.

That a weight tax on automobiles could be so arranged that the amount of the tax would be increased sharply as the weight of the vehicle increases, so that this might produce approximately the same tax as we now have on a small car, for example a Volkswagen, but bigger cars would be subject to progressive increments and this would sharply increase the tax for higher weight. He stated they might pay three, four or five times as much tax as the smaller cars.

Councilman Short stated the intent of what he is suggesting is not necessarily to raise more money but rather to establish a public policy favoring smaller automobiles. That it seems to him that such a policy such as this, if successful, could be one thing that could help traffic problems, as well as the air pollution problems because if all the cars used within cities eventually became smaller cars, two lane streets could be three lane streets with no widening and four lane streets would require a lesser amount of widening. Also fuel would be conserved.

That the basis of what he suggested is the critical fact about automobiles today is not their value but their size and weight. Another approach that might accomplish the same thing more directly would be simply to tax automobiles by the square footage that they require - a space tax.

He stated under either one of these taxes, the space tax, or the weight tax, old cars would continue to be taxed in the same amounts as they were taxed when new because the old car takes up just as much space and is probably a greater danger on the highway and pollutes the air more. Councilman Short stated trucks are now taxed in this manner.

Councilman McDuffie stated it is already a policy in some states that the weight of the car determines the price of the license tag. That it would not affect the local people's property taxation based on the value of the car.

Councilman Short stated this is particularly pertinent now for cities with traffic problems and while Louisiana and some other states have this as a state policy, this could be converted into a substitute for the property tax within cities. That this is something Council should consider.

Chairman Whittington asked if this would not have to have action by the State and Councilman Short replied it would and Council should look at this and see if it is not practical to include in our legislative package.

CITY MANAGER REQUESTED TO CHECK THE BICYCLE ORDINANCE RELATIVE TO BICYCLE REGISTRATIONS.

Councilman McDuffie stated he would like to request the City Manager to check the bicycle ordinance. That his family had two bicycles stolen recently which had been registered. He stated in checking the City Code, apparently the Police Department is supposed to see that bicycle repairers and dealers keep a list of all the bicycles they sell and send them to the Police Department; that they are supposed to register the bicycles in the shops. That this section of the Code is not being enforced and a number of bicycles are not being registered.

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He stated this is getting to be a serious problem because if the shops do not register them when they sell them, sometime it does not get done.

Councilman McDuffie asked Mr. Burkhalter to go over that part of the Ordinance pertaining to bicycles and give Council some suggestion as to how this ordinance can be enforced.

CITY MANAGER INSTRUCTED TO SET UP MEETING WITH CHIEF GOODMAN RELATIVE TO TRACTOR TRAILER TRUCKS USING RESIDENTIAL STREETS.

Chairman Whittington stated he received a telephone call from a Mrs. Hobart Williams, who lives on Ashley Road, and said she counted 23 tractor trailer trucks between 7 P.M. and 1 A.M. and between 1:30 and 3:30 in the morning.

That there was also a tractor trailer truck on Lumina Avenue, which is a narrow street running off Ashley Road, last Sunday afternoon.

He stated at the corner of Woodlawn Road and Park Road, one day last week, there were four tractor trailer trucks, two going in each direction, at that intersection. That those of us who sit here and advocate that we have to have these streets and they have to be widened to move traffic and then we come right behind and allow all of these tractor trailer trucks to run up and down them, that we are simply not being honest with the people who live there, and the police department is not doing the job that Council instructed them to do.

Chairman Whittington stated he thinks the City Manager should have a conference with the Chief and tell him of Council's displeasure with trucks running up and down these residential streets. That the argument is that they are taking shortcuts and Council has told these people that these streets would never be used for truck routes.

CITY MANAGER REQUESTED TO CONTACT COUNTY COMMISSIONERS RELATIVE TO MEETING WITH DRAINAGE COMMISSION.

Chairman Whittington stated Council has been besieged with problems of flooding in basements, lawns, streets, cars drowned out, emergency vehicles not being able to get to a particular place in all of this deluge of water that we have had in the last month.

He stated Council ought to ask themselves if they are doing all they can to help the people who have been affected by this storm water, or floods. Something has got to be done, possibly by local government, about the widening and dredging of these creeks. That he cannot see how Council can continue to wait on the federal government when a lot of people have given the city the right of way and expected this work to be done.

Chairman Whittington stated several years ago the County and the City did some of this work jointly, financed it, and had the work done every year. Possibly this is what they are going to have to go back to.

That Council needs to get behind the Corps of Engineers through Congressman Martin and Senators Ervin and Helms and then take a look at our own picture and see if there is anything Council can do that they are not doing. It is going to have to be thought about in future budgets to put in the money to take care of these old storm drains that we know are not doing the job and are not going to do the job and if you get a new house or a new street, it is going to get worse.

Chairman Whittington stated he did not know where the fault lies but there is some obligation on local government's part to help these people who are not responsible for the problem.

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Councilman McDuffie stated it would be proper to have a little summit meeting with the County Commissioners and the Planning Commissioner within the next few days to see if Council is going to put any money into dredging the creeks and cutting the foliage off the trees right now. That they are going to get flooded every time it rains heavily because the creeks have not been cleaned for years and years.

Chairman Whittington stated he hopes the City Manager, Mr. Hopson and the engineers will react; that he has no objection of a meeting with the County. That heretofore Council has had a program where this work was accomplished together.

Councilman Withrow stated zoning is going to stop a lot of these places from being built and sold to individuals who have water problems in the houses and apartments. That in the case of the flood plain, Council should be careful whether they rezone it or not; that this is up to Council. He stated if we cannot get the money to dredge these creeks, the alternative is zoning.

After further discussion, Chairman Whittington requested the City Manager to check on the possibility of the County Commissioners meeting with Council relative to their Drainage Commission. Also to check with our Congressman and two Senators to see if the City can get any help from them relative to this problem.

RESOLUTION COMMENDING T. A. LITTLE.

Chairman Whittington stated he would like to read the following resolution because Mr. T. A. Little has been a friend of his since 1946 and has rendered a great service to this community. That he was one of the first persons appointed to the Coliseum Authority and has since resigned.

The resolution is as follows:

"RESOLUTION COMMENDING MR. T. A. LITTLE."

WHEREAS, T. A. Little was appointed to the first Auditorium-Coliseum Authority by the City Council in April of 1951, and served faithfully on the Authority until May 24, 1973 when he was forced to resign because of ill health; and

WHEREAS, during his service as a member of the Authority, he was involved in the planning and construction of the Auditorium, the Coliseum and the Civic Center, and in the successful operation of the Auditorium and the Coliseum; and

WHEREAS, Mr. Little has rendered valuable service in that capacity, giving generously of his time and efforts, and his contribution is an inspiring example of the true responsibilities of citizenship and deserving of commendation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, North Carolina, hereby commends and expresses its deepest appreciation to Mr. T. A. Little for outstanding service to the City and its citizens; and

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting, and that a copy of this resolution be presented to Mr. Little."

Councilman Short moved adoption of the subject resolution, which motion was seconded by Councilman Withrow, and unanimously carried.

NOMINATION OF MRS. BRYANT FRECK TO THE COMMUNITY FACILITIES COMMITTEE,
WITHDRAWN.

Councilman Short stated he would like to withdraw the nomination of Mrs. Bryant Freck to the Community Facilities Committee.

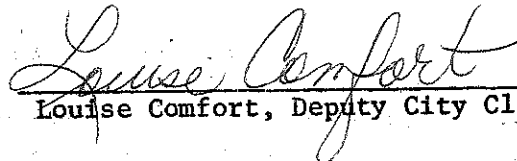
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MR. MAURICE WEINSTEIN NOMINATED TO HOUSING APPEALS BOARD.

Councilman Short stated he would like to renominate Mr. Maurice Weinstein for a term on the Housing Appeals Board for a three year term.

MEETING RECESSED UNTIL MONDAY, JUNE 25 AT 11:30 A.M.

Upon motion of Councilman Short, seconded by Councilman Withrow, the meeting was recessed until Monday, June 25 at 11:30 o'clock a.m. to consider action on the workable program.



Louise Comfort, Deputy City Clerk