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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, August 12, 1974, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Charles R. Kirby, Caldwell Memorial Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on Monday, July 29, 1974 were approved as submitted.

NAME OF BROOKHURST DRIVE, BETWEEN INDEPENDENCE BOULEVARD AND MONROE ROAD TO REMAIN AS BROOKHURST DRIVE.

The hearing was called on the request to change the name of Brookhurst Drive, between Independence Boulevard and Monroe Road, to Eastway Drive.

Mr. Fred Bryant, Assistant Planning Director, stated a few weeks ago some members of Council asked that a public hearing be scheduled to consider the changing of the name of Brookhurst Drive. As a result of that request, the Planning Staff was asked to set a time and to notify the residents of the street that consideration of this request was to be given. He stated on July 19, they sent out a letter to all property owners on record on Brookhurst Drive indicating that consideration would be given, and that they could be heard on the request.

Mr. Bryant then explained the location of the street and its relationship to other portions of the Belt Road.

Mr. Ralph E. Harries, 704 Brookhurst Drive, stated the letter he received from Planning said the hearing would be held today on this matter because Brookhurst is a direct extension of Eastway. That this is true; but he would like to call attention to Sharon Lane which is a direct extension of Sharon Amity Road; Randolph Road is a direct extension of East Fourth Street; Elizabeth Avenue, a direct extension of East Trade Street, and Monroe Road, a direct extension of East Seventh Street. He stated there are many others around the city.

Mr. Harries stated suddenly this area has been dedicated and now someone says it has to be changed in order to avoid confusion. That he is cognizant of the fact that their street name will eventually have to be changed; so he cannot say he is opposed to it; but now is not the time. He stated there must be breaking points. From I-85 on the north, following the Belt Road, and the contemplated Belt Road, there are nine different names over to Woodlawn Road. That is a condition that should not exist. The point now is breaking points. That Independence Boulevard is an excellent breaking point; there is a long bridge, the clover leaf which takes up a

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number of acres, and it is exactly three tenths of a mile from the last house on Eastway to the first house on Brookhurst. That is an excellent breaking point. If you carry Eastway on to Monroe Road, will you stop it there and have another break in an intersection, which would be very bad. You carry it to the railroad track which is just a very short distance away. In his opinion the next logical breaking point would be Sharon Road. You carry Eastway to Randolph and you will have another intersection. Face the facts of life - Council is never going to change the name of Wendover Road.

Mr. Harries stated he would recommend that Independence Boulevard be a breaking point, Sharon Road the next, and then what is now south of Independence - what is now Brookhurst and on beyond - call it something else. He asked that we not have any more of this driving down a street, going across an intersection and being on a different street. He recommended that Council refer this matter back to the Planning Commission with instructions that they do some planning and come up with either a master plan or a tentative plan for this Belt Road.

Councilman Withrow stated there are a lot of streets all over Charlotte and there is a lot of confusion. That planning is needed on all the streets where this condition prevails.

Councilman Alexander moved that the name of Brookhurst Drive remain as Brookhurst Drive. The motion was seconded by Councilman Harris, and carried unanimously.

ORDINANCE NO. 308 AMENDING CHAPTER 19, SECTION 86.1 RATES AND CHARGES FOR AMBULANCE SERVICE.

Motion was made by Councilwoman Locke and seconded by Councilman Withrow to adopt the subject ordinance increasing the rates and charges for ambulance service, as follows:

Base Charge	\$35.00 per person
Mileage Charge (in excess of 10 miles one way)	1.40 per mile
Oxygen	7.00
Non-emergency round trip	50.00
Waiting time	4.00 each 15 min.

Councilman Williams asked how many employees the Ambulance Service has? Mr. Brandes, President of the Company, replied he has 28 permanent employees and 11 part time employees.

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

The ordinance is recorded in full in Ordinance Book 21, at Page 187.

ORDINANCE NO. 309 AMENDING CHAPTER 11 OF THE CITY CODE.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance was adopted amending Chapter 11 of the City Code, as follows:

- (a) Repeal in its entirety Section 11-18(29).
- (b) Delete the present language of Section 11-18(290)(b) in its entirety and substitute in lieu thereof: "(b) Pinball machines and other amusement games and devices, per location.....\$25.00"
- (c) Amend Section 11-18(68.1) by adding the following sentence: "Provided non-profit child care centers shall be required to obtain a license but shall be exempted from the payment of the license tax."

The ordinance is recorded in full in Ordinance Book 21, at Page 188.

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YEAR END REPORT ON STATUS OF FY 74 OBJECTIONS PRESENTED.

Mr. Bryce A. Stuart, Budget and Evaluation Director, and Mr. Milt Weiss, Evaluation Supervisor, presented a status report on departmental objectives which were established last year. The report highlighted the accomplishment of objectives by program and outlined the steps to be taken during FY 75 to improve the evaluation and reporting process.

During the presentation, Councilman Withrow stated Nashville, Tennessee is using people in their manpower programs in the redeveloped areas. That he would like for someone to contact the Mayor there, and find out how this is being done. Mr. Weiss stated he will look into this; that he has very good contact with them. Councilman Withrow stated he has been told that it is very effective, and they have gotten a lot of redevelopment done through manpower.

Councilman Whittington asked how far along Manpower is in hiring the counselors for veterans? Mr. Williams, Assistant City Manager, replied he will prepare a report for Council for the next meeting. Councilman Whittington stated when the Manpower program was presented, Council told staff that it wanted Veteran Counselors trained for veterans work and that veterans be given credit in the employment. That he has not heard anything more on it, but he will give Mr. Williams a letter on it after the meeting today.

Mayor Belk stated Greensboro is doing a much better job in keeping the auto thieves down, and he asked what they are doing? Mr. Weiss replied he will contact them and find out what they are doing.

Mr. Stuart stated they did not take a strict accounting, item by item, of how each Department did; they reviewed each Department, and their overall feeling was that the great majority of the objectives originally established were met.

ORDINANCE NO. 310-X AMENDING ORDINANCE 214-X, THE 1974-75 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO ESTABLISH AN APPROPRIATION FOR THE UNITED ARTS COUNCIL.

The request of the United Arts Council for a one time grant of \$30,000 for an action plan to strengthen cultural organizations was presented.

Councilman Short moved adoption of the subject ordinance transferring \$15,000 from the General Fund Contingency to provide the City's first year share of the Cultural Action Plan for Charlotte-Mecklenburg. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 189.

Councilman Whittington stated two weeks ago two members of the United Arts Council appeared before Council with this request. That they had talked to Council previously about this. He stated his concern is as it relates to United Arts Council Cultural Projects, as well as Historical Projects. Down the road we are going to need an organization, or an umbrella group, to say to Council what it should be participating in with tax money and what it should not be participating in. That this is a new request on top of the budget that Council has approved. That he does not object to this; but the time is coming soon when Council will have to be careful and will have to begin to say no. The question is who Council will say no to. That he thinks it makes sense to have someone say to Council how the money should be distributed. There should be a plan to decide who gets what in the next budget.

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DISCUSSION OF TABLE OF PERMITTED USES IN SINGLE FAMILY RESIDENTIAL AREAS.

Councilman Williams stated he has extracted from the City Code, duplicated and passed around at other meetings, the permitted uses in single family residentially zoned areas. It came as a surprise to him that some of the uses were permitted at all under any condition; most of them are permitted with special restrictions. An example is that sewage treatment plants are permitted in areas zoned for single family; riding stables, petroleum storage, orphanages, doctors and lawyers offices, nursing homes, YMCAs or YWCAs, fraternal organizations, golf courses, hospitals, libraries, museums, country clubs, day nurseries, colleges, community recreational centers, cemeteries, and so forth. That he thinks Council should re-examine some of these, and consider shifting some of them from the single family residential classification to institutional classification. These things can be introduced in a single family zoned area without any rezoning, without any special use permit, and without any notice or right to protest.

Mr. Bryant, Assistant Planning Director, stated some of the uses mentioned have certain histories behind them as to how they occurred and why they occurred; others are there because they are considered by and large to be a legitimate part of a residential community. A church is a legitimate, necessary functional part of a residential neighborhood. If we had to rezone to allow churches, it is like a lot of the things, probably a lot of people do not want them immediately next to them, but where do you put them except in residential neighborhoods. There are some uses here that fit into that category of thinking. Schools are the same; but they are a necessary part of the residential makeup of any community. A cemetery could go under a conditional or special use permit without a great deal of difficulty. In terms of land areas, they are more likely to occur in a residential land use setting than any other. That he does not believe there would be many industrial areas that would be attractive. It is true that a lot of these uses could be placed in some sort of specialized category. He would not suggest they be placed in the present makeup of the institutional district category as in the language of the ordinance, the institutional classification is a very specialized one. It was one devised primarily to take care of the University of North Carolina area and similar areas where you have a large scale or a larger concentration of purely institutional type of facilities. That he does not believe that rezoning a single lot for a church or school or for some of the other things that have been mentioned in a residential setting would accomplish very much except to give an opportunity for the immediate neighbors to have a voice in the affair.

Mr. Bryant stated there are other uses allowed in a residential zone which he would agree could stand more scrutiny than they now receive. As an example, the YWCAs and YMCAs are permitted in a residential district. This came about in 1962 at the time the present zoning ordinance was being adopted. At that time the YWCA was looking for a site, and the site they chose was on Park Road, and there was a point of view made that it was better to allow that to go as a use by right under residential zoning than to zone the property to office. This is true in several of these. At the time, it was construed to be better to make some adjustments and allow them in a particular setting rather than to necessitate a change in zoning which might encourage further changes of zoning that would further deteriorate the object of the neighborhood itself. Another example is nursing homes. The Presbyterian Nursing Home came as a request for a change in zoning to office to allow the home to be built. This met with opposition of the neighborhood, and it was denied as a request for rezoning. Instead, it was decided at that point that the ordinance could be changed to allow these subjects to controls; and the ordinance was amended to allow that. Mr. Bryant stated personally he does not think this is a legitimate use by right in a residential district; that he thinks it is a legitimate use in a residential setting under some circumstances. You have to keep the use itself in mind. That you would not want to take the home for the elderly or a nursing home and say it has to be in an industrial district, or a business setting. But subject to specific locational design, criteria and so forth it can be considered in a residential setting.

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Mr. Bryant stated you have to allow sewage disposal plants in all zones. It is impossible to define a location for facilities of this sort based on what is proper land use planning for the whole area. You have to place those where they are needed in terms of the drainage factors, the location of where they can serve the widest segment of the urban area. You are limited in your locational factors as far as this type of use is concerned. Hospitals and sanitoriums are allowed as uses by right in residential zones. That he can see where these could be allowed subject to some sort of special consideration. Basically you want a hospital in a setting that is quiet enough to be legitimate for it; you would not want to put it in an industrial or noisy business area. This is another use that could perhaps require some type of consideration on the basis of a specific location. He stated the day care and day nurseries have come up a number of times for discussion. Personally he holds the view that it is proper to allow them in residential zones, but he thinks they should be subjected to more controls, more site development conditions, and such. At the time this was put in the ordinance in 1962, there was a decision of the courts that stated in general where you permitted public school facilities you had to permit private care facilities for children. If you permitted public schools in residential areas, you had to permit the private schools as well. Even if that is still pertinent you could impose some additional standards of the design and usage.

Mr. Bryant stated in general there are some examinations that can be made of the table of permitted uses and perhaps it can be tightened up in different ways. But to a certain extent there are legitimate reasons why some of these should be found in residential areas.

He stated the petroleum storage is an accessory use to a residence for heating purposes. Also, the lawyers and doctors are allowed only as a home occupation where they live in a house, and where only they themselves are occupied in their business; they cannot even have a secretary.

Councilman Williams asked if we have enacted the ordinance that was created in the last session of the Legislature on zoning? Mr. Bryant replied we have not, but in the past week they have initiated the process of starting to work on it. This is referred to as the Jordan Bill empowering the local government to adopt regulations which would in general set up the parallel districts for all the districts contained in the ordinance. The present general ones would remain, and you would establish a parallel additional district for each one of them which would give you the right when you have a change of zoning before you, to say in effect, that you do not believe it should go in the general district, but if they agree to specific design control, and use control, then consider it for the conditional district. Mr. Bryant stated they feel the total problem is much greater than that, and there are a lot of things that need to be done to the zoning ordinance that would not encompass. They had hoped to do it as a complete re-analysis of all the zoning structure. But it does not appear that will happen quickly enough to avoid some of the problems, so they are starting to work now. He would hope within the next six to eight weeks to have something for both governing bodies to institute parallel districts. An example in single family residential, you would establish in each district a parallel conditional district that would allow exactly the same things that the general district allows; the only exceptions being when that is applied you would be restricted to the one and only use that you had applied for the change for. You would have to construct it and utilize it in accordance with the set of plans that was submitted.

Councilman Williams asked if he can dove tail and incorporate some of these uses Council has been talking about into that proposed ordinance? Mr. Bryant replied yes. Councilman Williams stated then for the time being he is content to have this on the back burner; that he hopes Mr. Bryant and the Planning Commission will use its best efforts to consider this possibility. The time to discuss and debate might be when Council considers this special use district.

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Councilman Whittington asked what they plan to do about the day care centers? That there are about three day care centers in homes on Seneca Plance. Mr. Bryant replied all but one has closed. Councilman Whittington stated this is the problem we have in the neighborhood where an operator opens up a day care center, does not live there, and the place is closed down at night, it is fenced in during the day, and in a very short time it becomes an unsightly mess. This is what people complain about. This is where he thinks Council should make a real effort to tighten up. Mr. Bryant replied he thinks this can be incorporated into what Mr. Williams is requesting. In addition to setting up a parallel district, that we consider rather carefully the uses that would be allowed in both the general and the conditional district. If it were taken out of the general district as a use by right and placed into the conditional district, then it would mean that any additional use that anyone wanted to make for this purpose would then be subjected to the conditional use process. Being conditional, it allows a great deal of latitude in terms of what you actually require of the development itself. You are not limited to the standard 40 foot setback or the 30 foot setback that the general district might require.

Councilman Harris stated there must be a separation between a small family run type operation in a home versus a commercial enterprise. You look around the city today at the day care centers which have become big business, and the same is true of the nursing homes. Mr. Bryant replied a lot of it becomes design. If you look at the nursing home on Sharon Road, he thinks that blends very well with the neighborhood; but the one on Randolph Road is a matter of design. Mr. Bryant stated as far as the size of the facility it is limited in relation to the land area they have; it is five beds per whatever the requirement of that particular district is. In R-12 they would be allowed to have five beds for every 12,000 square feet of land area. The restriction is on the land area. This would be another area in which the conditional approach could come into play. If Council felt that five beds per 12,000 was too much, then they could place a lid and say they could have only a maximum of 80 beds regardless of how much land area they have.

Councilman Alexander stated he is concerned when they talk about fraternal structures in residential areas. If one would read one's history, especially the history of the social development of the Black race in America you will find that the church and fraternal organizations are the bedrocks of the Black race's social development. Those two institutions have been a part of the life and living of the Black race and Black Communities every since there has been a church. Some of the greatest Black leaders the world have ever known have come through the development of the Black church and the Black fraternal orders. He would suggest they approach with caution any desire to attempt to zone fraternal halls out of residential areas. They are still a strong focal point in Black community life. Just by a thin thread of zoning you can zone them out of existence. That he is afraid you would not want to do that and you would hear much upcry in case you did it. That he would hope that consideration be given to the facts as he has given them if any consideration dwells down to that point. Mr. Bryant replied in relationship to that this is the desirability of the conditional process. Under that procedure you can consider each individual situation on its own merit. What may be perfectly acceptable in one situation may be objectional in the other. You would have an opportunity to judge individually whether or not it is appropriate. With the exception of the fact that there was no advertised public hearing as such on the Park Road request, the special use permit process did exactly the thing it was intended to do. It gave an opportunity for evaluation as to whether or not that was the proper location, a proper setting, a proper design for that particular use. Zoning basically is a class judgement situation, and it is not individual judgement situation.

Councilman Short stated in residential single family zones we now have uses of right, special requirements for something like a museum, and then one that is a use permit. There is no conditional category in single family areas? Mr. Bryant replied there are some conditional uses such as off-street parking. Councilman Short stated the proposal ahead under the Jordan Bill would be to introduce not just parking, but many other things as conditional uses in the single family zoning. Mr. Bryant replied if Council chose to make them such. The key is that the alternative is available.

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PROGRESS REPORT ON PRESENTATION OF COMPREHENSIVE DEVELOPMENT PLAN.

Councilman Harris asked if the Planning Commission and staff have completed their hearings on the Comprehensive Plan? Mr. Bryant replied yes; these are Planning Commission hearings. The process now is that they will go back into evaluation and will take all the comments and all the concerns expressed; probably do some revising of the plan; and hopefully take into consideration much of what they have heard. Then it will be presented back to the Planning Commission to arrive at a consensus of what it can adopt as a plan, and then it will be presented to the City Council and the County Commissioners. At that point the governing bodies will do with it as they wish. If they want to hold public hearings then it can be done. He stated they had hoped to accomplish the review process in about a month or six weeks; however, they have run into a lack of the total comprehension of what the plan really is trying to accomplish, and he thinks it will take a good deal longer than that to get back into focus some of the aspirations they had for the plan. That he would not project a time at this point; but he would hope it would not be more than a couple of months.

MOTION TO NEGOTIATE FOR RIGHT OF WAY ACROSS EXXON LAND FOR DILLARD DRIVE EXTENSION LOST FOR LACK OF FOUR AFFIRMATIVE VOTES.

The discussion of the extension of Dillard Drive, across Milton Road, and into Newell-Hickory Grove Road was presented as requested by Councilman Short.

Councilman Short moved that Council ask the City Manager to negotiate for a right-of-way across the Exxon land and that this be done in a way to save the trees to the maximum. The motion was seconded by Councilwoman Locke.

Mr. Ralph Howie stated they have a project that has been started; that he understands this does not touch their property. It will affect their property; they are in the process of completing HUD approval for 64 units, townhouse for sale project.

Mr. Hopson, Public Works Director, stated the \$110,000 for the right-of-way is their best estimate. That if the motion carries they will negotiate and come back to Council with the official cost; it will also include a small parcel of property across Milton Road which is very expensive property. There are two pieces of property involved.

Councilman Harris asked why he wants Dillard Drive to go through there? Councilman Short replied he is only asking that we get the right-of-way before it disappears; it is an open area out there now, and in his judgement that it is an obvious need. Councilman Harris stated Dillard Drive goes nowhere at present. Unless there are plans to change the arterial route he cannot see a reason to acquire additional right-of-way. Mr. Howie stated if it is the decision to go through, he would like to have a chance to reconsider this as it does affect their project. They would have to consider a different use for their property. They did not design it with the intent of being on a highway on three sides; only on two. They have screening and planting and fencing all the way around it on Milton Road; but he does not believe that the city nor their interest would be served if it were to go in a dogleg fashion as it is designed. That if it is the decision to go through they would like to see if they cannot negotiate a right-of-way that will allow Dillard Drive to go straight.

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

YEAS: Councilmembers Short, Locke and Williams.

NAYS: Councilmembers Alexander, Harris, Whittington and Withrow.

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**CHARLES R. JONAS, SR. APPOINTED AS SPECIAL LIASION FOR INTERGOVERNMENTAL PROGRAMS.**

At the last meeting of Council, Councilman Harris moved that the City Manager be authorized to work out the appointment of Charles R. Jonas, Sr. as special liasion for intergovernmental programs.

Councilman Harris stated at the last meeting he mentioned that there had been some discussion with Mr. Jonas about serving in this capacity, and after discussing it thoroughly they were quite pleased that he would accept this.

Mr. Burkhalter, City Manager, stated he met with Mr. Jonas and approached him on the basis of using him in a professional capacity as a lawyer, representing the City in matters that we were concerned about in Washington and Raleigh. That he has tried to express to everyone who is concerned about this that we are not replacing our congressman or anyone else. That he will act as legal counsel for us. He stated he and the Mayor have to go to Washington often just to represent the City, not necessarily to get something. That Mr. Jonas seems to fit the bill well. Mr. Burkhalter stated the agreement was that he would recommend to Council that we employ Mr. Jonas professionally on a retainer of \$1,000 per month plus whatever expenses are involved in the travel that we require him to do. That it will be done on a monthly basis.

Mr. Burkhalter stated if Council is agreeable to this arrangement he would like to not appropriate any funds for this at the present time; but to hire him as other attorneys are hired as special counsel through the City Attorney's office; this will just work through Mr. Underhill's office. There is a little surplus in their accounts; but he may have to come back to Council for additional funds later.

Councilman Harris moved the appointment of Mr. Jonas. The motion was seconded by Councilwoman Locke.

Councilman Short asked if he will work in Mr. Connerat's office? Mr. Burkhalter replied no. From his viewpoint this is the hiring of legal counsel, a professional lawyer. Because of his long experience in governmental matters it makes his services more valuable. This will be complimentary to what Vince Connerat is doing. Councilman Harris stated Mr. Jonas agreed to do this only if he had people like Mr. Connerat to work with. He wants to do it on an as needed basis. He would be in Washington on other business, and he thinks it is very fortunate that the City could get him to help the city directly at that time.

The vote was taken on the motion and carried unanimously.

**CITY MANAGER INSTRUCTED TO HAVE DOUGHBOY STATUE RESTORED.**

Consideration of the restoration and relocation of the Doughboy Statue was presented.

Councilman Whittington moved that Council instruct the City Manager to have the Doughboy Statue restored, and when it is restored placed on the City Hall lawn on Trade Street. The motion was seconded by Councilman Harris.

The City Manager asked that Council not vote on the location of the statue until someone has an opportunity to look at the site.

Councilman Whittington changed his motion to instruct the City Manager to have the Doughboy Statue restored. The changed motion was agreed to by Councilman Harris. The vote was taken and carried unanimously.

Councilman Whittington stated he hopes that it is not placed in a park as it will be torn up again unless it is fenced in. He asked the City Manager to notify Mr. Willis Griffin on Greenland Avenue that this action was taken by Council.

Mayor Belk asked how many World War I veterans are in Charlotte? He asked that the City Manager get this information for Council.



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DISCUSSION OF RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR  
ACQUISITION OF PROPERTY OF R. J. MCRAE AND OTHERS, AND NO ACTION TAKEN.

Councilman Whittington stated he brought up the subject of the condemnation of the property of R. J. McRae and others two weeks ago, and the information from Mr. Hopson was sent to Council with the agenda. That he appreciates Mr. Hopson's position; but Council has been talking about WWI veterans and this man is a veteran of WWI. That he would hope there is something we can do for a family who finds themselves in this position. For Mr. McRae to move from this location, he cannot move into another home for what the city is going to offer him. That he feels we have him in a situation that he does not have any choice except to move and find a place if he can. Whatever he finds will be for considerable more than we are offering to pay him based on the appraisals.

Councilman Whittington stated if he knew that, if the family wanted to, they could live there until the city has to take the property, he would feel better.

Mr. Burkhalter, City Manager, stated it was his understanding that these people had put up a for sale sign on their home before the City went out and approached them. The question was whether or not they felt the money we offered was sufficient. The only fair way to do that is to go into the condemnation process to determine the price. Apparently they were going to move anyway. Councilman Whittington replied that may be true, but they will have to move when the city takes their property.

Mr. Hopson, Public Works Director, stated he sees no objections if they want to live there, the city would give them a year if that would help them. There are two homes adjacent to this that have been vandalized; the city is going to have to take the home next to them down because it is a definite danger trap.

Councilman Whittington stated he does not know if they will live there. Whether he put up a sign to sell it or not; the city is taking action here that says to him he must find another place to live. This man is 80 years old, and a year for someone that age is a pretty big break. Mr. Hopson stated they have no objections to him staying there at present; they want to get in there and get some additional property because with annexation the space is needed.

Councilman Whittington moved that we leave this as it is in hold, and Mr. Hopson come back to Council after discussing this with Mr. McRae. The motion did not receive a second.

Councilman Whittington stated his thought is to go to these people and say to them that they can stay there for a year, and hold this condemnation proceeding until Mr. Hopson reports back to Council in two weeks. Mayor Belk stated that sounds good; but what we are talking about is \$6,000 difference in price. Mr. Hopson stated he cannot offer them more money. Councilman Whittington replied he is not proposing that.

Mr. Burkhalter stated perhaps we could do both. Proceed with the condemnation suit and then ask our relocation division in Urban Redevelopment, who are not required under the law to do it, to visit with them and find out what their problem is. The relocation division is accustomed to doing this. If they come back and say they can relocate them or help them get a place; or they can come back and say they would like for them to stay for a year. It can be worked out. Mayor Belk stated he does not want the city to get caught in a bind and then have this come up every time. That he would rather handle it on a regular procedure and take care of Mr. McRae on a relocation basis.

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SPEED LIMIT AND TRUCK TRAFFIC PROBLEMS ON WOODLAWN ROAD, DISCUSSED.

Councilman Alexander stated he asked that reducing the speed limit and removing truck traffic on Woodlawn Road be placed on the agenda for discussion. One reason was to try to settle this once and for all if such can be settled once and for all. He stated one of the problems is the condition that grew out of the development of Woodlawn Road and the effect on the property owners who live there. One is the speed and the question of whether or not we can reduce the speed to offer some relief to the residents who live there. If reducing the speed would create any type of problems then we should give that consideration. Next is the question of whether or not we can remove the heavy truck traffic off Woodlawn Road. That he would like to get into the record a firm answer about these two problems.

Mr. Corbett, Traffic Engineer, stated a study last week showed that approximately 6 1/2 percent of all the vehicles operating on Woodlawn Road between South Boulevard and Park Road are in fact trucks. That 3.7 percent of the vehicles are two axle trucks which are not in any way violating the truck route ordinance; the only question is the 2.7 percent of the vehicles, or roughly some 300 vehicles in a twelve hour day which might be violating the truck route ordinance.

Mr. Corbett referred to a map and indicated the truck routes basically through the city making deliveries to locations where they are required to stop. Woodlawn Road is a part of the Belt Road. From the previous Thoroughfare Plan it is designated as a major thoroughfare, and will ultimately connect I-85 all the way around through Brookhurst Drive, Eastway Drive and back into I-85 on the other side. This was the first part of the Belt Road to be constructed. The problem is even greater than that. In 1960 the truck route ordinance was adopted, and laid out as shown on the map. Since that time there have been some drastic changes in the southern part of the city. He referred to the commercial shopping facilities along Park Road, and the office buildings. In this group there are in excess of 4.0 million square feet of available space, rental for either office space or commercial use, or just retail stores. These facilities have to be served by trucks. There is an absence of truck routes in this area. Any truck going to any of these facilities has two basic choices. One is to follow the truck route from the west side of town, come down to Woodlawn Road at South Boulevard, and it is legal to that point, and then travel along Woodlawn Road to these locations. The truck route ordinance says they must follow the truck route to the point nearest the destination. The other alternative would be for a truck to come out Providence Road to Sharon Lane, and then along Sharon Lane to Sharon Road, and back around Park Road and back to these areas. A driver would have one of two choices.

He stated for the most part, the trucks choose to travel I-77, Woodlawn Road over to Park Road and these facilities. They do this because I-77 connects directly on the north with I-85 and most of the trucking terminals are scattered along I-85, and many of the warehouses and businesses to which they must travel are in this section of the city and I-77 and Woodlawn Road is a natural route for them to follow. He stated he is not sure that trucks could be prohibited on Woodlawn Road as they have to get there. If at this moment we said no more trucks on Woodlawn Road, it would only eliminate those which are three axle or more, or some 300 vehicles per day going in both directions. The other 450 are all light, two axle trucks. At the moment he does not see any way for the Traffic Engineering Department to make any recommendation to Council to prohibit these trucks.

Mr. Corbett stated there were a total of 811 trucks counted from 7:00 in the morning until 7:00 in the evening; 473 of these were two axle vehicles; 338 of these were vehicles which had more than two axles. They included tractor trailers, construction vehicles and some straight body trucks. Many of them were delivery type vehicles which were delivering to these facilities.

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Councilman Withrow asked about the count from 7 p.m. to 7 a.m.; that would be the time these people are more concerned as they are sleeping. Mr. Corbett stated he does not have that now; they can get that information but they have not had time to include all the information.

Councilman Alexander stated if these trucks were prohibited, what route would they have to take? Mr. Corbett stated there is no other place for them to go; there is no other facility in that area which has the capability that Woodlawn Road has to accommodate the traffic. He stated the City is in the process of building Tyvola Road extension which will connect over to I-77, and it will eventually come in and connect with Park Road; but it will go through the Park and an area which is much more of a residential area. The first part of Woodlawn Road, between I-77 and South Boulevard is entirely commercial; and the end at Park Road is all commercial. There is no other good place for them to go. There is an interchange with I-77 where they can interchange and come along on the part of Woodlawn Road that is designed as a truck route, and then on to their destination. Councilman Alexander stated one solution would be to permit no more business in that area. Mr. Corbett stated business has been permitted to develop in this area and it has lead to the use of the trucks. If they are not permitted to use Woodlawn Road, then they will have to develop another route. Park Road is not a part of the truck route now; it could be an alternate, or it could be designated as the truck route. But it is a residential street also. The Woodlawn Road route is the shortest route between I-85, I-77, 521 and others and it is much easier for trucks.

Councilman Whittington asked if most of these trucks are not coming down I-85 to I-77, and going directly to a shopping center. They are stopping at a terminal somewhere. Mr. Corbett replied they stop at many places; they may start out at a terminal.

Councilman Whittington asked if we could not require that these tractor trailers not get on Woodlawn Road, and this is talking about Eastway Drive and others, except with two axles. That would eliminate half of them. Mr. Corbett replied it would double the two axle trucks; there are many other types of trucks that make deliveries to private homes such as coal and oil vehicles and such that have more than two axles.

Councilman Whittington stated we have to do something to try and protect those people on Woodlawn Road, as well as other streets. When we built these roads we told them this would be a street with 45 MPH traffic on it and it would not be a truck route, and traffic speed would be controlled. That at every hearing people were told this: That he cannot help about this development. These people are out there, and they are stuck. We have two choices - to do all we can to eliminate the traffic, or change the zoning to business or commercial. Then let it all go to pot. That is exactly what we do not want to do. He stated Woodlawn is not the only one, others are Providence Road, Freedom Drive, Eastway and others. Mr. Corbett stated any four lane road that provides access to business has this problem. Councilman Whittington stated we as a government and Mr. Corbett as a Traffic Engineer, including the State, should make provisions to keep as many of these trucks off these roads as we can. That he was gratified this morning to see a policeman in the middle of Woodlawn Road stopping trucks and asking them for their destination. That is encouraging to the people out there.

Mr. Corbett stated they can post the same kind of signs on Woodlawn Road, which they posted on Hoskins Road, which in effect says that all through trucks over two axle are prohibited.

Councilman Whittington stated he would hope that Council would agree and staff would understand that we should make every effort possible to notify every trucking company in this town that except where through trucks are specified, they would make an effort to not use their big tractor trailers, and they stay off these roads, and the police department will be instructed to enforce that regulation against the big trucks. He stated they are doing that now, and asked if they cannot continue to pursue it.

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Mr. Corbett replied they can do that within the limitations of the present truck route ordinance; they can simply post signs which will ban through trucks. They are in the process of reviewing the entire ordinance; it has not been done since 1960. That they will be glad to come back to Council with a revision of the ordinance as soon as possible. That he will speak to the Members of the Charlotte Terminal Managers Association and make this request to them. In the meantime he can post signs saying that through trucks over two axles are prohibited.

Mr. Burkhalter, City Manager, stated, if necessary, they can be required to take it in pickup trucks; but they would be making so many different trips that it would be ridiculous. There is not much reason ever for a trailer truck to travel that road in that direction unless he is going to one of these places. That the trucks have to go on the road. He would hope that the people are not going to get any ideas that there will not be any trucks running on this road. He stated he is going to ask Mr. Corbett to do something and he would like to make Council aware of it. There are certain hours of the day when trucks do not bother as much as they do otherwise. If we have to have trucks it is likely that we could set limits in which trucks could operate; and not allow deliveries at other times. Trucks could be allowed on the road from ten in the morning until four in the afternoon, and nothing there after - that he is talking about tractor trailer type. There is a way of doing this. There has to be some trucks on there.

Councilman Withrow stated he would like for this to be sent to the Planning Commission, giving them the facts that have been talked about today about the truck traffic and the problems of delivery, to have them look over this area once more with the possibilities of rezoning to office and multi-family.

Councilman Alexander asked if there is any possibility of reducing the speed limit? Mr. Corbett replied he would not recommend the reduction in the speed limit. The roadway is designed to operate safely at 45 MPH. The people were so notified at all the hearings which were associated with the construction of Woodlawn Road. Their experience has been such that the speed is not detrimental to the safety of the vehicles which are traveling up and down the road, not the people beside the road. He would recommend that the 45 MPH speed limit stay in effect.

Councilman Alexander stated from this conversation today, Mr. Corbett will continue his spot checking for destination.

Mr. Corbett replied that is correct; they will get some more counts at night and bring back this information; they will also continue their work on the ordinance, and he will notify those people at the Charlotte Terminal Management Association and request they cease to use the heavy trucks when possible until we can come up with a revision of the ordinance, and bring it to Council. That he would let the speed limit remain.

Councilman Withrow moved that the Planning Commission study this area and come back to Council with a recommendation with the possibilities of rezoning or what action they would perfect. The motion was seconded by Councilman Alexander, and carried as follows:

YEAS: Councilmembers Withrow, Alexander, Short and Locke.  
NAYS: Councilmembers Whittington, Harris and Williams.

Councilman Whittington stated he does not want to vote against the motion, but he would prefer to give the screening an opportunity to see if it will work.

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**BUDGET OF \$2500 FOR THE CHARLOTTE-MECKLENBURG CONSOLIDATION COMMITTEE FOR PAYMENT OF THE PREPARATION OF A TAX STUDY MODULE AUTHORIZED.**

Councilman Harris stated he and Commissioner McMillan talked about budgeting funds for the preparation of a tax study module for the Consolidation Committee. That they are requesting a total of \$5,000, half from each Governing Body. That they think the cost figure they receive from the Institute of Government will be about \$2500 to \$3,000 at this time.

Councilman Harris moved approval of the budgeting of \$2500, the City's 1/2 share, for the preparation of a tax study module for the Consolidation Committee. The motion was seconded by Councilwoman Locke, and carried unanimously.

**ERNEST HUNTER APPOINTED TO FILL UNEXPIRED TERM ON THE HISTORIC PROPERTIES COMMISSION; AND CONFIRMED APPOINTMENT OF BOYCE CARROTHERS BY COUNTY COMMISSIONERS.**

Councilman Alexander moved appointment of Ernest Hunter to fill the unexpired term of Thomas Storrs on the Charlotte-Mecklenburg Historic Properties Commission. The motion was seconded by Councilman Harris, and carried unanimously.

Councilman Alexander stated Mr. Hunter is in the Trust Department of the First Union National Bank, and the Historic Properties Commission asked that he be named to fill this unexpired term.

Mr. Underhill, City Attorney, stated the resolution establishing the Commission, which is a joint Commission, says that appointments shall be joint by the Governing Boards. The County Commissioners in meeting on August 2, reappointed Mr. Boyce Carrothers to fill the vacancy of his terms. Technically the City Council has to confirm that recommendation, just as the County Commissioners must confirm the appointment made by the City.

Councilman Alexander moved that the City Council confirm the appointment of Mr. Boyce Carrothers by the County Commissioners. The motion was seconded by Councilman Whittington, and carried unanimously.

**NOMINATION OF JOHN THROWER TO ADVISORY COMMISSION ON URBAN REDEVELOPMENT HELD IN ABEYANCE.**

Councilman Withrow stated he would like for the nomination of John Thrower to the Advisory Commission on Urban Redevelopment to be held in abeyance.

**COUNCILMAN HARRIS EXCUSED FROM MEETING.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, excusing Councilman Harris, from the remainder of the Council Session.

**ORDINANCE NO. 311-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE MINT MUSEUM OF ART, INC., ADOPTED.**

Councilman Alexander stated he is a member of the Trustee Board of the Mint Museum, and he asked if he should vote on the subject ordinance? The City Attorney advised that he should abstain from voting.

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Councilman Short asked if the Mint Museum employees are now considered city employees? Mr. Burkhalter, City Manager, replied that the City Attorney has said officially they are not. The Mint uses the City's payroll and budgeting facilities, and pay scales. The position of Sales Gallery Manager is in the pay plan, but it was left out of the Mint's Budget.

Councilman Short moved adoption of the subject ordinance amending the Table of Organization to add one Sales Gallery Manager, in Class No. 860. The motion was seconded by Councilwoman Locke, and carried as follows:

YEAS: Councilmembers Short, Locke, Whittington, Williams and Withrow.  
NAYS: None.

Councilman Alexander abstained from voting.

The ordinance is recorded in full in Ordinance Book 21, at Page 190.

Councilman Short requested the City Attorney to give Council an opinion on whether or not it is legal for the City to appropriate tax funds to this organization if it would not be necessary for the City to appoint this Board.

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**ORDINANCE NO. 312-X TRANSFERRING FUNDS FROM THE 1972 SANITARY SEWER BOND FUNDS TO ESTABLISH AN APPROPRIATION FOR THE LOWER IRWIN CREEK OUTFALL, ADOPTED.**

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance, transferring \$40,000 to complete the engineering and construction of the Lower Irwin Creek Outfall.

The ordinance is recorded in full in Ordinance Book 21, at Page 191.

**ORDINANCE NO. 313-X TRANSFERRING FUNDS FROM 1969 SANITARY SEWER BOND FUNDS TO ESTABLISH AN APPROPRIATION FOR THE METRO CHARLOTTE 201 WASTEWATER FACILITIES PLAN, ADOPTED.**

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject ordinance, was adopted transferring \$185,000 to finance the engineering study of EPA requirements for wastewater treatment according to the 1972 Federal Water Pollution Control Act.

The ordinance is recorded in full in Ordinance Book 21, at Page 192.

**CLAIM OF CHRISTOPHER CHRIST FOR PROPERTY DAMAGE, DEFERRED.**

Councilman Whittington moved that the claim filed by Christopher Christ, 1701 Garden Terrace, Apt. 10, in the amount of \$350.00 for property damage be deferred as requested by the City Attorney. The motion was seconded by Councilman Short, and carried unanimously.

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RELOCATION CLAIM FILED BY WILLIAM H. ASHENDORF, ATTORNEY, FOR HIS CLIENT, HYMAN KATZEN, AUTHORIZED PAID.

Councilman Whittington moved that the relocation claim of Hyman Katzen in the amount of \$2500.00 be paid as recommended by the City Attorney. The motion was seconded by Councilman Short.

Councilman Williams asked the City Attorney if he thinks there is some basis for legal liability on this claim? Mr. Underhill replied he suspects there is, and that is solely the reason for his recommendation to pay the claim. There seems to be a grounds for action that could liable the city because of failure to provide relocation assistance service when timely and when requested to do so. It is one of those gray areas, and it would be a tough law suit on both sides. He sees enough that there is at least a cause of action that could be plead, and a case could conceivably be made. That Mr. & Mrs. Katzen are in a army-navy surplus store business; it is a reasonable type of operation, with November and December being their biggest months. They were out of business during the most profitable time of their fiscal year for two weeks. In addition they were required, having to be relocated from the site, to move into a structure that was much less than satisfactory as far as they were concerned. The building they moved into had no heat; they had to buy a furnace at a cost of approximately \$800; they had to buy shelving; and make other repairs that total to another \$300 to \$400, and things of this nature on a real crash basis in order to get out. For that reason he did not find \$2500 figure being claimed as a unreasonable request.

The vote was taken on the motion and carried unanimously.

ADVERTISEMENT OF NOTICE OF INTENT TO EXCHANGE PROPERTY OWNED BY THE CITY FOR PROPERTY OWNED BY SEABOARD COASTLINE RAILROAD AUTHORIZED.

Councilman Whittington moved approval of the advertisement of notice of intent to exchange property owned by the City, consisting of 2.37 acres for property owned by Seaboard Coastline Railroad Company consisting of 2.37 acres located off the road from the Hoskins Treatment Plant. The motion was seconded by Councilman Short, and carried unanimously.

ENCROACHMENT AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT SANITARY SEWER LINE WITHIN RIGHT OF WAY OF ARROWOOD ROAD.

Councilman Short moved approval of an encroachment agreement with the North Carolina Department of Transportation permitting the City to construct an 8-inch VCP sanitary sewer line within the right-of-way of Arrowood Road (SR 1138). The motion was seconded by Councilman Whittington, and carried unanimously.

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PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Whittington moved approval of the following property transactions, which motion was seconded by Councilwoman Locke and carried unanimously.

- (a) Acquisition of 19.24' x 27.94' x 158.72' x 4.27' x 175.90' of property, from Addie B. Little, heirs, at 1814 Oaklawn Avenue, at \$300.00, for Oaklawn Avenue Widening Project.
- (b) Acquisition of 11.49' x 99.73' x 12.07' x 99.82' of property, from Liston David Barrett and wife, Agnes C., at 3426 North Sharon Amity Road, at \$1,000.00, for Sharon Amity Widening Project.
- (c) Acquisition of 6.55' x 166.07' x .64' x 160.78' of property, plus a construction easement, from Elizabeth W. Young, (widow) at 2912 Sharon Amity Road, at \$790.00, for Sharon Amity Road Widening Project.
- (d) Acquisition of 7.51' x 76.01' x 8.49' x 75.63' of property, plus a Construction easement, from Jean T. Burch and William R. Burch, at 2810 North Sharon Amity Road, at \$550.00, for Sharon Amity Road Widening Project.
- (e) Acquisition of 7.51' x 15.00' x 65.37 x 79.94' of property, plus Construction Easement, from Consolidated Engravers Corporation, at 917 North Brevard Street, at \$450.00, for Caldwell-Brevard Connector Project.
- (f) Acquisition of 7.51' x 48.00' x 7.51' x 48.00' of property, plus Construction Easement, from Consolidated Engravers Corporation, at 911 North Brevard Street, at \$450.00, for Caldwell-Brevard Connector Project.
- (g) Acquisition of 15.24' x 18.74' x 24.10' of property, plus Construction Easement, from Ernest M. Bradley and wife, Retta H., at 924 North Brevard Street, at \$1,800.00, for Caldwell-Brevard Connector Project.
- (h) Acquisition of 15' x 115.18' of property, from Robert Kenneth McManus and Sue R. McManus, at 1241 Robinhood Circle, at \$500.00 for Sanitary Sewer to Serve Albemarle Road at Lake Forest Road Project.
- (i) Acquisition of 15' x 1,481.86' of property, from S & T Development Company, Inc., at 5001 Carmel Road, for Sanitary Sewer to serve Carmel South Project.
- (j) Acquisition of 105.46' x 149.95' x 105.46' x 149.95' of property, from Episcopal Diocese of North Carolina, at 6508 Plaza Road Extension, at \$7,275.00, for Water Pump Booster Station, Plaza Road Extension Project.



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SEWER EASEMENTS FOR ANNEXED AREAS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the following fifty (50) sanitary sewer easements were approved:

- (a) Annexation Area I (11) Sanitary sewer trunks.  
3
- (b) Campbell Creek Sanitary Sewer Outfall.  
17
- (c) Annexation Area II (7) Sanitary sewer additions.  
5
- (d) Annexation Area I (2) Sanitary sewer trunks and Collector mains.  
12
- (e) Annexation Area I (1 & 12) Sanitary sewer trunks.  
2
- (f) Annexation Area I (1 & 12) Sanitary sewer trunks.  
5
- (g) Annexation Area I (4) Sanitary sewer trunks.  
6

ACQUISITION OF REAL PROPERTY IN THE FIRST WARD URBAN RENEWAL PROJECT.

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

- (a) Acquisition of 4,753 sq. ft. at 425 North Caldwell Street, from Patterson, at \$22,800.00.
- (b) Acquisition of 5,824 sq.ft. at 528 East 9th Street, from Haynes, at \$12,100.00.
- (c) Acquisition of 8,292 sq.ft. at 618 North Caldwell Street, from Durrence Heirs, at \$8,000.00.
- (d) Acquisition of 8,592 sq.ft. at 613 North Davidson Street, from Costello, at \$9,500.00.
- (e) Acquisition of 6,871 sq.ft. at 619 North Davidson Street, from Bethel AME Church, at \$3,000.00.
- (f) Acquisition of 5,351 sq.ft. at 728 East 9th Street, from Murray Estate, at \$8,000.00.
- (g) Acquisition of 8,820 sq.ft. at 708 East 9th Street, from Brown, at \$31,000.00.
- (h) Acquisition of 13,037 sq.ft. at 226 North McDowell Street, from Brown, at \$40,000.00.
- (i) Acquisition of 7,320 sq.ft. at 305-07 and 309-11 North Long Street from Brown, at \$29,000.00.

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RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to David Kinney and wife Effie C. Kinney, located at 932 Calvine Street in the City of Charlotte for the Caldwell-Brevard Connector Project.

The resolution is recorded in full in Resolutions Book 10, Page 79.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for acquisition of property belonging to Double Triangle Properties, Inc., located at 928 Calvine Street in the City of Charlotte for the Caldwell-Brevard Connector Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolution Book 10, at Page 80.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Double Triangle Properties, Inc., located at 925 Calvine Street in the City of Charlotte for the Caldwell-Brevard Connector Project.

The resolution is recorded in full in Resolutions Book 10, at Page 81.

Motion was made by Councilman Withrow to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Double Triangle Properties, Inc., located at 921 Calvine Street in the City of Charlotte for the Caldwell-Brevard Street Connector Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 82.

Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to David Kinney and wife, Effie C. Kinney, located at 929 Calvine Street in the City of Charlotte for the Caldwell-Brevard Connector Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 83.

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ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS AND TRASH.

Councilman Short moved adoption of eighteen (18) Ordinances ordering the removal of weeds, grass and trash, as follows. The motion was seconded by Councilwoman Locke and unanimously carried.

- (a) Ordinance No. 314-X ordering the removal of weeds and grass on premises across from 5201 Clearwater Drive.
- (b) Ordinance No. 315-X ordering the removal of weeds, grass and trash on premises adjacent to 3616 Midfield Dr. (to left).
- (c) Ordinance No 316-X ordering the removal of weeds, grass and trash on premises adjacent to 1504 North Brevard Street (right).
- (d) Ordinance No. 317-X ordering the removal of weeds, grass and trash on premises on the corner of Van Every Street and Pegram Street.
- (e) Ordinance No. 318-X ordering removal of weeds, grass and trash on premises adjacent to 1417 North Harrill Street.
- (f) Ordinance No 319-X ordering removal of weeds and grass on premises adjacent to 716 East 11th Street (to right).
- (g) Ordinance No. 320-X ordering removal of weeds and grass on premises adjacent to 3732 Larkston Drive.
- (h) Ordinance No. 321-X ordering removal of weeds and grass on premises at 6818 Nations Ford Road.
- (i) Ordinance No. 322-X ordering removal of weeds and grass on premises adjacent to 4140 Allwood Circle.
- (j) Ordinance No. 323-X ordering removal of weeds and grass at 2516 Greenland Avenue.
- (k) Ordinance No 324-X ordering removal of weeds and grass on premises at three (3) vacant lots adjacent to 1921 Newcastle Road.
- (l) Ordinance No. 325-X ordering removal of weeds and grass at 2312 Vanderbilt Road.
- (m) Ordinance No. 326-X ordering removal of weeds and grass on premises adjacent to 2726 Catalina Avenue.
- (n) Ordinance No 327-X ordering removal of weeds and grass on premises adjacent to 4115 Bearwood Avenue.
- (o) Ordinance No 328-X ordering removal of weeds and grass at 3514 Warp Street.
- (p) Ordinance No. 329-X ordering removal of weeds and grass on premises at corner Spencer & East 37th Streets.
- (q) Ordinance No. 330-X ordering removal of weeds and grass on premises adjacent to 2603 The Plaza.
- (r) Ordinance No. 331-X ordering removal of weeds and grass on premises at corner Belmont Avenue and Pegram Street.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 193.

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**STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.**

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, approval was made of the following streets to be taken over for continuous maintenance by the City:

- (a) Dillehay Courts  
Pine Street - from West 28th Street to End.  
  
Bellefonte Drive - from Pine Street to West 30th Street.  
  
West 30th Street - from 340' South of Bellefonte to 200' North.  
  
Mockingbird Lane - from Hedgemore Drive to End 425' East.
- (b) State Road #1393  
Unnamed street - from Arrowood Road to .2 miles South.

**SPECIAL OFFICER PERMITS, APPROVED.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approving the following applicants for Special Officer Permits for a period of one year:

- (a) Issuance of permit to Anderson Brishane, for use on the premises of Douglas Municipal Airport.
- (b) Renewal of permit to Willie Joel Vincent for use on the premises of K-Mart, 6025 Pineville Road.
- (c) Issuance of permit to Robert Dale Blackwell for use on the premises of Charlotte Park & Recreation Commission.
- (d) Issuance of permit to William Oran McDowell, Jr. for use on the premises of SouthPark Shopping Center.
- (e) Issuance of permit to Kent Gilbert Winslow for use on the premises of Douglas Municipal Airport.

**COUNCIL ACTION OF JUNE 3, 1974 APPROVING AMENDMENT TO CONTRACT FOR LEGAL SERVICES WITH MILLER, CREASY, JOHNSTON AND ALLISON RESCINDED, AND SUBSTITUTE AMENDMENT TO CONTRACT AUTHORIZED.**

After explanation by Mr. Sawyer, Director of Urban Redevelopment, Councilman Short moved that Council action of June 3, 1974 approving an amendment to contract for furnishing legal services in connection with acquisition of land be rescinded, and that Council approve a substitute amendment to the Contract with Miller, Creasy, Johnston and Allison, for Greenville Urban Renewal Project to decrease the maximum amount payable under Stage I, Title Examination by \$50,570, and increase the maximum amount payable under Stage II, Quieting of Title by \$2,577, for a new total of \$34,627.00. The motion was seconded by Councilman Whittington, and carried unanimously.

**MAYOR AUTHORIZED TO APPLY FOR ADDITIONAL MODEL CITIES FUNDS TO OPERATE FOUR PROJECTS, AND TO ENTER INTO CONTRACTS FOR THE PROJECTS.**

Councilwoman Locke moved that the City Council authorize the Mayor to apply for \$353,200 in additional Model Cities Supplemental Funds to be used to operate the following Projects:

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CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AND SANITARY SEWER EXTENSIONS.

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

- (a) Contract with Arrowood Southern Company for the construction of 8,560 feet of 12-inch water main and thirteen fire hydrants to serve Arrowood Industrial Park outside the city, at an estimated cost of \$140,000. Funds will be advanced by the applicants and refunds made, all in accordance with existing city policies.
- (b) Contract with Alta Enterprises, Inc. for the construction of 1770 feet of water main and one fire hydrant to serve Stonehaven No. 21, inside the city, at an estimated cost of \$8,400.00. Funds will be advanced by the applicant, and refunds made, all in accordance with existing city policies.
- (c) Contract with Ed Griffith Company for the construction of 4,675 lin. ft. of trunk and mains to serve a portion of Fairfield Park, inside the city, at an estimated cost of \$56,000. The applicant will construct the entire system at his own proper cost and will donate to the city. The City will own, maintain and operate the system, and retain all revenue.
- (d) Contract with Southern Real Estate and Insurance Company for the construction of 8,450 lin. ft. of sanitary sewer, from Steel Creek Outfall, west to Highway No. 160, and Sam Neely Road, outside the city at an estimated cost of \$235,900.00. The applicant has deposited 10% of the estimated cost, plus the estimated cost of right of way. Upon receipt of bids, the applicant will deposit the remainder of the monies, and will be refunded as per the agreement.
- (e) Contract with Tilco Developers, Inc., for the construction of 1,659 lin. ft. of trunk and mains to serve Sherbrooke II Subdivision, inside the city, at an estimated cost of \$22,000. The applicant has deposited 100% of the estimated cost, and refund will be as per the agreement.
- (f) Contract with Day Realty of Charlotte, Inc., for the construction of 3,284 lin. ft. of trunk and mains to serve Kingstown Apartments, outside the city, at an estimated cost of \$68,340.00. The applicant has deposited 10% of the estimated construction cost with the city to receive bids on construction and own the system, and applicant will be refunded as per the agreement.
- (g) Contract with Herbert Hechenbleikner for the construction of 980 lin. ft. of trunk and main in Perryton Place, inside the city, (annexed area), at an estimated cost of \$12,000.00. The applicant will construct the entire project at his own proper cost and expense, and will donate to the city, at no cost to the city.

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CONTRACT AWARDED PALMER'S STATIONERS, INC. FOR CITY AUTOMOBILE LICENSE DECALS.

Councilman Withrow moved award of contract to the low bidder, Palmer's Stationers, Inc., in the amount of \$4,637.20, for City Automobile License Decals. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Palmer's Stationers, Inc.	\$5,637.20
Weldon, Williams & Lick, Inc.	5,708.60
Minnesota Mining & Mfg. Co.	9,860.00

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR 1 - 4,000 LB. CAPACITY FORKLIFT.

Councilman Short moved award of contract to the low bidder, A. E. Finley & Associates, Inc., in the amount of \$8,470.00, for 1 - 4,000 lb. capacity Forklift. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

A. E. Finley & Associates, Inc.	\$8,470.00
Carolina Tractor & Equipment Co.	9,408.00

CONTRACT AWARDED ALLISON FENCE COMPANY FOR DEAD-END STREET BARRICADES.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, contract was awarded Allison Fence Company, low bidder on a unit price basis, in the amount of \$40,320.00, for Dead-End Street Barricades.

The following bids were received:

Allison Fence Company	\$40,320.00
Whitmyer Bros., Inc.	59,920.00

CONTRACT AWARDED MECKLENBURG ENGINEERS & CONTRACTORS, INC. FOR 8-INCH TRUNK FOR SANITARY SEWER PROJECT TO SERVE CHESTNUT HILLS.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to low bidder, Mecklenburg Engineers & Contractors, Inc., in the amount of \$19,385.55, on a unit price basis, for 8-inch Trunk for sanitary sewer project to serve Chestnut Hills.

The following bids were received:

Mecklenburg Engineers & Contractors, Inc.	\$19,385.55
Ben B. Propst Contractor, Inc.	30,232.00
Crowder Construction Co.	31,183.85
Thomas Structure Company	32,540.00
Sanders Brothers, Inc.	32,728.00
Dellinger, Inc.	43,271.00

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**CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR IRWIN CREEK OUTFALL SEWER.**

Councilwoman Locke moved award of contract to the low bidder, Thomas Structure Company, in the amount of \$914,000.00, on a unit price basis, for Irwin Creek Outfall Sewer. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Thomas Structure Company	\$ 914,000.00
Breece & Burgess, Inc.	967,000.00
Rand Construction Co.	972,907.20
Blythe Brothers	981,526.50
Propst Construction	996,000.00
Terry Construction Co.	1,042,150.50
Associated Equipment Company, Inc.	1,049,900.00
D. R. Allen & Son	1,124,702.00
Dickerson, Inc.	1,145,465.60
Sanders Brothers	1,360,000.00
Wells & West	1,360,000.00
Shutt Hartman	1,487,000.00

**CONTRACT AWARDED MECKLENBURG ENGINEERS & CONTRACTORS, INC. FOR CONSTRUCTION OF ANNEXATION AREA II (7), COLLECTION MAIN SEWERS.**

Upon motion of Councilman Whittington, seconded by Councilwoman Lorke, and unanimously carried, contract was awarded to the low bidder, Mecklenburg Engineers & Constructors, Inc., in the amount of \$331,514.05, on a unit price basis, for construction of Annexation Area II (7), Collection Main Sewers.

The following bids were received:

Mecklenburg Engineers & Constructors, Inc.	\$331,514.05
Propst Construction Company, Inc.	327,204.81
Ray D. Lowder, Inc.	401,769.50
Dickerson, Inc.	424,971.80
Thomas Structure	441,783.00
Associated Equipment Co.	447,175.60
Rand Construction Co.	465,322.00
Breece & Burgess, Inc.	471,211.00
Sanders Brothers, Inc.	478,465.00
Hickory Sand Company, Inc.	542,293.20
Ben B. Propst Contractor, Inc.	553,389.00

**DISCUSSION OF POLICY FOR INSTALLING STREET LIGHTS.**

Councilman Williams stated he received some calls this week from the Stonehaven Area about street lights. One of the residents mailed him a street lighting policy from the Traffic Engineering Department, which was circulated in the neighborhood. It says in part, "... when the residents in the area vote to have lighting installed, any street or streets can petition this office that no lighting be installed, but it will take 100% resident participation on the street to stop lighting." Councilman Williams stated that is not the policy he recalls Council discussed and approved. He understood it would be a majority of the residents. That some streets are very long, and perhaps this should be defined and say on the block.

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Mr. Corbett, Traffic Engineer, stated after they hold a public meeting, and it is advertised before hand, they put the various alternatives before the people and they vote and select whether they want lights or do not want lights, and the majority of the neighborhood voted to have street lights installed; then if an individual street comes back and says they do not want it, they require 100% of those present. This would be in direct opposition to what the entire neighborhood had already voted for. The area is defined by the area in which they are working; they take a map to the hearing and show it to the residents; there may be 15 streets and it may encompass several thousand people.

Councilman Williams stated he still thinks they should exempt blocks when the neighborhood has approved it, and still reserve the right to place the lights for safety reasons.

Councilman Withrow asked if this is after more than 50 percent of the residents have voted for the street lights, and Mr. Corbett replied more than 50 percent of those who were present at the public and announced meeting; not 50 percent of the residents of the neighborhood. Mr. Corbett stated they publish a notice and deliver it by hand to each resident at least two weeks in advance of the meeting.

Councilman Withrow asked if we are required by law to go out into all annexed areas and put in streets lights? Why does the city not go in and place them when the residents ask for them. A lot of people do not want the street lights, and the city is forcing the street lights on them. Mr. Corbett stated they know that Councilmembers still get calls from people who object to street lights; they will probably get very few calls from the people who desire the lights. Until this year, the people did not have any say so about the lights; it was just done. This is a method which they thought would be acceptable to the neighborhoods. The City Code does place the responsibility of installing and determining the location of street lights upon the traffic engineer.

Councilman Withrow stated he thinks we should go on the assumption if the residents want the street lights then they can ask for them.

Mr. Corbett stated they gave the neighborhood several alternates. One is to put street lights at every intersection, plus approximately 150 feet along each street. The other alternate is to have street lights only at intersections, and dead ends. The residents vote on those two alternates.

CITY MANAGER REQUESTED TO HAVE SOMEONE CHECK MULBERRY ROAD, ONE BLOCK OFF WILKINSON BOULEVARD, WHERE PEOPLE HAVE BEEN DUMPING TRASH.

Councilman Withrow stated Mulberry Road, a block off Wilkinson Boulevard on the right, there is a landfill. He asked if this belongs to the City? He asked that someone go out and check this; they are dumping trash, and there must be four or five thousand loads dumped within the last few weeks.

He requested the City Manager to have someone check into this for him. If it is going to be used for a landfill, then we should put a tractor in there and cover it up.

REQUEST FOR SIDEWALKS IN THOMASBORO AREA TO BE LOCKED INTO.

Councilman Withrow stated if there is any more sidewalk money he would like to have some sidewalks in the Thomasboro Area. He asked that this be looked into also.



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SUGGESTION THAT RULES AND LAWS PERTAINING TO DRAINAGE BE SET DOWN AND SENT OUT TO CITIZENS WITH WATER BILLS.

Councilman Short stated the City has control of and provides a storm sewer system in the streets. The result of this in a lot of instances is that people naturally come to the conclusion that the City handles drainage in general, public and private. He stated it would be good if we would lay out on a piece of paper the rules and laws that apply about drainage in the City of Charlotte, and send it out to people with the water bills. The number of calls he has received over the years adds up to a considerable number of people who do not understand, and they think the City is going to come out and handle their drainage problem. This is also confused by the fact that there are certain situations where the city can force private individuals to do certain things about drainage. You have a situation where the city is handling public areas through the storm drainage system, and also occasionally forcing private citizens to do certain things. That he would hope we could get it laid out in some way that is easily understandable and send it out with the water bills. Perhaps the Public Service and Information can work up something on this so that people can understand it.

TRAFFIC ENGINEER REQUESTED TO GIVE MAYOR REPORT ON TRAFFIC LIGHT ON ARCHDALE AT CELANESE.

Mayor Belk requested Mr. Corbett, Traffic Engineer, to give him a report on the traffic light on Archdale at Celanese.

CITY MANAGER REQUESTED TO ADVISE COUNCIL ON WHAT WILL BE DONE TO HELP ALLEVIATE THE PROBLEMS OF THE EMPLOYEES OF THE SOCIAL SECURITY OFFICE ON NORTH TRYON STREET.

Councilman Whittington stated Council has received a letter from Ms. Bertha R. Anderson, Acting Branch Manager of Social Security office on North Tryon Street, about the problems they have at night in trying to get to their cars, and even during the day time. That Ms. Anderson commended the police. He asked that the City Manager reply to the letter, and let Council know what will be done to try to help alleviate the problem.

REQUEST OF RESIDENTS OF ROSEDALE AVENUE TO CHANGE STREET NAME SENT TO PLANNING COMMISSION FOR RECOMMENDATION.

Councilman Whittington stated last week he had a petition presented to him from the people who own property adjoining Rosedale Avenue. That Rosedale Avenue runs off North Tryon Street beyond 36th Street down to Bernard Avenue. These people requested that this street be renamed Guy E. Suddreth Avenue. That Mr. Suddreth was a resident of North Charlotte for a long time and was a merchant out there, and was one of the community leaders in that area until his untimely death.

Councilman Whittington requested the City Manager to have the Planning Commission review the request and give Council a recommendation on whether or not the name should be changed.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk