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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, August 9, 1971, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilman Milton Short.

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MAYOR ADVISES COUNCILMAN SHORT IS OUT OF THE CITY.

Mayor Belk advised that Councilman Milton Short is out of the city and will not be present for the meeting today.

VISITORS RECOGNIZED.

Mayor Belk stated he would like to recognize Mrs. Don (Kate) Ruzecki, who is formerly from London, England, and is now living in Gastonia, North Carolina. He stated Mrs. Ruzecki and Mrs. Ann Adams of the City Manager's Office have been pen mates for about fifteen years. He stated Mrs. Ruzecki has with her today a former officer of the British Army, Mr. John Barefoot. That this is Mr. Barefoot's first trip to the United States. He welcomed both to the Council Meeting and the City of Charlotte.

CITY OF CHARLOTTE AWARD FOR MERITORIOUS SERVICES PRESENTED RETIRING MEMBERS OF CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Mayor Belk recognized Mr. Walter Toy and Mr. E. B. Stone, Sr. and presented each with the City of Charlotte Award for meritorious services for many years of service on the Planning Commission.

A.M.A. CERTIFICATES PRESENTED TO CITY EMPLOYEES FOR COMPLETION OF SUPERVISORY MANAGEMENT COURSE.

Mayor Belk and members of Council recognized city employees who have successfully completed the American Management Association Management Course, and presented the following certificates of completion:

F. E. Collier  
H. L. Strawn  
M. J. Brennan  
Maria Vanhoy  
V. G. Espin  
E. W. Thompson  
Bert Garner  
M. C. Cronk  
R. K. Fisher  
K. D. Coble  
W. E. Cochran  
F. C. Crowson

K. L. Christenbury  
W. L. Shaw  
G. B. Laney  
H. H. Boggs  
H. F. Gaffney  
J. B. Polson  
E. C. Bailey  
B. B. Kiziah  
M. J. Wilson  
R. D. Smith  
Charlie Turner

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MINUTES APPROVED, AS CORRECTED.

Upon motion of Councilman Calhoun, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on Monday, July 26, 1971, were approved as submitted, with the following amendment:

Page 452, Line 27, remove Councilman Whittington's name from the "Yea" vote and on Line 29 show Councilman Whittington voting "nay".

PETITION NO. 71-55 BY HICKORY GROVE CIVIC IMPROVEMENT ASSOCIATION FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF HICKORY GROVE ROAD AND BOTH SIDES OF CRAIGWOOD DRIVE, EXTENDING NORTH TO NORFOLK AND SOUTHERN RAILROAD, WITHDRAWN

Mr. Underhill, City Attorney, stated a hearing is scheduled at 4:30 on the subject petition, and the Chairman of the organization has filed a petition asking that Council permit its withdrawal of that rezoning petition. The matter has a 3/4 protest filed against it and in order for Council to permit the withdrawal, the protest petition will also have to be withdrawn. He stated the protest petition was filed by the property owner, the Ervin Company, and they have also filed a statement by their attorney indicating they will withdraw their protest. He stated that being the case, Council now has the prerogative and discretion of acting upon the request of the Hickory Grove Civic Improvement Association to withdraw their petition.

Mr. Underhill stated the Ervin Company has said they will withdraw their protest which will permit Council to allow the Hickory Grove Association to withdraw their petition; that this will not stop the re-filing of another petition at any time. All that is being done at this time is to allow this particular petition to be withdrawn. The two year rule does not apply because Council is not taking any rezoning action.

Councilman Whittington moved that the petition be withdrawn. The motion was seconded by Councilman Jordan, and carried unanimously.

REQUEST OF LA POINTE CHEVROLET COMPANY TO ENCROACH IN SIDEWALK AREAS ALONG EAST TRADE STREET AND NORTH DAVIDSON STREET SUBJECT TO THE SIGNING OF THE REQUIRED ENCROACHMENT AGREEMENT, APPROVED.

Mr. Jake Wade, Attorney, stated he is representing La Pointe Chevrolet Company. Some weeks ago, they purchased a building permit to re-brick the outside of the dealership, and inadvertently the bricks have been put on some of the right of way of the city on the sidewalk. The width of the building along Trade Street is about 190 feet, and at a point about halfway down the building, it encroaches, starting from zero, coming out to about 4 inches to the corner of Trade and Davidson Streets; from Davidson Street north on Davidson, it is about 180 feet and he has some brick there about 4 inches in the right of way. The sidewalk is 12 feet 3 inches on Trade Street and it is 5 feet on Davidson Street.

Mr. Wade stated they are asking Council to permit the encroachment to that extent. That there is plenty of sidewalk left on both Davidson and Trade Streets. To permit this encroachment would be to the beautification of the governmental area. Mr. Wade stated they do not own the property across Davidson or they would give it to the city; that they will be delighted to put the necessary money into the sidewalk to improve the sidewalk along Davidson and along Trade Street.

Mr. Underhill, City Attorney, stated basically what Mr. Wade is asking for is the granting of an encroachment in the street right of way area, and Council has to authorize that. The City has an encroachment agreement form that

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requires certain things of the person desiring to encroach in the right of way; but the actual authorization to encroach has to be authorized by Council. That from a legal standpoint he sees nothing wrong with the request as long as they will sign an encroachment agreement.

Mr. Wade stated he has discussed this with Mr. Underhill and he has an agreement that will be satisfactory to him from a legal standpoint, and they do agree to sign it. He stated they leased the property from the owner, Esley Anderson, Jr., that it is a five year lease, and in that connection he represents Mr. Anderson in this request.

Councilman Jordan moved approval of the request subject to the signing of the legal documents. The motion was seconded by Councilman Whittington, and carried unanimously.

**NORTH CHARLOTTE ACTION ASSOCIATION REQUEST THAT COUNCIL HOLD A PUBLIC MEETING ON TRASH PICKUP RULES AND REGULATIONS. EITHER ON TUESDAY, AUGUST 24 OR THURSDAY, AUGUST 26, AT 8:00 P.M.**

Mr. Paul Horne stated at the Council Meeting on June 28, he had the privilege of speaking on behalf of the North Charlotte Action Association concerning trash pickups. At that time the Association requested Council to hold a public meeting in the near future for the purpose of hearing what the public has to say concerning the trash pickup rules and regulations. At that time petitions containing over 1,000 names requesting a public hearing was filed with the city. At that time Council indicated it would hold a public meeting sometime after the month of July, 1971, and the papers and news media let the public know of Council's decision to have a public meeting.

Mr. Horne stated the North Charlotte Action Association urgently request that Council make good its promise to hold a public meeting. They request that the date for this meeting be during the week of August 22-28, 1971 either on Tuesday evening, August 24 or Thursday evening, August 26, at the hour of 8:00 P.M. He stated Council's prompt action on this matter will enable clarification of the matter to be given and answers given to many questions which the public desires answered and needs to know concerning the matter. He stated they are concerned that Charlotte not become known as the dirty city.

**PERMISSION GRANTED FOR USE OF P. A. SYSTEM ON SATURDAY, AUGUST 21, 1971, AT ST. JAMES METHODIST CHURCH FROM 7:30 P.M. TO 9:00 P.M.**

Mr. Bob Ferster stated he is with Agape, Inc., a non-profit organization working with the people on the west side of Charlotte. That they are planning a musical at St. James Methodist Church on the corner of Bradford Drive and Freedom Drive and they would like permission to use an outdoor P. A. system from 7:30 P.M. on Saturday, August 21, 1971. That it will be in connection with the church; that they will hold the sound down.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the request.

**RESIGNATION OF CHAIRMAN OF HOUSING AUTHORITY REQUESTED.**

Mrs. Margaret Mangieri stated she has just attended a meeting of the Charlotte Housing Authority where the blacks and the whites were treated with no respect whatsoever from the chairman, Mr. Earl Gluck. She stated speaking for herself, the members of their community and the blacks who live on the south side in Dalton Village, they would like to request the resignation of Mr. Earl J. Gluck. That he has no consideration for anyone regardless of race, creed or color.

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ORDINANCE NO. 191-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTHWEST SIDE OF GLENWOOD DRIVE, ADJACENT TO THE HUMBLE OIL STATION AT THE CORNER OF INTERSTATE 85, ON PETITION OF LEMON TREE INN.

Councilman Whittington moved adoption of the subject ordinance, changing the zoning from O-6 to B-1 and B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 279.

ORDINANCE NO. 192-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF LAWYERS ROAD AND IDLEWILD ROAD, ON PETITION OF CHARLES AND EDWINA O. LEIGHTON.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance changing the zoning from R-9MF to O-6 of a 4.08 acre tract of land as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 280.

ORDINANCE NO. 193-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND BETWEEN 24TH STREET AND 25TH STREET AT POPLAR STREET, ON PETITION OF C. T. BROWN.

Motion was made by Councilman Jordan to adopt the subject ordinance changing the zoning from O-6 to I-2 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 281.

ORDINANCE NO. 194-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A LOT AT 1308-10 KENILWORTH AVENUE, ON PETITION OF KEN-SCOTT CORPORATION.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-6MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 282.

ORDINANCE NO. 195-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD, WEST OF IDLEWILD ROAD, ON PETITION OF R. READ TULL AND CHARLES W. TULL.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9MF to O-15 of 10.423 acres of land as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 283.

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PETITION NO. 71-60 BY J. B. BLASINGAME FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE EAST SIDE OF BEATTIES FORD ROAD, NORTH OF CHESTER DRIVE, DEFERRED.

Councilman Jordan moved that decision on the subject petition be deferred until the next Council Meeting. The motion was seconded by Councilman Alexander, and carried unanimously.

PETITION NO. 71-61 BY SCANDURA, INC. FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE NORTHEAST SIDE OF KESWICK AVENUE, BETWEEN DUNLOE STREET AND HANOVER STREET, DEFERRED.

Councilman Alexander stated he was of the opinion that some changes would be made soon on North Tryon Street. From what Council heard today from Mr. Billy Rose it is indefinite as to when the City will have the changes in North Tryon Street; that Mr. Rose stated there is some possibility that some answers will be given within a 40-day period.

Councilman Alexander stated rather than to deny the subject petition at this time, he moved that Council defer action for six weeks until Council hears from the State as to what they intend to do with North Tryon Street; that the City will then be in a better position and perhaps Scandura will be in a better position to know just where the State and the City will be on future developments on Dunloe and Hanover. The motion was seconded by Councilman Withrow.

Councilman McDuffie requested the City Manager to arrange a trip for Council to view this location on North Tryon Street, the location on Beatties Ford Road, the landfill and a few other places that Council needs to view. Mr. Burkhalter replied this can be arranged and he thinks this can be done on a regular basis for planning matters. That each time hearings are scheduled he can make available that day an opportunity to visit all the areas.

The vote was taken on the motion to defer for six weeks, and carried unanimously.

The City Manager stated one of the important reasons for having this go back to the State is that they may change their mind and not suggest a one-way system. If they do not, it does not make any difference if they do not do it for ten or thirty years as time is then of no importance. If they do need the one way system then you need to know if they are going to do it within ten years or so.

ORDINANCE NO. 196-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE WEST SIDE OF SHARON AMITY ROAD, NORTH OF ALBEMARLE ROAD, ON PETITION OF LELA CAMPBELL AND LAURA CAMPBELL.

Councilman McDuffie moved adoption of the subject ordinance changing the zoning from R-9MF to B-1 of a parcel of land 191' x 200' as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 284.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON PETITION OF THE KINGSTON CORPORATION AND J. RALPH SQUIRES FOR ANNEXATION OF PROPERTY SOUTH OF MILTON ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Withrow and unanimously carried, adopting the subject resolution setting date of hearing on Monday, August 23, 1971 on petition for the annexation of 38.977 acres of property.

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The resolution is recorded in full in Resolutions Book 7, at Page 409.

Later in the meeting, Mrs. Martha Stewart, 5912 Hickory Grove Road, asked why this property on Milton Road is being annexed? The City Attorney replied Council is only setting a date of public hearing today; no property is being annexed at this time. Mrs. Stewart stated if it is annexed, what can they expect? Mr. Underhill replied that is the purpose of the public hearing. Mrs. Stewart asked if it will do any good for her and the people of Hickory Grove to say they do not want this to be annexed? Mayor Belk replied that is the reason for the public hearing, to hear everyone. That she will be given that opportunity at the hearing.

Mrs. Stewart requested that she and Mr. John E. Spratt, Jr. on Briarhill Drive be sent a copy of the notice of public hearing.

**RESOLUTION AUTHORIZING THE MUNICIPAL INFORMATION SYSTEM DIRECTOR TO MAKE EQUIPMENT CHANGES IN THE RCA AGREEMENT UNDER CERTAIN CONDITIONS.**

Mr. Underhill, City Attorney, stated one of the things in the data process equipment that occurs so frequently is the replacement of equipment and updating equipment from what is presently used. That the equipment is not purchased; it is leased. Often times in the past, RCA, our present lessor, wants to substitute a new piece of more sophisticated equipment from what we have under the lease agreement, and they prefer to do this by letter. In all instances he is aware of, this calls for no increase in the lease cost of the equipment. That the Director indicates by letter that we accept a new piece of equipment in exchange for the equipment we are presently leasing. The subject resolution would authorize the Director to make equipment changes under the lease agreement we have with RCA without the necessity of coming to Council to approve a change in the lease each time an equipment change is made.

Mr. Underhill stated the resolution further authorizes the MIS Director to lease pieces of equipment that come on the market without coming to Council on each and every occasion by appropriating funds within the total budget which might not be appropriated, catalogued or characterized to the specific rental of equipment account. That the Director could take funds from another portion of his budget where he has a surplus and apply it to the rental of equipment in order to cover the increase in cost of any piece of equipment that might become available. That he cannot overrun the total budget; he must keep within the total appropriation of the budget of his department.

He stated the resolution by Council is required to authorize the Director to make the changes keeping within the framework of his total budget.

Councilman Whittington stated the thing that is wrong with all of this is that Council has to sit here and approve these type programs, and unless you are like the Mayor, or perhaps Mr. Calhoun, you are not familiar with this sort of thing, and yet one of our own United States Senators almost every day is opposing this sort of thing in the Halls of Congress as invading upon the constitutional rights of individuals. He stated he questions how many people know anything about what MIS does and what kind of information it is getting and whether it is ever going to be public knowledge to everyone. Obviously this is just equipment changes today.

The City Manager stated the city is not doing anything with this equipment except keeping payroll records and information of this type; that is it not out getting information on people and individuals. Mr. Underhill stated no new information is added to this; it is just categorizing information we now have.

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Councilman Whittington stated he just raised the question that he thinks a lot of our citizens have raised. Certainly if it is being talked about in the Halls of Congress and there are people down here concerned about what kind of processing we are going through as it relates to individual records, files and so forth. He asked how far and how in depth are we going into all these other correlation of records. That he questions the validity of it and the necessity of it.

He stated he just wants to emphasize again that this equipment, under Curtis Branscome, is being used for a multitude of things; one of which is payroll and other things. One is documentation or consolidation of city and county records. Also, this same outfit is getting a file on Mr. Burkhalter, and he guesses the Mayor and anyone else in the city they want to get it on.

Councilman Alexander stated when Council first approved the establishment of this system, he raised the question of whether or not this system would be delving and keeping any personal records on anyone. That it was explained at that time that these type personal records would not be kept. He stated if it has changed its format, then we need to be heard again on this. But he is of the opinion that it has not. That he raised the question about keeping personal records on anyone, and he is of the opinion that it was stated at that time that this system would not be keeping any personal records which are being discussed now. That Mr. Branscome was here at that time and stated that this would not be kept, and was not being kept for that type of record.

Mr. Burkhalter stated Charlotte is one of about ten cities in this country who has this opportunity. That it is only one of two in the country completely authorized to do the whole system to find out and make a pilot study of the use of computers in economizing and offering of services in the city to better improve at a better cost the services rendered. The information gathered in Charlotte is supposed to be information that can be exchanged with cities all across the country. Because Charlotte already had a computer and was already doing work in this field is one of the reasons it qualified in the first place. This program did not bring anything new in that respect to the city at all. Charlotte already had this, and could use the money it was spending on the rental of equipment as part of a matching cost for doing this program.

Mayor Belk requested that a meeting be set up for Council to go over there and clear this up. He stated he is not under the impression at all that what Senator Ervin is talking about and this information center has any connection. That there is no relation.

Councilman McDuffie stated for the other side, we have been criticized in court before, and using records and computers do become factual and make information available. That one court is turning someone loose when they are looking for him in another court; someone owes a water bill and moves to another house and does not pay the old one. That he cannot say he is opposed to using computers and records to do the job they are supposed to do it. Information that is available to government makes it more official. If people want to talk about invasion of privacy those people generally are better off and receive tax savings and savings when they purchase goods because the records are good and factual. That this resolution is to update the equipment as opposed to the county that bought a system that is out of date he understands; so the lease arrangement we have is much better.

Councilman Withrow moved adoption of the subject resolution authorizing the Municipal Information System Director to make equipment changes in the RCA Agreement. The motion was seconded by Councilman Calhoun, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 410.

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RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing the refund of taxes in the total amount of \$120.36 which were levied and collected against three tax accounts through clerical error.

The resolution is recorded in full in Resolutions Book 7, at Page 411.

RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow, to adopt the subject resolution amending the personnel rules and regulations to become effective August 9, 1971, with the revised vacation leave policy to read as follows:

"No employee shall take more than twenty consecutive days of leave except with approval of the City Manager."

Councilman Calhoun asked if the twenty days means twenty days consecutively, excluding weekends; is this four weeks? Mr. Burkhalter, City Manager, replied it is the work days. Councilman Calhoun asked why anyone would be entitled to have any longer than that under any circumstances approved by the City Manager or not, unless it is a leave of absence? Mr. Burkhalter replied the policy was questioned at the last Council Meeting because the Personnel Department had recommended a change in the regulations which allowed more accumulated due to certain people being restricted at time from being able to take their leave. The employee would not earn that in one year.

Mr. Earle stated an employee with twenty years service could possibly accrue as much as eight weeks of vacation in two years. That the question of regulation came up and they are recommending that it be done by action of the City Manager.

Mr. Burkhalter stated this would occur very rarely. That he would not permit a department head to be away for any great length of time.

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

The resolution is recorded in full in Resolutions Book 7, beginning at Page 412.

APPLICATIONS FOR PRIVILEGE LICENSE FOR PRIVATE DETECTIVE APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington and unanimously carried, approving applications for private detective licenses as follows:

- (a) Robert W. Adams with Pinkertons, Inc.
- (b) Henry F. Maness, Jr. with Pinkertons, Inc.
- (c) Earnest M. Howell with Pinkertons, Inc.
- (d) E. B. Waton with Security Forces, Inc.
- (e) Robert E. Lee.

WATER MAIN INSTALLATION APPROVED.

Councilman Whittington moved approval of the installation of 650 feet of 8-inch water main in Toomey Avenue, inside the city, at the request of Graham Office Park, Inc., at an estimated cost of \$3,600.00, with the applicant to advance funds under the terms of the Partnership Plan and to be reimbursed the full cost of the water main at the rate of 35% per quarter of the revenue derived until the entire amount has been reimbursed or at the end of fifteen years, whichever is first. The motion was seconded by Councilman Calhoun and carried unanimously.

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LEAA GRANT PROGRAMS APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, three additional projects under the LEAA Grant Programs were approved as follows:

- (a) Standard Operational Equipment. Funds will be used to purchase communication and riot equipment for the Police Department. The total budget of \$55,477 will be \$34,182 federal grant and \$21,295 city cash. The local city cash has been included as a part of the 1971-72 Police Department budget. The project does not involve any significant cost in future years.
- (b) Detoxification Study. Funds will be used to study the feasibility of establishing a detoxification center in Charlotte. The total budget of \$11,665 will be \$6,465 in federal grant, \$5,200 in-kind. The project will not involve the expenditure of any local cash during 1971-72. Cost in future years will depend on project recommendations.
- (c) Court Support Project. Funds will be used to pay salaries for two additional criminal investigation bureau officers who will be assigned to assist the district court solicitors in presenting cases to the court. Officers will interview witnesses and police officers, assemble evidence, and confer with the solicitor prior to case coming to court. The objective of the project is to promote the orderly flow of work through the court. This is a cooperative city/county/court project. The total budget of \$107,190 will be \$59,700 federal grant and \$47,490 in-kind.

2. Ordinance No. 197-X amending the 1971-72 budget ordinance authorizing the establishment of two criminal investigation bureau officer positions subject to the condition that when federal funds cease, the two positions will be abolished.

The ordinance is recorded in full in Ordinance Book 18, at Page 285.

COUNCIL ADVISED THAT FUNDS FOR HALFWAY HOUSE WILL NOT BE AVAILABLE UNTIL BROUGHT TO COUNCIL FOR APPROVAL.

Councilman Withrow asked Mr. Wilson, Director of Model Cities, to speak to a motion of Council some weeks ago on the Halfway House on Park Road. Mr. Wilson replied only insofar as it represented approval of Model Cities funds as a match for LEAA funds if LEAA funds were approved. That he understands the funds have been tentatively approved but they must come before Council for approval again. That it will not be approved until it receives approval of Council.

CONTRACT WITH LEAGUE OF CITY-CONFERENCE OF MAYORS, INC. PROVIDING GRANT FOR SUMMER YOUTH TRANSPORTATION PROGRAM, DEFERRED FOR TWO WEEKS.

Councilman Alexander moved approval of the subject contract providing the city with \$7,000 for summer youth transportation programs. The motion did not receive a second.

Councilman Whittington asked who will supervise the funds? Mr. Gerald Elston of the Human Resources Board replied it will be under their supervision; that the funds will be used for this year; it is for a five week period and will serve 350 young people for the period of June 15 through August 31. That this will reimburse these young people for the money they have spent out of their earnings for transportation; that they use the regular busses.

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Councilman Whittington asked if it is not a little unusual for anyone who works to be given money to pay for their transportation back and forth to work? Mr. Elston replied it is unusual; that this is the first time he has known of this kind of offer; that this is a grant from the League of Cities. Mr. Elston stated the Model Cities Summer Youth Program and the Neighborhood Youth Corp program each put young people in jobs for the summer; these young people can work as regular employees of a company; they go to the job and if the jobs are too far away the staff provides some transportation; the majority of them pay their own bus fare. National League of Cities under contract with the Department of Labor offered Charlotte \$7,000 to reimburse the young people for their transportation costs. These costs did come out of their own pockets, and this is a way of maximizing their earnings.

Councilman Whittington asked if these 350 young people are registered and if Mr. Elston knows who to give the money back to? Mr. Elson replied they do; they know the days they worked; this is all verified; that all of this information is available.

Councilman Whittington asked as an example if the 4-H Groups and the Home Demonstration groups that Council has worked to get through its budgeting are afforded any transportation costs? That they are doing a job for the community also, and are doing it as individuals free. Councilman Alexander replied this is a different type program; that the different type programs reach a different people, and there is a different type of involvement. Councilman Whittington replied he knows that; but he gets a little up-tight when you talk about giving someone the opportunity to get a job and then six weeks later come along and pay him back for his transportation to get to the job and he has already been paid and the job was provided by someone who made the job available. That he does not see this, and he cannot vote for it.

Councilman Alexander stated this is through the League of City-Conference of Mayors and this is through a program that the federal government, through the Department of Labor, under the sponsorship of the National Conference of Mayors, has had set up; this is where the money is coming from; it is not coming from the city.

After further discussion, Councilman McDuffie moved that the item be deferred for two weeks and in the meantime, that Council be given a sampling of 25 names where the young people work, what they do, and the cost of the transportation. The motion was seconded by Councilman Withrow.

Councilman Alexander made a substitute motion to approve the contract. The motion was seconded by Councilman Jordan, and lost by the following vote:

YEAS: Councilman Alexander and Jordan.

NAYS: Councilmen Calhoun, McDuffie, Whittington and Withrow.

The vote was taken on the motion to defer for two weeks, and passed unanimously.

Councilman Alexander stated these type programs run into this type situation on and on. If we are going to have a committee that has the responsibility for these programs then we need to tell these committees right now that they need to come in here and give Council a report on this activity before hand so we will not get hung up like we are now. That should be decided and determined right now. If Council is going to establish these committees to handle all these programs, either we have confidence in these committees or else we do not have confidence in them. That we need to set that now so they will know to come to Council as fast as possible and give an explanation of these programs sooner so we will not be hung up on the tail-end like we are doing today.

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CONTRACT WITH RALPH WHITEHEAD AND ASSOCIATES FOR DESIGN OF CLANTON ROAD EXTENSION.

Councilman Whittington moved approval of a contract with Ralph Whitehead and Associates for the design of Clanton Road Extension, from Sergeant Drive to beyond West Boulevard, at a minimum fee not to exceed \$30,000. The motion was seconded by Councilman Jordan.

Councilman Whittington asked when the design will be completed and if it will be ready to go out to contract and if money is available to do it? Mr. Lee Rea with the Public Works Department, stated Ralph Whitehead is ready to start to work within a week or two; they anticipate this will take about six months to complete the plans for the bridge and the roadway design and to write the specifications. Right of way will have to be acquired. They anticipate this will be under contract, possibly sometime next year.

Councilman Whittington asked if anything is being done about carrying this road on from West Boulevard to Ashley Road? Mr. Rea replied that will involve some funding problems and funds are not available at this time to carry it on.

The vote was taken on the motion and carried unanimously.

RESOLUTION REQUESTING THE U. S. CORPS OF ENGINEERS TO MAKE A STUDY OF THE OVERALL WATER RESOURCES PROBLEM OF THE SUGAR CREEK BASIN.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 7, at Page 416.

Councilman Whittington asked if anything has been done to involve Congressman Jonas and Senators Ervin and Jordan with the decision of the Corps of Engineers to delay this project. That he recalls over the years that the Corps of Engineers committed \$960,000 to this project for the widening and dredging of Sugar Creek and the City was to put in a new bridge on Sharon Road at the creek and on Archdale Road and Sugar Creek. That money has been appropriated for a long time, and now they come along and say they cannot do it because it will cost over a \$1.0 million. He stated we should get our Senators and Congressmen involved in this to see if they will not consider this now before it is all lost. Now that Congress has adjourned should we not ask these three men to meet with some of our officials here in Charlotte and see if we cannot get this back on the table and get it resolved. Mayor Belk replied in his opinion, this is not the time to contact them. Mr. Burkhalter, City Manager, stated the Corps of Engineers has been working under a certain law under which any project that needs a million dollars they cannot perform. The idea of the subject resolution is to bring the strength of the city and county together to the Corps of Engineers asking them to do it regardless of the amount of money; this is to broaden the scope of it.

MEMORANDUM OF UNDERSTANDING BETWEEN MODEL CITIES DEPARTMENT AND THE CITY OF CHARLOTTE FOR OPERATION OF ALEXANDER STREET NEIGHBORHOOD CENTER.

Councilman Alexander moved approval of the subject memorandum of understanding for the operation of the Alexander Street Neighborhood Center for the period of January 1, 1971 through December 31, 1971, in the amount of \$130,059. The motion was seconded by Councilman Whittington, and carried unanimously.

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LEASE-AGREEMENT BETWEEN CITY AND A.M.E. ZION PUBLISHING HOUSE FOR MODEL CITIES OFFICES, WITHDRAWN.

At the request of the City Manager, Councilman Jordan moved that the subject lease-agreement be withdrawn from consideration at this time. The motion was seconded by Councilman Alexander, and carried unanimously.

RENEWAL OF LEASE WITH JED, INC. FOR SPACE IN EQUITY BUILDING, APPROVED.

Councilman Alexander moved approval of the renewal of the subject lease for 10,400 square feet of space in the Equity Building to be occupied and used for office purposes for the period of August 1, 1971 through July 31, 1974, at an annual rental of \$54,600.00. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman McDuffie asked for a report on how much is being spent for leased space. The City Manager advised the report is being updated and will be available for Council soon.

PLUMSTEAD ROAD, FROM GRIERS GROVE ROAD NORTH TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, approving Plumstead Road, from Griers Grove Road to 120 feet north of Griers Grove Road for continuous maintenance by the city.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, 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, were adopted as follows:

- (a) Ordinance No. 198-X ordering the removal from property adjacent to 808 Lexington Avenue.
- (b) Ordinance No. 199-X ordering the removal from property at 2515 Alleghany Street.
- (c) Ordinance No. 200-X ordering the removal from property at 2517 Finchley Drive.
- (d) Ordinance No. 201-X ordering the removal from property at 1920 Cliffwood Place.
- (e) Ordinance No. 202-X ordering the removal from property adjacent to 2309 Sanders Street.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 286.

CONTRACT WITH STATE HIGHWAY COMMISSION FOR PURCHASE OF CITY PROPERTY FOR CONSTRUCTION OF INTERSTATE 77.

Councilman Whittington moved approval of the subject contract to purchase city property required for the construction of Interstate-77, accepting the following offer from the State Highway Commission:

Parcel 8A and 84A	\$6,700.00
Parcel 113	2,050.00
Parcel 119	12,600.00

The motion was seconded by Councilman Withrow, and carried unanimously.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM WALTER F. BROWN AND WIFE, LOUISE J., FOR THE SHARON LANE WIDENING.

Motion was made by Councilman Whittington, seconded by Councilman McDuffie and unanimously carried, adopting the resolution authorizing condemnation proceedings for the acquisition of property at 2415 Sharon Lane, from Walter F. Brown and wife, Louise J., for the Sharon Lane Widening.

The resolution is recorded in full in Resolutions Book 7, at Page 417.

PROPERTY TRANSACTIONS, APPROVED.

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

- (a) Acquisition of 10' x 289.70' of easement at 4701 Eleanor Drive, from Luther Alexander Lineberger and wife, Georgia V., at \$435.00, for the Airport Sewer Relocation.
- (b) Acquisition of 30' x 143.98' of easement at 3211 Shaker Drive from George Goodyear Company, at \$145.00, for the McMullen Creek Outfall.
- (c) Acquisition of 30' x 258.15' of easement at 3520 Mountainbrook Road, from George Goodyear Company, at \$259.00, for the McMullen Creek Outfall.
- (d) Acquisition of 30' x 227' of easement at 3519 Mountainbrook Road, from George Goodyear Company, at \$230.00, for the McMullen Creek Outfall.
- (e) Acquisition of 7' x 10' of easement at the corner of West Third and South Tryon Street, from North Atlanta Land Development Corporation, at \$1.00, for water meter to serve Northwestern Bank.

CONSTRUCTION OF TEMPORARY GRAVEL SIDEWALKS TO SERVE AMY JAMES SCHOOL, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the construction of a temporary gravel sidewalk on Caronia Street, from Hiram Street to Amy James Avenue, and on Amy James Avenue, from Caronia Street to the Amy James School Driveway, at an estimated cost of \$5,700.00.

Councilman Whittington moved adoption of Ordinance No. 203-X amending the 1971-72 Budget Ordinance authorizing the transfer of \$5,700 from the General Fund Contingency to an account to provide funds for the construction of a gravel sidewalk to serve Amy James School. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 291.

Councilman Whittington asked if this is the temporary sidewalk he requested about a year ago where the city had to get access through property? Mr. Bobo, Administrative Assistant, replied that is right; that most of the right of way was donated.

Mrs. Jo Ellen Wade, speaking on behalf of the School Committee at Amy James School and the PTA and all the parents in the area thanked Council for its action, and asked when the work will be done. Mr. Bobo replied the work will start right away, and it will take only a few days to complete the work.

Councilman McDuffie asked if there are any cost estimates on what permanent sidewalks would cost for the area? Mr. Bobo replied he would estimate it would cost three or four times the cost of the temporary sidewalks; that the sidewalks are reworked annually; sometimes twice a year. That there is some 70 miles of gravel sidewalks. Councilman McDuffie stated he would like to see some cost figures on permanent sidewalks; that the city is going to have to begin putting down permanent sidewalks.

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AUDIENCE ADVISED THAT PETITION NO. 71-55 BY HICKORY GROVE CIVIC IMPROVEMENT ASSOCIATION FOR CHANGE IN ZONING OF PROPERTY ON HICKORY GROVE ROAD AND CRAIGWOOD DRIVE HAS BEEN WITHDRAWN.

Mayor Belk announced that the hearing scheduled for this hour on the subject petition has been withdrawn.

CONTRACT BETWEEN CITY AND COUNTY PROVIDING FOR THE USE OF CITY POLICE PERSONNEL AND EQUIPMENT IN THE COUNTY DURING EMERGENCIES.

Councilman Whittington moved approval of the subject contract providing for the use of city police personnel and equipment in the county during emergencies with the city police department to have the same authority of arrest and service of civil and criminal process which they are authorized by law to exercise within the city, and the authority to only apply to emergency situations and only upon request by county police personnel. The motion was seconded by Councilman Calhoun, and carried unanimously.

ORDINANCE NO. 190-X APPROVING THE MODEL CITIES 1971 BUDGET AUTHORIZING EXPENDITURES FOR THE SECOND ACTION YEAR.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, the subject ordinance approving the Model Cities 1971 budget authorizing expenditures for the Second Action Year, was adopted, and is recorded in full in Ordinance Book 18, beginning at Page 277.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Mr. S. M. Mullis, Jr. and wife, Betty W. Mullis, for Lot No. 100, Section L-Annex, Elmwood Cemetery, transferred from Mrs. James H. Wyatt and wife, Jannie O. Wyatt, at \$3.00 for transfer deed.
- (b) Deed with Mrs. Thelma H. Dunn for Graves No. 1 and No. 2, in Lot No. 909, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Donald B. Stilwell, and wife, Betty H. Stilwell for Lot No. 169, Section 6, Evergreen Cemetery, at \$320.00.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, the following Special Officer permits were approved for a period of one year each:

- (a) Renewal of permit to Raymond Gheen for use on the premises of K-Mart, 2701 Freedom Drive.
- (b) Renewal of permit to Troy Tim Ray for use on the premises of the Charlotte Park and Recreation Commission.
- (c) Issuance of permit to Conrad Holmes Farrar for use on the premises of SouthPark Shopping Center.
- (d) Issuance of permit to Clifford Junior Lockwood for use on the premises of SouthPark Shopping Center.
- (e) Issuance of permit to William Oran McDowell, Jr. for use on the premises of SouthPark Shopping Center.
- (f) Issuance of permit to Ralph Lewis Walker for use on the premises of SouthPark Shopping Center.

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MR. W. CRUTCHER ROSS APPOINTED TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A THREE YEAR TERM.

Council was advised that the following nominations have been made for consideration of appointment to the Planning Commission:

1. Mr. Wilson Bryan, nominated by Councilman Withrow on June 7, 1971.
2. Mr. W. Crutcher Ross, nominated by Councilman Whittington on July 12, 1971.
3. Mr. John G. Newitt, Jr., nominated by Councilman Short on July 12, 1971.
4. Mr. Robert B. Pharr, nominated by Councilman Jordan on July 26, 1971.
5. Dr. Joe Embry, nominated by Councilman McDuffie on July 26, 1971.

Mayor Belk stated Councilman Short has asked that the appointment to the Planning Commission be deferred as he could not be present today.

Councilman Whittington moved the appointment of Mr. W. Crutcher Ross to the Charlotte-Mecklenburg Planning Commission for a three year term. The motion was seconded by Councilman Alexander.

Councilman Whittington stated the reason he is making this motion today is because both he and Mr. Calhoun will be absent for the next council meeting. That this appointment has been vacant for some time and with the importance of the Commission and the caliber of people on it, and the work load, it is important that this appointment be filled.

Councilman Jordan moved the appointment of Mr. Robert B. Pharr. The motion did not receive a second.

Councilman Withrow stated he will be absent on the 23rd also as he will be on Active Duty.

Councilman Withrow withdrew the name of Mr. Wilson Bryan from the nomination and in the absence of Councilman Short, he moved the appointment of Mr. John G. Newitt, Jr. The motion did not receive a second.

Councilman Jordan moved that the appointment of Mr. W. Crutcher Ross be made unanimous. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR DISPLACEMENT TYPE 5/8" COLD WATER METERS.

Councilman Jordan moved award of contract to the low bidder, Rockwell Mfg. Company, in the amount of \$12,048.00, on a unit price basis, for displacement type 5/8" cold water meters. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Rockwell Mfg. Company	\$12,048.00
Hersey-Sparling Meter Co.	12,820.00
Badger Meter, Inc.	13,240.00
Neptune Meter Company	13,360.00

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CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR 1" DISPLACEMENT TYPE COLD WATER METERS.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Rockwell Mfg. Company, in the amount of \$2,059.20, on a unit price basis, for 1" displacement type cold water meters.

The following bids were received:

Rockwell Mfg. Company	\$2,059.20
Hersey-Sparling Meter Co.	2,105.10
Badger Meter, Inc.	2,190.00
Neptune Meter Company	2,204.40

CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR 1-1/2" DISPLACEMENT TYPE COLD WATER METERS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Rockwell Mfg. Company, in the amount of \$2,731.80, on a unit price basis, for 1-1/2" displacement type cold water meters.

The following bids were received:

Rockwell Mfg. Company	\$2,731.80
Hersey-Sparling Meter Co.	2,821.00
Neptune Meter Company	2,941.40
Badger Meter, Inc.	3,100.00

CONTRACT AWARDED BADGER METERS, INC. FOR 2" DISPLACEMENT TYPE COLD WATER METERS.

Councilman Whittington moved award of contract to the low bidder, Badger Meter, Inc. in the amount of \$8,000.00, on a unit price basis, for 2" displacement type cold water meters. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Badger Meter, Inc.	\$8,000.00
Rockwell Mfg. Company	8,049.60
Hersey-Sparling Meter Co.	8,388.00
Neptune Meter Company	8,755.20

CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR 3" COMPOUND TYPE COLD WATER METERS.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Rockwell Mfg. Company, in the amount of \$3,503.40, on a unit price basis, for 3" compound type cold water meters.

The following bids were received:

Rockwell Mfg. Company	\$3,503.40
Hersey-Sparling Meter Co.	3,552.00
Badger Meter, Inc.	3,792.84
Neptune Meter Company	4,617.90

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CONTRACT AWARDED ROCKWELL MFG. COMPANY FOR 4" COMPOUND TYPE COLD WATER METERS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Rockwell Mfg. Company, in the amount of \$4,815.00, on a unit price basis, for 4" compound type cold water meters.

The following bids were received:

Rockwell Mfg. Company	\$ 4,815.00
Hersey-Sparling Meter Co.	4,920.00
Badger Meter, Inc.	5,180.95
Neptune Meter Company	5,190.25

CONTRACT AWARDED HERSEY SPARLING METER COMPANY FOR 6" F.M.C.T. TYPE COLD WATER METERS.

Councilman Whittington moved award of contract to the only bidder, Hersey-Sparling Meter Company, in the amount of \$16,640.00 on a unit price basis, for 6" F.M.C.T. type cold water meters.

The motion was seconded by Councilman Jordan and carried unanimously.

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR ONE 8" F.M.C.T. TYPE COLD WATER METER.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the only bidder, Hersey-Sparling Meter Company, in the amount of \$2,426.00, on a unit price basis, for one 8" F.M.C.T. type cold water meter.

CONTRACT WITH PHILIPS ELECTRONIC INSTRUMENTS FOR X-RAY DIFFRACTION GONIOMETER FOR POLICE DEPARTMENT.

Motion was made by Councilman Calhoun, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Philips Electronic Instruments, in the amount of \$15,870.00, for x-ray diffraction goniometer for Police Department.

The following bids were received:

Philips Electronic Instruments	\$ 15,870.00
Picker Corporation	18,009.00

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR SERVICE CLAMPS.

Councilman Jordan moved award of contract to the low bidder, Grinnell Company, Inc., in the amount of \$2,657.17, on a unit price basis, for service clamps. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Grinnell Company, Inc.	\$ 2,657.17
Hajoca Corporation	2,733.55
Smith-Blair, Inc.	2,736.50
Mueller Company	2,781.10
Dresser Mfg. Co.	3,271.55
Southern Meter & Supply Co.	3,667.65
Pump & Lighting Co., Inc.	3,852.55

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CONTRACT AWARDED GRINNELL COMPANY, INC. FOR MALLEABLE PIPE FITTINGS.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Grinnell Company, Inc., in the amount of \$1,783.45, on a unit price basis, for malleable pipe fittings.

The following bids were received:

Grinnell Company, Inc.	\$1,783.45
Hajoca Corporation	1,806.65
Parnell-Martin Supply Co.	1,875.66

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR WROUGHT IRON OR STEEL PIPE FITTINGS.

Motion was made by Councilman Calhoun, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Grinnell Company, Inc., in the amount of \$1,331.82, on a unit price basis, for wrought iron or steel pipe fittings.

The following bids were received:

Grinnell Company, Inc.	\$1,331.82
Parnell-Martin Supply Co.	1,407.77
Grinnell Company, Inc.	1,683.40
Parnell-Martin Supply Co.	2,609.78

CONTRACT AWARDED GERBER MFG. COMPANY FOR POLICE UNIFORMS.

Councilman Alexander moved award of contract to the low bidder, Gerber Mfg. Company, in the amount of \$63,625.75, on a unit price basis, for police uniforms. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Gerber Mfg. Company	\$63,625.75
Fligel's Uniform Co.	63,895.61
The Hub Uniform Co.	70,858.55
S. Abrahams & Co., Inc.	73,432.50

CONTRACT AWARDED GERBER MFG. COMPANY FOR FIREMEN'S DRESS UNIFORMS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Gerber Mfg. Company, in the amount of \$8,732.00, on a unit price basis, for firemen's dress uniforms.

The following bids were received:

Gerber Mfg. Company	\$8,732.00
Fligel's Uniform Co.	9,034.90-
The Hub Uniform Co.	9,972.00

PUBLIC WORKS DIRECTOR REQUESTED TO REPORT ON NUMBER OF STREET SWEEPERS AND SCHEDULE.

Councilman McDuffie requested a report from the Public Works Director on the number of street sweepers the city has, plus a schedule. That people say some parts of the city are never swept. That he would like to have an intersection clean-up some time; these seem to be the ones that are left out.

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DISCUSSION OF RESOLUTION LIMITING TERM OF OFFICE FOR COUNCIL APPOINTED MEMBERS OF BOARDS, AGENCIES, COMMITTEES OR COMMISSIONS.

At the request of Councilman McDuffie, the following resolution was distributed for Council's review:

"BE IT RESOLVED by the City Council of the City of Charlotte that from and after the effective date of this resolution, the City Council, as a matter of policy, shall not appoint any member to any committee, agency, board, or commission, whose members are appointed by City Council, for more than two (2) full consecutive terms of office."

Councilman Jordan stated the resolution reads "whose members are appointed by City Council, for more than two full consecutive terms of office." He asked if this means that a person who fills an unexpired term and is appointed for another full term, can then be appointed for another term? Mr. Underhill, City Attorney, replied that is the reason for the wording "two full consecutive terms of office". This would not affect someone who was appointed to fill an unexpired term; he would be eligible for two full consecutive terms.

Councilman McDuffie stated when he proposed this he had in mind also that a shorter term of office would be in order. That it seems most of the present Boards are for five year terms. That he would propose they be limited to two - three year terms which would mean six years.

Mr. Underhill stated Council cannot legally limit terms unless in some case ordinances and the charter are changed. That he does not think City Council can bind the Mayor's or the City Manager's appointments.

Councilman Withrow stated he would like to have a report and he would like for it to be at the first meeting in September.

Councilman Withrow moved that the resolution be deferred until the first meeting in September, and at that time Council be given a report on all aspects of the appointments. The motion was seconded by Councilman Whittington.

Councilman McDuffie asked for a recommendation on the number of years.

Mr. Underhill asked if this is for all city boards or only those appointed by Council? Councilman Withrow replied all city boards.

The vote was taken on the motion and carried unanimously.

STATUS REPORT ON MCDOWELL STREET WIDENING.

Councilman Withrow requested the City Attorney to report on the McDowell Street widening as to what has been done and where the city now stands.

Mr. Underhill replied at the request of the City Manager he sent a written report to Council with the Agenda. He then reviewed the steps taken by Council, and stated as a summary, condemnation has not only been authorized but it has been filed against the properties of William S. Gordon and wife, and W. M. Butler and wife. Amendment No. 1 to the Redevelopment Plan for Section No. 4 has been voted on and approved by Council. Council has requested the Redevelopment Commission to consider a proposed Amendment No. 2 which would permit "parking" as a permitted use; the Redevelopment Commission held a hearing on the proposal and through its inaction, it has not taken any action on the proposed Amendment No. 2 so that in its present status parking is not permitted as a matter of use under the use plan in this urban renewal project. He stated that is the current status of both the widening of McDowell Street as it now stands and of what is and what is not permitted as a use in Redevelopment Section No. 4.

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Mr. Underhill stated if Council is satisfied with the current proposal for widening McDowell Street, then there is nothing else Council needs to do; if Council is satisfied with the Redevelopment Plan as originally voted on with Amendment No. 1, then there is nothing else Council needs to do. All official action to accomplish those two things have been done. If Council desires to do something further, then that is the Council's prerogative.

Mr. Underhill stated the Gordon garage is a non-conforming use; at the time the building is altered and cut, in order to build back, Gordon would have to comply with the setback requirements; this means the loss of some additional square footage which they are now using. They are, in effect, removed from the grandfather clause and will now have to comply with the existing setback ordinances.

Councilman Whittington stated he has said through all of this that because this man was under the grandfather clause, the City should do all it could to help him and Council did that by asking the Redevelopment Commission and the Planning Commission to have another hearing, which they did. Because they took no action as it relates to permitted uses that means they will not allow "parking". He stated as far as he is concerned, the Council has done all it can do from a zoning standpoint, and from a redevelopment standpoint.

Mr. Bobo, Assistant City Manager, stated Gordon can apply to the Zoning Board of Adjustment for a waiver on the setback. Mr. Underhill stated there are a couple of possibilities left; one of them being the setback requirement, and they could apply because the altering of their building is taking place through no fault of theirs.

Councilman Whittington stated Council has done all it can do, and as far as he is concerned, it is a closed matter.

Mr. Underhill stated the city has taken approximately 40 feet from the front of Gordon and Butler's properties, and the City technically now owns the property.

**CITY MANAGER REQUESTED TO REPLY TO LETTERS REGARDING FIRE ALARM LINE CHARGES ON BEHALF OF COUNCIL.**

Councilman Withrow stated Council has received a letter from the Baxter Davis Company on the annual charge of \$200.00 for the fire line accounts. He stated this is a most unfair charge. That Council has received letters from other companies also.

Mr. Burkhalter stated he is going to answer this letter and will send a copy to Council. Councilman Whittington asked the Manager to reply to these letters on behalf of Council.

Councilman McDuffie suggested that it be changed and charged to these firms on a monthly basis. Mayor Belk stated a better explanation should be made on the billing.

**ORDINANCE NO. 204 AMENDING CHAPTER 6, SECTION 6-41 OF THE CITY CODE OF THE CITY OF CHARLOTTE.**

Councilman Whittington referred to Section 6-41, Page 169, of the City Code as it relates to peddlers, and stated he is talking primarily about the Freddie Freeze Ice Cream Company. That when Council allowed them to operate in residential neighborhoods the time was set up under this section as 8:00 P.M. to 8:00 A.M. Since that time we have come under daylight savings time during the summer months, and it has been difficult for these people to stop at 8:00 p.m. under the daylight saving time, and they are asking that this be amended to read from 9:00 p.m. to 8:00 a.m. He stated this is a request of Mr. Francis Clarkson, Jr., Attorney, on behalf of his clients, Freddie Freeze.

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Councilman Whittington moved adoption of the subject ordinance amending Section 6-41 by changing the time to read from "9:00 p.m. to 8:00 a.m." which will mean they can operate until 9:00 P.M. during daylight saving time and 8:00 A.M. during central time. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 292.

**TRAFFIC ENGINEERING AND ENGINEERING DEPARTMENTS REQUESTED TO GIVE COUNCIL PLANS FOR INITIATION OF POPLAR STREET EXTENSION.**

Councilman Whittington stated in the last two city bond elections as it relates to downtown streets, Poplar Street extension, from Second Street to tie into Mint Street was never acted upon because we ran out of funds. Now that the Northwest Expressway is nearing completion, when that is completed, Poplar Street is going to be in that much more demand. He stated he has gone over this with Mr. Hoose and he agrees that we should do what we can to get this project reactivated, and protect our right of way for the extension of Poplar Street. When we receive our additional Powell bill money next year, then perhaps we can go out to contract on this street, and then we would have Poplar Street from the Northwest Expressway all the way into Mint Street. The Thoroughfare Plan calls for Mint Street to be one-way and Poplar Street to be one-way. The plans for this street is to swerve it then to the right and tie it into Mint Street at First Street.

Councilman Whittington moved that this be referred to the Traffic Engineering Department and the Engineering Department to give Council the necessary plans to initiate this project when funds are available, hopefully when Powell Bill funds are available next year. The motion was seconded by Councilman Jordan, and carried unanimously.

**MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES.**

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

**DISCUSSION OF SITE B FOR DOWNTOWN PARKING GARAGE.**

Councilman Whittington stated earlier this year he spoke about parking garages downtown as it relates to streets, Civic Center and many other things when he listed about 12 projects to come under either the State or the city.

He stated now the Civic Center Plans are out to the contractors and hopefully the construction will begin sometime this year. That he believes the local government should begin immediately on one of the two downtown parking garages recommended by Wilbur Smith & Associates in their study for the Redevelopment Commission earlier this year. That whatever mechanics are necessary should be set in motion and Council should instruct those involved with the city to begin with Site B rather than A at this time. Site B is at the corner of College, Third and Fourth Streets. The Civic Center will be catty-cornered across Fourth Street from this site, and the site will be directly across the street from the hotel that is to be built.

He stated he proposes Site B first because there is only one building there now and that is a barber shop; it will be near the civic center; it will be half a block from the First Union-Jefferson Towers, and across College Street from the new hotel. That whatever is done will be revenue bond financing as it relates to this parking garage.

Mayor pro tem Alexander stated he is not opposed to moving on Site B but he thinks a full Council should be present when the motion is made.

Councilman Whittington stated he does not object to that if that is what the majority of Council wants. That he has talked to the Chairman of the Redevelopment Commission about this and he thought there was nothing wrong in Council moving in this direction.

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Mr. Bobo, Assistant City Manager, stated the Ponte-Travers & Wolfe Consultants will be in to report to Council shortly on the Downtown area. That the site for a parking garage is a part of their report.

Mayor pro tem Alexander stated Councilman Short has been very interested in this also.

Councilman Whittington stated he has no objections to waiting for a full Council.

MAYOR BELK RETURNS TO MEETING.

Mayor Belk returned to the meeting during the following discussion and presided for the remainder of the Session.

CUT OFF DATE FOR RECEIVING APPLICATIONS FOR FIRE CHIEF POSITION SET FOR MONDAY, AUGUST 16 AND CITY MANAGER TO RECOMMEND PROCEDURE FOR INTERVIEWING AND HIRING FIRE CHIEF ON AUGUST 23, 1971.

Councilman Whittington stated he would like to remind Council that Fire Chief Walter Black has tendered his resignation effective when Council asks for it. That at the time he said he wanted to put it in as soon as the budget was completed which would be about August 1. Councilman Whittington stated all members of Council are aware of problems in that Department, and he thinks Council should move now to being to make a decision by interviewing these candidates so that a decision can be made on the Fire Chief in the next two or three weeks, or certainly by the first of September.

Councilman McDuffie asked if the procedure is for Council to interview the candidates? Councilman Whittington replied he does not know what procedure Council wants to take; but he wants to interview them before he votes for them.

The City Manager stated the ads that hit the magazines about two weeks ago are just now beginning to bring in the application; that he had received eleven a week ago today and he received three Friday and three in the morning's mail. That he believes another week is needed before they are all put together for Council's consideration.

Councilman Jordan stated it is his understanding that Chief Black will make his request to the Firemen's Retirement Board and they in turn have to act upon it; that he understand Chief Black would want to stay until October 1, 1971.

Councilman McDuffie stated he would like for the City Manager to screen the applicants.

Councilman Whittington stated right now Council is doing nothing; that it is Council's responsibility to hire and fire the chief and he would like to get on with it. If the City Manager wants to screen the applications and eliminate them down to five or six, that is alright as long as the people in the local fire department have not been eliminated in the screening.

Councilman Whittington suggested a cut off date on receiving applications on the 16th of August, and then have the City Manager give Council his recommendations on the 23rd of August as to how Council should proceed as it relates to interviewing and hiring a new chief.

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WRITTEN REPORT REQUESTED ON POWELL BILL FUNDS THAT HAVE NOT BEEN ALLOCATED FOR USE.

Councilman Whittington asked for a written report from the City Manager of how much money we have in the Powell Bill Fund as of today that has not been allocated for some project and is being held in escrow or some other account and has not been spent.

COUNCILMAN WHITTINGTON CONGRATULATED FOR HIS WORK WITH THE COMMITTEE ON THE HANDICAPPED.

Mayor Belk stated he would like to congratulate Councilman Whittington. That tomorrow he is launching a campaign on the Handicapped. That a luncheon will be held with representatives of businesses, and he has bought Councilman Whittington's program so much that he is giving the luncheon. He stated this has crept up on the city and there are no facilities for these people in the parks and recreation programs. Also our public buildings do not provide for people who are handicapped. Mayor Belk stated he would like to congratulate Councilman Whittington on his work.

Councilman Whittington thanked the Mayor for his remarks and stated whatever accomplishment this Committee has made this year has been through the Mayor's cooperation. That this is the first time the Committee has had this cooperation, and he believes we will get some results tomorrow, this year and in the future with the handicapped. He stated as you look at the statistics, they say that in the next ten to fifteen years, every one out of two people in the United States will be handicapped in some way.

SHAMROCK ELEMENTARY PTA REQUEST PERMANENT SIDEWALKS ON COUNTRY CLUB DRIVE, FROM ANNE STREET, THROUGH THE SCHOOL PROPERTY.

Councilman Whittington stated the Shamrock Elementary PTA has requested the Engineering Department to put a permanent sidewalk in front of the school on Country Club Drive, from Anne Street through the school property.

STREET DEPARTMENT REQUESTED TO CHECK EAST AND WEST THIRD STREET TO SEE THAT STREET IS KEPT CLEAN.

Councilman Jordan stated on East Third Street at the railroad and on West Third Street where the building is being constructed, the streets are muddy day in and day out. Hundreds of people have to walk through this from the parking lots. Last weekend West Third Street was left in an awful condition. That mud was even upon Jack Woods' windows.

He requested that the Street Department check this every day and night to see that it is kept clean.

DISCUSSION OF TRASH AND GARBAGE PICKUPS AND INSPECTORS GIVING NOTICES OF FINES.

Councilman Jordan stated it seems to him the Litter Inspectors hired by the City are only giving notices out to people regarding trash. He stated he is sure that the other council members are receiving calls from people regarding this. The people are asked to either fix the trash up right or they will be fined \$10, and every day it is left there.

He stated he received a call from a lady who is in her 80s; she has heart trouble and high blood pressure. During the rain, limbs blew off her trees and the children in the neighborhood picked them up and placed them at the street, and yet she receives a notice that she will be fined \$10 and will be fined \$10 every day this continues to lay out on the street.

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He stated this is ridiculous; that it is getting way out when you expect people like this to obey these rules. That he thinks Council should get together with the Sanitation Department on this. He stated he is getting information and is building it up every day, and this cannot continue to go on very long without his calling someone on the carpet with this business. He stated these inspectors should be looking at the rest of the city such as the restaurants and the parking areas with all their litter, and not just the citizens who leave their trash on the street.

Councilman Whittington suggested that Councilman Jordan give the lady's name and address to Mr. Beaver or Mr. Taylor in the Public Works Department; that all their personnel are instructed when an elderly or infirm person calls they are to pick this up. He stated he gets these calls every day and has not had any trouble with them. Councilman Jordan stated this lady said she told them she was not able to do this as she was in her 80s and they still gave her a hard time and said everyday it laid out, she would continue to get a \$10 fine each day.

Councilman Alexander stated there is one thing the City has to do and that is to set a date for the hearing requested by the North Charlotte Action Association. Mr. Burkhalter replied he has talked with Mr. Horne and a date will be set and Council will be invited to attend if they care to come. Councilman Alexander stated he has a lot of complaints also and he has been holding them until after this public hearing.

Councilman McDuffie stated it has been pointed out that some trash collection is made from every house three out of five working days, and that is a pretty good record.

Mr. Burkhalter stated every effort is being made now to improve the caliber of contact with the people; and this is where we get most of our problems. Classes are being held for these people and instructions are being given to groups of people on how to meet the public and how to handle these problems. Extensive programs are being put on for truck drivers and the crews. A driver of the week and a truck of the week will be named to give credit to the crews. That he believes eventually the people will be coming down and saying how great these things are.

CITY MANAGER REQUESTED TO RECOMMEND SEATING ARRANGEMENT FOR COUNCIL MEMBERS BEFORE NEXT ELECTION.

Mayor Belk requested the City Manager to bring to Council a recommended seating arrangement for Council Members before the next election.

ADJOURNMENT.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk