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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 14, 1970, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington, and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Robert M. Wallace, Jr., Assistant Minister of Tabernacle Associate Reformed Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Minutes of the regular meetings on November 23 and November 30, 1970, and of the Adjourned Meeting on December 1, 1970, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED FIRE CAPTAIN JAMES FRANK BAKER ON HIS RETIREMENT.

Mayor Belk recognized Fire Captain James Frank Baker and presented him with the City of Charlotte Employee Award. Captain Baker was employed in the Fire Department December 1, 1941 and retired December 1, 1970.

Mayor pro tem Whittington stated Captain Baker is State Commander for the American Legion of North Carolina. Not only in Charlotte but over the State, he has rendered a great service to a lot of people.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 1, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-60 (BROOKLYN URBAN RENEWAL, SECTION 5), ADOPTED AND AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE TO REFLECT VARIOUS CASH AND NON-CASH GRANTS-IN-AID AUTHORIZED.

The public hearing was held on Amendment No. 1 to the Redevelopment Plan for Redevelopment Section No. 5 of the Brooklyn Urban Renewal Project No. N. C. R-60.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated the changes being recommended to the Plan were approved by the Charlotte Mecklenburg Planning Commission on December 2, and approved by the Redevelopment Commission on December 9, 1970. The Redevelopment Commission's approval carried with it the recommendation that it be presented to Council for approval.

The changes are as follows:

- (1) To add a revised date on five maps that are a part of the Redevelopment Plan.
- (2) To change the general regulations and controls as they relate to approval of plans by the Redevelopment Commission. This is to bring up to date the language in the Plan that formerly referred to schematic drawings and preliminary plans and will now refer to concept and design development plans which is more understandable and clearer language and is something that has been done for the other plans for the Brooklyn project in other amendments.

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- (3) A change in the provision of the plan relating to the condition for exemption from acquisition of property designated for acquisition. Mr. Sawyer referred to a map and stated there are four properties which were within the project but are now being deleted. They are connected to East Morehead Street frontages and to acquire these portions at this time would be to sever those properties. The only reason for acquiring them is because of the need of the Independence Expressway right of way. Therefore if they are deleted at this time, they will be acquired in total at a later time.
- (4) Change in the estimated cost and method of financing. The major change is an increase to the City of the city's 1/3 share of only \$9,183.00. This is minor and has been anticipated and was included in the \$1,800,000 bond issue which was approved by the voters last year.

Councilman Alexander requested a fuller explanation of the deletion of the four properties? Mr. Sawyer replied the boundary of the project formerly included these properties. East Morehead Street is located just below. These properties are connected to and would affect properties that front on East Morehead Street. The major primary use fronts on East Morehead Street. In one case it is J. A. Jones Construction Company headquarters. They own the parcel in the rear and use it in connection with their headquarters for parking. To take it would sever the property at considerable expense. The other properties also affect and are connected to East Morehead Street property. It is used for parking in one way or another and to sever them would damage considerable the primary operation. Therefore, the Redevelopment Commission recommends that the properties be deleted at this time. Mr. Sawyer stated this has been discussed with the Engineering Department recognizing the only need, as far as the project is concerned, is for the Independence Expressway right of way. This will take all the property later. So the Commission recommends that the taking not be divided between a portion by the Redevelopment Commission and the remainder by either the City or State Highway Commission at a later time.

Councilman Tuttle asked how this will relate in cost to inflation? Mr. Sawyer replied they believe the price even with inflation would be cheaper at a later time.

Mr. Sawyer stated they have notified the four property owners by special letter of the hearing today.

No opposition was expressed to the proposed amendment.

Councilman Short moved the adoption of the resolution entitled: Resolution of City Council of the City of Charlotte, North Carolina, Approving Amendment No. 1, Redevelopment Plan for Project No. N. C. R-60, and Approval of the Agreement between the City of Charlotte and the Redevelopment Commission of the City of Charlotte to reflect various cash and non-cash grants-in-aid. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 196.

"DECLARATION PLAZA" ENDORSED AS NAME OF THE GOVERNMENTAL CENTER BY CHARLOTTE CHAMBER OF COMMERCE.

Mr. Stan R. Brookshire, former Mayor of Charlotte, stated neither the Chamber of Commerce nor the Face of Charlotte Committee has any intention to impinge the prerogative or rights or responsibilities of this Council. They are not attempting to name nor to re-name that portion of Brooklyn which will be occupied with the expanded government plaza. The people of Charlotte are most fortunate in a number of respects. The leaders of another generation were wise enough to build a beautiful City Hall and an equally beautiful Courthouse, side by side, in a very desirable location. In spite of the fact that at the

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time they both overlooked the slums of Brooklyn. Now that Brooklyn has been cleared and under urban renewal, the City and County have the opportunity of acquiring and have acquired sufficient land for an expanded Plaza to serve the needs of this and future generations. He stated Brooklyn has gone through a transformation; but to many people, the area just south of City Hall and County Courthouse is still referred to as Brooklyn. With the change in the geographical appearances, the image itself is changed and perhaps the government plaza should have a distinguishing name. This is only one of several perspectives that show this area will not only serve utilitarian purposes but an aesthetic one providing open spaces and beautification to improve the face of Charlotte. It was on that basis that a suggestion was made in the Face of Charlotte Committee two or three months ago, and a motion followed to the effect that the Committee would proceed with a contest county-wide to come up with some appropriate name for the Plaza.

Mr. Brookshire stated one of the rules of the contest was that "final decision as to whether to actually use any name will be made by the Charlotte City Council". He stated the Committee received approximately 750 entries. Many of the names had historical significance and some of them political significance.

He stated the entry that won the judges decision was "Declaration Plaza". That Mr. Robert J. Sailstad was the first of about three to offer the name, and going by post marks the first entry won the \$100.00 Chamber prize.

Mr. Brookshire filed with the Mayor the folder on the contest which includes the contest rules and a full list of the 750 suggested names.

Mr. Sailstad stated it appears now that Charlotte and Mecklenburg County have a great opportunity in connection with the naming of this governmental plaza. From all indications the citizens of this area will have a development of handsome buildings, open spaces, walkways and landscaping that will be functional, beautiful and inspiring to those who have occasion to visit it to do business or just to visit a landmark of the Charlotte area. He stated in naming it we have an out-chance to achieve a truly monumental list for ourselves for generations to come and for visitors to the city. We can accomplish these goals by making it our Declaration Plaza. We need things to be proud of. When the Mecklenburg Declaration of Independence was announced to the populace of this colonial crossroads back in May, 1775, there was rejoicing and there was pride. Free men had courageously decided to govern themselves. According to the record, the enthusiasm was so great that hats were tossed in the air and a few even landed on nearby roofs. He stated about four years from now we will be celebrating the 200th Anniversary of those historical events. By that time, considerable progress will be made with the actual plaza. Such an historic park with the Freedom Fountain, well-designed presentations in stone and bronze, depicting key events in our history can make it a place of unique pride and permanent distinction. Perhaps we shall have pride in 1975 and in all the other years to come to figuratively, if not literally, toss our hats in the air as a result of what can be borne of a proud tradition and heritage and nurtured by foresighted twentieth century vision and achievement.

He stated only Charlotte and Mecklenburg County are qualified by a rich heritage of freedom to give prosperity what for all the years to come can be a Declaration Plaza.

Councilman Jordan moved that Council take the recommendation under consideration. The motion was seconded by Councilman Whittington, and carried unanimously.

REPORT OF THE STATUS OF J. N. PEASE ASSOCIATES STUDY AND RECOMMENDATIONS ON THE INCREASE IN THE SEWAGE DISPOSAL FACILITIES.

Colonel J. Norman Pease stated Mr. George Rawlins will make a report on J. N. Pease Associates' study and recommendations on the increase in the city sewage disposal facilities.

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Mr. Rawlins stated their reason for appearing today is to inform Council that verbal approval was received last Friday of the construction plans and specifications on the contracts for expanding the capacity and upgrading the process of wastewater treatment at the Irwin Creek and McAlpine Creek Wastewater Treatment Plants. This approval came from the North Carolina Department of Water and Air Resources along with a request for additional copies of the documents for use of the Federal Water Quality Administration. He stated it is reasonable to anticipate that approval to advertise the work for bidding will be received within a month. At that point City Council should be ready to authorize the project to proceed into the bidding and construction phase. These projects are jointly financed by a federal grant and City of Charlotte bond issue.

Mr. Rawlins stated the first significant treatment facilities were built at the Sugar Creek and Irwin Creek sites in 1925-27. Most of that construction is still in use and fully effective. The pollutional problem was one for the City Administration as far back as 1939. World War II prevented any progress in expansion of facilities. In 1949, with federal planning funds, J. N. Pease Associates prepared detailed plans for building a new facilities on Sugar Creek four or five miles below the existing plant. This plan was abandoned by the City in favor of expanding the existing Sugar Creek and Irwin Creek plants for financial reasons. Irwin Creek plant was expanded in two steps in 1949 and 1954; Sugar Creek plant in 1952 and 1961. Each time the efficiency was upgraded above any legal requirement and certainly to the top efficiency that technology was able to provide at that period.

He stated the first state legislation covering stream quality was enacted in 1951. The first water quality standards for various classifications were adopted November 19, 1953. The Catawba River Basin Classification, which includes the Mecklenburg streams, was adopted in 1962. The Charlotte municipal system was already in compliance and has consistently complied. This does not mean there have been or are presently no individual violators.

The Federal Water Quality Act in 1966 set in motion the nation-wide program to upgrade water quality standards. North Carolina amended its classifications in 1968 as an interim measure. It was just sixty days ago that new standards were adopted. The specific classification of many individual streams in Mecklenburg have yet to be accomplished. In 1960, J. N. Pease Associates made a report on the needs of the sewerage system of the metropolitan Charlotte area and recommended the establishment of a third treatment plant on McAlpine Creek near Pineville. This was approved by the City, the State Agency, and the S. C. regulatory agency at a public hearing held in Lancaster, S. C. The plan was comprehensive in that it projected the need of major outfalls and treatment facilities for about two-thirds of the area of Mecklenburg County. It envisioned the possibility of treating all wastes of the Irwin, Big Sugar, Little Sugar, McMullen and McAlpine Creek basins within the County at a site on McAlpine just north of the State Line.

The McAlpine plant was not located near the major stream junction in South Carolina as there is a suitable site near the junction of these streams in South Carolina. It would have required a much longer outfall, but the principal objection to it is legal. After much consideration of the legal problems, which included taxation and political control beyond that of Mecklenburg County and the State of North Carolina, with concurrence of the City staff and Attorney the balance was in favor of the site as recommended in the report. Planning by others has been done in recent times. There is the report by an engineering firm for the County; there is a comprehensive regional plan being prepared including Mecklenburg in its scope, and the N. C. Department of Water and Air Resources is preparing a sub-drainage basin plan which principally involves Mecklenburg streams.

Mr. Rawlins stated the efforts of the city staff and consultants to have the State make a determination of effluent quality standards started more than a year ago. Construction drawings and specifications covering additions to the Irwin Creek and McAlpine Creek plants were submitted to the State last April. The requirements of the Federal Government were not known at that time. All we

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could do up to then was make a judgement on what they might be eventually. Public involvement was loud and the practical aspects of technology and financing was in flux. After several conferences involving State, Federal and local government agencies including South Carolina, on August 28, 1970, the City received from the Federal and State Agencies a set of design criteria which the two plants being expanded would have to meet. The staff and consultants proceeded to add to the construction plans the facilities to comply.

Mr. Rawlins stated with public consciousness being directed at all aspects of the environment today, the Consultant must be aware of its responsibility to the City in regard to waste treatment. The fact that the City of Charlotte has in the past and by the present expansions been able to satisfy the criteria established for plant effluents, should not make us complacent. The Federal Government, through the Federal Water Quality Act, and the program of financial aid is exerting greater and greater pressure toward the ultimate which is virtually drinking water standards. Dr. Abel Wolman, an outstanding engineer and educator, in speaking to the Fifth International Water Quality Symposium in August 1970, stated: "Those who seek to recapture water of pristine purity throughout the U. S. are, to say the least, unrealistic and particularly so when they hope to accomplish this by legislative fiat".

Mr. Rawlins suggested that Council as a whole or as a committee of Council with staff and such other assistance as it sees fit to include, review in greater depth than has been done today the problems of the future in this field and establish policy. For instance, it may be determined that the City may be required by Federal and State agencies to go the ultimate in treatment (virtually producing drinking water) or it may be that plant effluent may have to be piped to a point at or near the major stream junction in South Carolina. Either of these routes will require enormous amounts of capital expenditure. He stated now is the time for Council to exert its good thinking and influence.

Mr. Rawlins stated the City is still in a position to accept traditional domestic and industrial waste into its treatment plants at this time. If we anticipate our needs for future planning and building programs, the community will be able to simulate future growth with a minimum of problems.

Councilman Short asked if Mr. Rawlins is saying that we have a very good sewer plant system, the best we can build within legal and financial restraints; however, the dilution ratio below our treatment plants presents a problem particularly in view of new federal regulations. That Mr. Rawlins suggests that Council or some Committee consider whether we should run an outfall down into South Carolina to help in this problem, or whether we should make our treatment so intense that the water that comes out of these plants is actually drinking water. As Mr. Rawlins replied that is a summary; this is anticipating a future requirement. As the plants are designed they satisfy the present standards, but the future may require additional provisions. The stream flows in the streams of Mecklenburg are very low; in drought conditions, there is practically no flow.

CITY ATTORNEY REQUESTED TO TAKE SECTION 13-22(a) OF THE CITY CODE UNDER ADVISEMENT AND COME BACK TO COUNCIL WITH SOME LEGAL ADVICE REGARDING ITS PRESENT DAY STRUCTURE.

Mr. George Daly, Attorney, stated Mr. Ambrose Martin was released from jail this morning after having spent four days there. He had just gotten out of jail earlier in November, having spent 14 days there, and he was charged with a vicious and heinous offense.

He stated the warrant reads as follows: "It is charged that on the 10th of December, he did loiter on a public street without the consent of the persons in control of such premises. It is also charged that this man habitually loafs in the public places of the city in this area." Mr. Daly stated Mr. Martin is charged with loafing on The Square and he spent 18 days in jail in the last two months.

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He stated the City Code Section is Section 13-22, which reads as follows: "It shall be unlawful for any person to loiter or sleep on or at the foot of the stairway of any building in the city, or to loiter or to sleep in or on boxes or hogsheads, or other things in streets, sidewalks or alleys, or on public grounds, or in any other public place, or on the private premises or grounds of another, or in any railroad station, bus station, or hotel lobby, without the consent of the person in control of such premises or grounds, or to loaf habitually around the hotel and public places the city."

Mr. Daly stated Mr. Justice Black on the Supreme Court had occasion not too long ago to characterize this as "government by the moment to moment opinions of the policeman on the beat." He stated it seems this is the classic case of that and the law is what is called an overbroad law.

He stated this law forbids people to sleep out in the parks on pleasant nights and forbids them to stand around and gaze at the stars; it is a classic case of discrimination against the poor. It simply makes a debtor's prison out of the Mecklenburg County Jail. Mr. Daly stated Council's legal counsel might advise them off the record that it is rather obviously unconstitutional.

He stated he is simply bringing this to Council's attention and hopes they will see fit to repeal the ordinance and get it off the books.

Councilman Alexander asked the City Attorney to take this under advisement and come back to Council with some legal advice regarding this ordinance in its present day structure.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, APPROVING THE USE OF ADDITIONAL LOCAL FUNDS TO UNDERTAKE CERTAIN PROJECT EXECUTION ACTIVITIES DURING PROJECT SURVEY AND PLANNING STAGE FOR GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78.

Motion was made by Councilman Alexander, and seconded by Councilman Short, to adopt the subject resolution. The vote was taken on the motion, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 199.

MAYOR LEAVES MEETING.

Mayor Belk left the meeting during the discussion on the next item and was absent for the remainder of the session. Mayor pro tem Whittington presided.

ORDINANCE NO. 955 AMENDING CHAPTER 10A ENTITLED "HOUSING" OF THE CODE OF THE CITY OF CHARLOTTE.

Councilman Whittington requested Mr. George Selden, Chairman of Citizens Advisory Committee on Urban Renewal and Community Improvements, to give Council the references in the code where changes are requested or recommended, in the proposed Housing Ordinance.

Mr. Selden stated Mr. Gene Davant recommends that a change be made on Page 7 of the proposed ordinance, under Section 10A-7(2). In the second line, insert the word "reasonable" between the words "be" and "necessary". Mr. Selden stated he would be agreeable to this change.

He stated Mr. Davant would like to add a section to keep in the ordinance the point system. He stated he cannot agree to this as there is no use in having a Housing Code and proceeding with the workable program if the point system is kept as HUD will not accept the point system. Mr. Davant stated the point system is used in grading and housing conditions. That the Inspector can go out and look at a house and if there are a few things wrong, then he can say

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the house is not unfit for human habitation, but certain repairs need to be made. Under the proposed ordinance, if there is one broken lock or a few things of this nature, then the house is declared as unfit for human habitation. He stated they feel there should be some judgement available to the inspectors saying you do not have to close the house or come before the hearing committee. Mr. Selden stated on Page 7 of the proposed ordinance, under Section 10A-7(2), Mr. Davant proposes that a section (e) be added which would include the point system. He stated everything he has heard from HUD in personal discussions and over the phone, this would not be acceptable. If the Housing Code is approved with this provision included, the workable program would not be approved. Mr. Davant stated they would like to keep the point system but if we cannot keep it, then they will surrender.

Councilman Tuttle asked about the time element; how long a property owner is allowed to make the corrections? Mr. Underhill, City Attorney, replied this is on Page 23 of the proposed ordinance; it is not less than ten days to have a hearing nor more than 30 days after serving of the complaint; that it varies from 10 days to 30 days. Mr. Selden stated in any case where there was a disagreement this could go to the Appeals Board which would hopefully resolve any differences. If it were not settled there, then there are further recourse that can be taken.

Mr. Selden stated the next change is on Page 10 in Section 10A-8(1)(g) regarding minimum standards. He stated they recognize the proposed ordinance makes a change. In the interest of expediting the code, recognizing that this change going to 70 square feet instead of 80 square feet may be a little more equitable and practical type of code to serve that they will not hold this as being the stumbling block from getting a code change made. That he recommends if this is a problem that we go back to the original code which has been required for the last nine years, and which is as follows: "...at least 80 square feet of bedroom floor space for the first occupant; at least 20 square feet for the second occupant; and at least 30 square feet for each occupant over the number of two; children one year and under of age shall not be counted." That Mr. Davant has proposed a compromise between the recommended changes and the existing ordinance.

Recognizing the logic that a house built two years ago on the old code might be in violation under the new code, and this being a dimensional change, the more practical thing to do would be to go back to the old code. Mr. Davant stated they would like to see more bedroom space given but they do not see any point in saying legislate the bedrooms that are there, out of existence. Mr. Selden stated Mr. Davant's point is well taken that you might have a relatively new house which would violate the code as proposed, and therefore, it would be better in terms of dimensions to go back to the existing ordinance. Then, as experience is drawn from this, practical amendments can be made.

Mr. Selden stated the next proposed change is on Page 13, Section 10A-8(5)(b), fifth line, to remove the term "with reasonable uniformity". That this relates to heating. He stated in their judgement to remove this makes the code slightly more strict. However, this is the manner in which the existing code is written and to remove the words "with reasonable uniformity" would not particularly detract from the proposed code and they are agreeable to this change.

The next proposed change is on Page 22, Section 10A-10(1)(f), remove first word in the third line "uniform". Mr. Selden suggested that the word "reasonably" be inserted and the word "uniform" left in. Mr. Davant stated if it is going to be taken out in the first part, they feel it should come out here. Mr. Selden stated he would be agreeable to this.

Mr. Selden stated on Page 22, Section 10A-10(1)(g), Mr. Davant proposes that the following sentence be added: "Destruction of the property shall be deemed legal grounds for eviction."

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Councilman Whittington moved that this phrase be added. The motion was seconded by Councilman Withrow.

Mr. Selden stated he sees no major difficulties with the code provided it does not get into any complications with the law. Mr. Underhill, City Attorney, stated he questions this sentence as the General Statutes have one whole chapter devoted to landlord-tenant relationship; that he does not think the housing code should be the vehicle for establishing grounds for termination or eviction of tenants. This more properly would be a private matter to be settled by lease between the landlord and his individual tenants, rather than a city policy contained in the housing code. That section (g) as proposed states "No occupant shall willfully destroy, deface or otherwise impair any of the facilities or equipment of the owner on the premises which they occupy and control, or any part of the building itself." That to his way of thinking this is establishing a grounds for eviction that probably the landlord has at the outset. That he does not feel it should be included in the owner and occupants responsibility at least to the extent as proposed, giving the landlord the right to use it as a legal grounds for eviction; that he probably already has that right.

Councilman Whittington stated the only reason he thinks it should be included is because this is something new and the history of this Council would prove that the governing body has tried to pass every ordinance it could to protect the property owners to do things like blockbusting and such. By adding this sentence, even if it is in the code at another place, it says to the owner, tenant and everyone else the city with the workable program and the housing code are going as far as it can to work together. That unless it is a conflict from a legal standpoint, he thinks it should be included.

Councilman Alexander asked how much leeway Council has to legislate in this category beyond what the State has established? Mr. Underhill replied that is another reason why he is a little hesitant on adding this phrase; the General Assembly has seen fit to adopt general statutes to cover landlord and tenants, and we are getting into an area here that might exceed the authority of the City to make an occurrence being grounds for eviction outside what the General Assembly has provided. This causes him some concern. Councilman Alexander stated in most cases that have been decided against most state laws, they have not been thrown out. Mr. Underhill stated to his knowledge, the landlord-tenant sections of the Statutes in this State have been held constitutional by the State Courts, and have not been overturned. Councilman Whittington asked if it is alright to include this sentence or is it not alright? Mr. Underhill replied he is raising the question of putting it in; that he has some legal doubts.

Councilman Short asked if it would be a good approach, if Council liked the wording: "Willful destruction shall be grounds for eviction" to go ahead and pass the housing code without that in it because the housing code is what HUD is bearing down upon us on, and ask the City Attorney to prepare another ordinance that would be considered on its own and not be a part of the housing code. Mr. Underhill stated another approach would be to recommend to the general assembly some amendatory language in the general statutes on this subject.

Councilman Whittington asked Mr. Selden if this language would hurt the workable program? Mr. Selden replied it would be an advantage to put it in the ordinance.

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

Mr. Selden stated the last item they have reviewed is on Page 23, Section 10A-12(a), eighth line from the bottom, to insert between the words "to" and "file" the phrase "correct the violation, or". He stated this would give the owner the provision to correct the violation before anything moved forward. That he thinks this is an excellent suggestion.

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Councilman Whittington moved that the phase as suggested be included. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Thrower moved adoption of the proposed ordinance with the changes as discussed and agreed upon. The motion was seconded by Councilman Alexander.

Mrs. Miriam Dunbar stated when you change the bedroom floor space, the same reason would apply to Item 8 in the existing code. They changed from seven feet wide to seven and half so that you have houses built yesterday seven feet wide as a minimum whereas tomorrow they will not apply so you should do the same thing there. Mr. Selden stated this is true; there is a difference between Seven and seven and half; this was not brought up in their discussion; it would be valid to go back to seven foot wide; that he would accept this as a part of the amendments.

Mrs. Dunbar stated it has been mentioned that something can be taken to the Appeals Board. She asked if this is saying the Appeals Board will have the authority to overrule this ordinance even though it is written in the ordinance as a law? Councilman Thrower stated an example of the Appeals Board is in zoning where the Board can and does override a particular zoning ordinance in certain cases; that this Board is between the City Council and the Courts.

Mrs. Dunbar referred to a letter she had written to Council. The third page, first paragraph at the bottom which says it is important to have the files open to the owners of the property to be sure that it does not contain misleading or inadequate information; also on page two the third paragraph from the top, which says sometimes these documents are used to badger people. She stated she appeared before Council on November 23, and on December 1, she received a letter from Mr. Wiggins. That the letter is not what it appears to be. In the letter he says she was notified on several occasions concerning the housing code violations. That she has checked her files on that piece of property and she can find only one letter dated 1968. In the second paragraph he refers to a recent inspection. She stated Mr. Wiggins was told back in 1968 or 1969 that this house had been checked and she has done everything she was asked to do, which was reasonable; that she did not want his inspectors on that property any more without her permission. If what Mr. Short told her is true and he did run a recent inspection, he was there unauthorized and illegally. That she does not know when he was there and he does not say in the letter what is wrong with the house, so she has no idea to what he is referring. That the letter states she has to install an access door to the attic. That neither the old or new Housing Code says you have to have an access door to the attic. That she has tried to find out where his authority came from on this particular item and the only thing she can find is a statute in the North Carolina Building Code for new construction which says you have to have this access.

Councilman Alexander asked if this is not the type of problem that can be carried before the Appeals Board; is this not one of the advantages of the Board? Mr. Selden replied that is one of the advantages of the new ordinance.

(MAYOR BELK LEFT THE MEETING AT THIS TIME AND MAYOR PRO TEM WHITTINGTON PRESIDED FOR THE REMAINDER OF THE SESSION.)

Mrs. Dunbar called Council's attention to Page 7, Section 10A-7 in which one person is authorized to exercise such powers as may be convenient to carry out the provisions of this ordinance. That gives one man the authority to do anything he wants to do which he finds convenient.

Councilman Tuttle asked the City Attorney if a fireman thinks a place is overcrowded and dangerous, can he not order it closed? That there are those individuals authorized to close places or make decisions on the spot? Mr. Underhill replied that is correct. Mrs. Dunbar stated it does not give him the authority to run in there at his convenience; usually you have a set of rules you go by. That she objects to the word "convenience".

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Councilman Alexander asked if on Page 23, Section 10A-12, third sentence, the phrase "of legal age" was inserted between the words "residents" and "of"? Mr. Selden stated they have no objections to this addition. But the individual is protected by the fact that it first goes before the Superintendent and then before the Appeals Board. They have no objections at all to inserting this phrase "of legal age". That this came up before and there was a discussion as to what is legal age and this was never resolved.

Councilman Tuttle asked that this be included as an amendment to the proposed ordinance.

Mr. Underhill stated he has a list of some eight or nine changes to be made either suggested in Mr. Selden's letter or as suggested here today. That he assumes there are no other changes members of the City Council desire to make. That Council by its motion will approve the ordinance as recommended, subject to the changes made today.

Councilman Withrow referred to Page 22 and stated the owner of the dwelling does not always furnish the heat; that he has some houses in which he does not furnish the heat. That the tenants furnish their own warm morning or heating stoves. Mr. Selden replied it says every owner shall be responsible for providing adequate heat under Item (f). That this is a responsibility the owners can either delegate to the tenant or to a heating concern; that he has flexibility so long as he has the final responsibility that there is heating in that location.

The vote was taken on the motion to adopt the ordinance as recommended with the suggested changes and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 1.

Mayor pro tem Whittington expressed appreciation to Mr. Selden, Mr. Davant, Members of the Board of Realtors and all others for the cooperation they have given to this committee.

CITY MANAGER REQUESTED TO BRING A SUGGESTED RESOLUTION TO COUNCIL ON BLOCK GRANT.

Councilman Short stated a block grant approach to federal shared funding provides for revenue sharing essentially without strings attached. This approach to revenue sharing was praised very much by the principal speakers at last week's National League of Cities Convention in Atlanta, and it has been praised by the North Carolina Department of Local Affairs, and by many writers and experts on problems of the cities.

Councilman Short stated it is appropriate at this time that the Council adopt a resolution supporting the block grant method of revenue sharing and that a copy be sent to Congress.

Councilman Short moved that the City Manager prepare such a resolution and present it to Council at its next meeting. The motion was seconded by Councilman Thrower, and carried unanimously.

FOXCROFT EAST PLANNED UNIT DEVELOPMENT REVISIONS AUTHORIZED.

Mr. Fred Bryant, Director of Current Planning, explained the revisions proposed for the Foxcroft East Planned Unit Development located north of Sharon View Road. He stated the first phase of the project is under construction, and the revisions are in the second phase which fronts on and relates to Sharon View Road. The changes consist of minor revisions in the street alignment.

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In the original concept there was a street coming off Sharon View Road and another coming off Carmel Road, and then an intervening street. In the revised plan, he proposes to change it to the extent that one street would remain in its present configuration; the one from Carmel would remain the same and the area in the interior would be changed so that two cul-de-sacs would be constructed. Mr. Bryant stated they think this is a big improvement as it improves the open space to the extent that where there were narrow strips, the open space is now cut up into blocks and can really be noticeable on the ground. The revision also eliminates all the driveway frontages that would be related to Sharon View Road. He stated in the process there will be ten fewer lots in the revised plan and these ten units will be shifted over and added to the townhouse for sale portion of the property.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving the revisions to the Foxcroft East Planned Unit Development project as explained by Mr. Bryant.

PETITION NO. 70-107 BY J. D. WHITESIDES, ET AL, FOR A CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF PARK ROAD, FROM EUCLID AVENUE TO LYNDBURST AVENUE, DEFERRED.

Mayor pro tem Whittington requested Council to not take any action on the subject petition until the Planning Commission gives Council a plan for the Dilworth area.

Mr. McIntyre, Planning Director, stated the report is in the typewriter at this time, and it will be sent to the Planning Commission this week, and the Planning Commission will review it a week from today.

Councilman Jordan moved that decision be deferred until the Dilworth area report is received. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 956-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF SHARON ROAD, NORTH OF COLTSGATE ROAD.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the subject ordinance for a change in zoning from R-15 to O-6 was adopted as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 17, at Page 485.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON WEDNESDAY, JANUARY 6, 1971, AT 3:00 P. M. TO CONSIDER CHANGES IN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO REGULATE MULTI-FAMILY RESIDENTIAL DEVELOPMENT, ADOPTED.

Councilman Tuttle moved adoption of the subject resolution setting date of hearing on Wednesday, January 6, 1971. The motion was seconded by Councilman Alexander and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 201.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Motion was made by Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$541.55, which were levied and collected through clerical error.

The resolution is recorded in full in Resolutions Book 7, at Page 202.

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ORDINANCE NO. 957 AMENDING CHAPTER 5, ARTICLE II OF THE CITY CODE REVISING THE ELECTRICAL CODE.

Councilman Thrower moved adoption of the subject ordinance amending Chapter 5, Article II of the City Code revising the electrical code as recommended by the City Electrical Advisory Board and the Building Standards Board. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 486.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Withrow, and seconded by Councilman Jordan to adopt the following ordinances ordering the demolition and removal of dwellings pursuant to the Housing Code of the City of Charlotte and Article 15, Chapter 160, of the General Statutes of North Carolina:

- (a) Ordinance No. 958-X ordering the removal of dwelling at 619 North Davidson Street.
- (b) Ordinance No. 959-X ordering the removal of dwelling at 621 North Davidson Street.

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

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

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 488.

ORDINANCE NO. 961-X ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of the subject ordinance ordering the removal of weeds and grass on the premises adjacent to 308 Pennsylvania Avenue. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 491.

ORDINANCE NO. 960-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 301 CEMETERY STREET PURSUANT TO ARTICLE 13-1.2 OF THE CITY CODE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted ordering the removal of an abandoned motor vehicle located at 301 Cemetery Street.

The ordinance is recorded in full in Ordinance Book 17, at Page 490.

ELECTRICAL SERVICE AGREEMENT WITH DUKE POWER COMPANY FOR ADDITIONAL SERVICE AT AUDITORIUM-COLISEUM AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, approving an electrical service Agreement with Duke Power Company, for additional electrical service requirements at the Auditorium-Coliseum.

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CHANGE ORDER NO. 1 IN CONTRACT WITH SHANKLIN AIR CONDITIONING, INC. FOR RENOVATIONS TO AUDITORIUM-COLISEUM, DEFERRED.

Councilman Thrower stated technically this Council is not obligated to furnish the money for this change order as it has a binding contract with the contractor for the air conditioning and with the architect. Councilman Alexander asked who was responsible for looking out for the city and looking over the plans? The City Manager replied the architect, he would presume. Councilman Withrow asked if the architect legally can be charged for this? Mr. Underhill replied he would have to review the contract.

Councilman Thrower moved approval of the change order. The motion was seconded by Councilman Alexander.

Councilman Jordan made a substitute motion to defer action for one week for more information. The motion was seconded by Councilman Withrow, and carried unanimously.

CHANGE ORDERS IN CONTRACT WITH LAXTON CONSTRUCTION COMPANY FOR RENOVATIONS TO AUDITORIUM-COLISEUM.

Upon motion of Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, change orders in contract with Laxton Construction Company for the renovations to Auditorium-Coliseum were approved as follows:

- (a) Change Order No. 1 - delete \$2,310.00 for deletion of contour curtain in the Coliseum.
- (b) Change Order No. 2 - add \$11,191.43 for extra pressure grouting, drilling holes for grouting, extra carpet for future use, and wall bumpers for corridor walls.
- (c) Change Order No. 3 - add \$912.00 for carpets and mats in Rooms 104, 105 and 106 of the Coliseum.
- (d) Change Order No. 4 - add \$679.80 for replacement of flooring and alterations of the drapery track in the Coliseum.

ORDINANCE NO. 962-X AUTHORIZING THE TRANSFER OF A PORTION OF THE \$10.0 MILLION BONDS.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, adopting the subject ordinance authorizing the transfer of a portion of the \$10.0 million bonds, as follows:

- (a) \$172,018 transferred from the sale of \$1,800,000 Redevelopment Bonds to Brooklyn Urban Renewal Area Four, to be used for street improvements, culvert construction, demolition of structures and site improvements in Brooklyn Urban Renewal Area Four.
- (b) \$127,982 transferred from the sale of \$1,800,000 Redevelopment Bonds to Brooklyn Urban Renewal Area Five to be used for street improvements, culvert construction, demolition of structures and site improvements in Brooklyn Renewal Area Five.

The ordinance is recorded in full in Ordinance Book 17, at Page 492.

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ORDINANCE NO. 963-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FROM AWARDS, DAMAGES AND OTHER FEE ACCOUNT.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$1,000.00 to the Veterans Service Office to provide additional clerical help for the Veterans Service Office. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 493.

RESOLUTION IN MEMORIAM OF VERNON O. TUCKER.

Councilman Jordan presented the following resolution:

A RESOLUTION IN MEMORIAM
OF VERNON O. TUCKER

WHEREAS, it is with deep regret that the City Council of the City of Charlotte takes note of the passing of Vernon O. Tucker on Tuesday, December 8, 1970; and

WHEREAS, he served in the Navy in World War II and was a retired Lieutenant Commander in the Navy Reserve; and

WHEREAS, Vernon Tucker had been head of the Veterans Service Office since it was established in 1949 and rendered valuable service to countless numbers of veterans and their families in times of need; and

WHEREAS, the sense of bereavement felt by his family is shared by the City Council and his many friends and associates.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlotte, in regular session assembled on this 14th day of December, 1970, does hereby express its sincere sympathy to the members of Mr. Tucker's family, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family, and that this resolution be spread upon the minutes of this meeting.

Upon motion of Councilman Jordan and seconded by Councilman Thrower, the resolution carried unanimously, as everyone stood in silent prayer.

ORDINANCE NO. 964-X AUTHORIZING THE TRANSFER OF FUNDS FROM THE STATE HIGHWAY COMMISSION RIGHT OF WAY PROJECT TO THE SOUTH MCDOWELL STREET WIDENING PROJECT TO PURCHASE RIGHT OF WAY ON MCDOWELL STREET.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$130,000.00. The motion was seconded by Councilman Jordan. The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 494.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK TO CONSOLIDATE THE ELECTRONIC COMMUNICATIONS SYSTEMS.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution approving a municipal agreement between the City and the North Carolina Department of Justice Police Information Network to consolidate the electronic communications systems.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 203.

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RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION COVERING THE WIDENING OF SHARON ROAD AT SHARON LANE TO PROVIDE FOR ADDITIONAL TURNING LANES.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the subject resolution approving a municipal agreement with the State Highway Commission covering the widening of Sharon Road at Sharon Lane to provide for additional turning lanes was adopted, and is recorded in full in Resolutions Book 7, beginning at Page 205.

AGREEMENT TO TERMINATE LEASE WITH EMERY AIR FREIGHT CORPORATION FOR SPACE IN AIR CARGO BUILDING, AUTHORIZED.

Councilman Alexander moved approval of an agreement to terminate lease with Emery Air Freight Corporation for space in the Air Cargo Building. The motion was seconded by Councilman Jordan, and carried unanimously.

AMENDMENT TO LEASE WITH DELTA AIR LINES TO INCREASE SPACE IN AIR CARGO BUILDING AT AIRPORT, AUTHORIZED.

Motion was made by Councilman Alexander and seconded by Councilman Withrow approving amendment to the lease with Delta Air Lines to increase their square footage space in the Air Cargo Building with terms of the lease to be from November 1, 1970 to June 6, 1976 at \$19,847.00 per lease year, payable in equal monthly installments of \$1,653.92.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH ED GRIFFIN REALTY AND CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS TO SERVE COUNTRY SIDE APARTMENTS, OUTSIDE THE CITY.

Councilman Jordan moved approval of the subject contract for the installation of 2,175 feet of water main and four fire hydrants to serve the apartment complex outside the city limits, at an estimated cost of \$14,100.00. The motion was seconded by Councilman Thrower, and carried unanimously.

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

Motion was made by Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, approving contracts for the construction of sanitary sewer mains and trunk, as follows:

- (a) Request of John Crosland Company for the construction of 175 lineal feet of 8-inch trunk to serve Hampshire Hills Apartments, inside the city, at an estimated cost of \$3,066.26. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Request of Commercial Development Corporation for the construction of 1,185 lineal feet of 8-inch trunk to serve Hampshire Hills Apartments, inside the city, at an estimated cost of \$3,066.26. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

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STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, authorizing streets taken over for continuous maintenance by the city, as follows:

- (a) Random Place, from Ferndale Place to 475 feet east of Quiet Cove Court.
- (b) Quiet Cove Court, from Plaza Road to 225 feet west of Random Place.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF CALVIN T. BROOKS, JR. AND WIFE, FRANCES POUNDS BROOKS, LOCATED AT 613 EAST 16TH STREET, FOR THE SUGAR CREEK IRWIN CREEK OPEN SPACE PROJECT.

Councilman Short moved adoption of the subject resolution authorizing condemnation proceedings at a condemnation price of \$8,500.00. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 207.

PROPERTY TRANSACTIONS, AUTHORIZED.

Motion was made by Councilman Thrower, and seconded by Councilman Jordan approving property transactions, as follows:

- (a) Acquisition of 30' x 483.76' of easement at 3524 Johnny Cake Lane, from Lamont A. Hearn, Jr. and wife, at \$967.40, for McMullen Creek Outfall.
- (b) Acquisition of 30' x 252.80' of easement at 3521 Johnny Cake Lane, from Charles F. Heinig, and wife, Ryree C., at \$500.00, for McMullen Creek Outfall.
- (c) Acquisition of 19.02' x 75.01' x 19.91' x 75' of property at 3714 Eastway Drive, from Annie B. Morton (widow), at \$2,600.00, for Eastway Drive Widening.
- (d) Acquisition of 26.96' x 75.11' x 31.17' x 75' of property at 3733 Eastway Drive, from J. B. Nussman and wife, at \$2,400.00, for Eastway Drive Widening.
- (e) Acquisition of 17.40' x 75.04' x 19.90' x 75' of property at 3639 Eastway Drive, from Creed F. Smith, Jr. and wife at \$2,000.00, for the Eastway Drive Widening.
- (f) Acquisition of 14.90' x 75.04' x 17.40' x 75' of property at 3633 Eastway Drive, from James Darwin Campbell and wife, at \$1,800.00, for the Eastway Drive Widening.
- (g) Acquisition of 3.94' x 75' x 5' x 75.02' of property at 3615 Eastway Drive, from Gayle S. Daugherty and wife, at \$500.00, for the Eastway Drive Widening.
- (h) Acquisition of construction easement at 1924 Sharon Lane, from Dayrell Kortheuer and wife, at \$265.00, for the Sharon Lane Widening Project.
- (i) Acquisition of construction easement at 2044 Sharon Lane, from Frances Struther Street (divorced), at \$50.00 for the Sharon Lane Widening.
- (j) Acquisition of construction easement at 2026 Sharon Lane, from Dr. J. B. McCoy, Jr. and wife, at \$100.00, for the Sharon Lane Widening.

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- (k) Acquisition of construction easement at 2034 Sharon Lane, from Walter L. Smith and wife, at \$100.00, for the Sharon Lane Widening.
- (l) Acquisition of 10' x 147' x 50' x 151.33' of property at 725 West 15th Street, from Otis Stanley and wife, at \$800.00 for Sugar Creek-Irwin Creek Open Space N. C. OSC-32.
- (m) Acquisition of 8' x 100' of property at 716 East 16th Street, from Otis Stanley and wife, at \$125.00 for Sugar Creek-Irwin Creek Open Space N. C. OSC-32.
- (n) Acquisition of 20' x 150' of property at corner of Reese Road and Sugar Creek from Colonial Realty Company, at \$500.00, for the Sugar Creek-Briar Creek Flood Control.

Councilman Short stated Item (n) is a matter that he had questioned before. That he cannot vote for this. He has been out to the site and he cannot see just where public money could be used to pay rent for the purpose of taking some grading equipment or some type of moving equipment and letting it lie on this particular area. He stated this is an area where an apartment building is in the early stages of construction; there is equipment all over the place and he cannot see where the city needs to pay rent to put some equipment on this piece of land.

Mr. Bobo, Assistant City Manager, stated the property owners along the creek have donated their property; but the Corp of Engineers required the City to go back to some of the property owners and acquire an additional property for haul roads, and these people are supplying additional right of way in excess of the donated property. The main thing is the payment for damages to the property by moving equipment across the road; it will be a haul road where contractors will move grading equipment in and out. Councilman Thrower asked if the city is not getting title to the land? Mr. Bobo replied the city will have title to that portion of the land. Councilman Short stated one of the buildings being built on the property is sixty inches from the creek bank. If he has ever seen a case where a building is going to profit from the activities government is planning to do, he believes it would be this time.

The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Thrower, Jordan, Alexander, Tuttle and Withrow.
NAYS: Councilman Short.

APPRAISAL CONTRACTS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, appraisal contracts were authorized, as follows:

- (a) Contract with W. L. Frickhoeffler for appraisal of two parcels of land at fees of \$250.00 and \$175.00 for the Eastway Drive Widening.
- (b) Contract with Alfred E. Smith for appraisal of two parcels of land at a fee of \$175.00 each for the Eastway Drive Widening.
- (c) Contract with Leo H. Phelan for appraisal of two parcels of land at a fee of \$175.00 each for the Eastway Drive Widening.
- (d) Contract with Harry G. Brown for appraisal of one parcel of land at a fee of \$175.00 for the Eastway Drive Widening.
- (e) Contract with Harry G. Brown for appraisal of one parcel of land at a fee of \$250.00 for the Taggart Creek Outfall.

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CLAIM FILED BY MRS. CHARLES E. HAVNAER, APPROVED.

Motion was made by Councilman Thrower, and seconded by Councilman Tuttle approving claim in the amount of \$1,200.00, for personal damages filed by Mrs. Charles E. Havnaer, Conover, North Carolina, as recommended by the City Attorney.

The vote was taken on the motion and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, authorizing the issuance of special officer permits for a period of one year as follows:

- (a) Issuance of a permit to Otis Jones, Jr. for use on the premises of Kingspark Apartments.
- (b) Issuance of a permit to Amos George Morrow for use on the premises of Sears Roebuck Company, 700 North Tryon Street.
- (c) Issuance of permit to Cecil D. O'Bryan for use on the premises of Sears Roebuck Company, 700 North Tryon Street.
- (d) Issuance of permit to Conrad E. Cook for use on the premises of Sears Roebuck Company, 4400 Sharon Road.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mrs. Geraldine E. Hasty for Lot No. 257, Section 6, Evergreen Cemetery, at \$480.00.
- (b) Deed with Mrs. Lillian A. Stewart for Northwest 1/4 of Lot No. 74, Section X, Elmwood Cemetery, at \$3.00 for new deed.
- (c) Deed with Mrs. Laura F. Alexander for Northeast 1/4 of Lot No. 74, Section X, Elmwood Cemetery, transferred from Mrs. Lillian A. Stewart, at \$3.00, for transfer deed.
- (d) Deed with Mrs. Katherine S. Broach for Lot No. 434, Section 6, Evergreen Cemetery, transferred from Thomas B. Sellers and Katherine Terry Sellers, at \$3.00, for transfer deed.

CONTRACT AWARDED MILLER TIRE SERVICE FOR TIRES AND TUBES.

Councilman Jordan moved award of contract to the low bidder, Miller Tire Service, in the amount of \$40,216.94, on a unit price basis, for tires and tubes for all departments. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Miller Tire Service	\$40,216.94
Griffin Brothers	41,536.34
Cooper Tire & Rubber Company	41,653.13
Firestone Stores	48,026.03
B. F. Goodrich Store	50,120.36
Goodyear Service Stores	51,240.34

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CONTRACT AWARDED FARGO INTERNATIONAL FOR ELECTRONIC SIRENS FOR POLICE DEPARTMENT.

Councilman Tuttle moved award of contract to the low bidder, Fargo International, in the amount of \$6,096.85, on a unit price basis, for 25 combination electronic sirens for Police Department. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

Fargo International	\$ 6,096.85
Carolina Police Supply	6,290.17
C & C Specialties	6,705.00
Rosenblatt & Associates	7,580.50
Federal Sign & Signal Corp.	9,923.75

CONTRACT AWARDED PICKER X-RAY CORPORATION FOR PORTABLE X-RAY UNIT.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the only bidder, Picker X-Ray Corporation, in the amount of \$4,590.00, for portable X-ray unit for the Police Department.

CONTRACT AWARDED BELL HELICOPTER COMPANY FOR POLICE PATROL HELICOPTER.

Councilman Thrower moved award of contract to the only bidder meeting specifications, Bell Helicopter Company, in the amount of \$64,293.95, on a unit price basis, for Police Patrol Helicopter for the Police Department. The motion was seconded by Councilman Short, and carried unanimously.

Bids received not meeting specifications:

Hughes Tool Company	\$48,297.00
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CONTRACT AWARDED PRISMO UNIVERSAL CORPORATION FOR PAVEMENT MARKING COMPOUND.

Motion was made by Councilman Thrower to award contract to Prismo Universal Corporation on their low base bid, in the amount of \$32,450.00, on a unit price basis, for pavement marking compound. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

<u>Base Bid - 10,000 Gals. Pavement Marking Compound with glass beads.</u>	
Prismo Universal Corporation	\$32,450.00
Wm. Armstrong Smith Co.	41,790.00

Alternate Bid

<u>Section I. 10,000 Gals. Pavement Marking Compound Only.</u>	
Prismo Universal Corp.	\$20,850.00
Baltimore Paint & Chem. Corp.	20,910.00
Wm. Armstrong Smith Co.	25,790.00
Carolina Coatings, Inc.	53,757.00

<u>Section II. 80,000 lb.s glass beads only.</u>	
Prismo Universal Corp.	\$12,000.00

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CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS IN URBAN RENEWAL AREAS, BROOKLYN NO. 4 AND NO. 5.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Crowder Construction Company, in the amount of \$287,890.31, on a unit price basis, for street improvements in Brooklyn Urban Renewal Areas No. 4 and No. 5.

The following bids were received:

Crowder Construction Co.	\$287,890.31
Hickory Construction Co.	298,434.68
Blythe Bros. Company	313,516.10
Rea Construction Company	331,580.50

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR TRAFFIC SIGNALS.

Councilman Withrow moved award of contract to the low bidder, Southeastern Safety Supplies, in the amount of \$5,600.00, on a unit price basis, for 90 traffic signals. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Southeastern Safety Supplies	\$ 5,600.00
Traffic Engineers Supply Corp.	5,887.50
Marbelite Co., Inc.	6,201.70
Econolite, Div. of Tamar Elect.	6,418.80

CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR LOOP DETECTORS.

Upon motion of Councilman Thrower, seconded by Councilman Withrow and unanimously carried, contract was awarded the low bidder meeting specifications, Rosenblatt & Associates, in the amount of \$5,940.00, on a unit price basis, for 60 loop detectors.

The following bids were received:

Rosenblatt & Associates	\$ 5,940.00
Southeastern Safety Supplies	7,200.00
Econolite, Div. of Tamar Elect.	8,640.00

FRED D. ALEXANDER REAPPOINTED TO MODEL NEIGHBORHOOD ADVISORY COMMISSION.

Councilman Short moved the re-appointment of Mr. Fred D. Alexander for a term of one year to the Model Neighborhood Advisory Commission. The motion was seconded by Councilman Thrower, and carried by the following vote:

YEAS: Councilmen Short, Thrower, Jordan, Tuttle and Withrow.
NAYS: None.

Councilman Alexander abstained from voting.

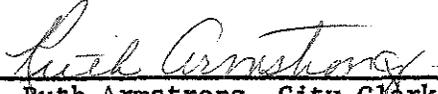
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CITY MANAGER REQUESTED TO SCHEDULE MEETING FOR COUNCIL TO COMPLETE ITS DISCUSSION OF THE LEGISLATIVE MATTERS.

Mayor pro tem Whittington requested the City Manager to schedule a meeting this week for Council to complete its discussion of legislative matters which the City Attorney will draw up for presentation to the local delegation to the State Legislature.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk