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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, December 22, 1969, 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 Paul Leonard, Minister of the Church of the City.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Minutes of the Adjourned Meeting of December 15, 1969 and the Regular Meeting of December 15, 1969, were approved as submitted.

RESOLUTION CLOSING PORTION OF ELLISON STREET AND CHERRY STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The public hearing was held on petition of Ram Corporation to close and abandon that certain portion of Ellison Street and Cherry Street, being all of Ellison Street from its westerly end at the property line of Thompson Orphanage to the westerly margin of South Torrence Street, and Cherry Street from its southern end at the northerly margin of Ellison Street north for a distance of fifty feet.

Mr. Brevard Myers, representing Ram Corporation, stated in order that the Ram Corporation might logically develop its property, they are asking that a portion of Ellison Street and Cherry Street be closed, and in return they will dedicate the cul-de-sac in the end of Cherry Street. Mr. Myers stated he has personally contacted all the home owners on Cherry Street and invited them to the hearing today in order to voice any objections; none indicated any objections; they indicated it might be an advantage to them in that through traffic would no longer be coming through. Mr. Myers stated they feel in the overall development of the property it will be of general benefit to have the street closed.

After further discussion, Councilman Short moved adoption of the resolution closing portion of Ellison Street and Cherry Street and approval of the agreement between the City and Ram Corporation for release of sanitary sewer easement between the termination of the present Ellison Street and Kings Drive. The motion was seconded by Councilman Whittington and carried unanimously.

No one spoke against the petition.

The resolution is recorded in Resolutions Book 6, beginning at Page 498.

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RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF LEONARD E. CRUMP FOR TRANSFER OF A CERTIFICATE HELD BY GERTRUDE C. ROBINSON.

The scheduled hearing was held on petition of Leonard E. Crump for the transfer of a certificate of public convenience and necessity from Gertrude C. Robinson.

Mr. Henry Strickland, Attorney for the petitioner, stated Mr. Crump is an experienced operator of taxicabs; he is a man of good reputation. Mr. Strickland stated Mrs. Robinson has become disabled and has given the power of attorney for this transfer subject to Council's approval. He stated the Taxicab Inspector has passed on the petition and it has been on file the required time.

No opposition was expressed to the petition.

Councilman Whittington moved adoption of a resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Leonard E. Crump for transfer of a certificate held by Gertrude C. Robinson. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 1.

MERRY CHRISTMAS WISHED TO MAYOR AND EACH COUNCIL MEMBER BY MR. BEN HORACK SPEAKING FOR MR. JOHN SHAW AND THE HIRED HANDS.

Mr. Ben Horack stated from time immemorial Mr. John Shaw has appeared before Council at this particular meeting each time of the year. Mr. Horack stated he has been annointed and pleasantly so as Mr. Shaw's proxy. That he has Mr. Shaw's proxy to say on behalf of the "hired hands" he is here to wish the Mayor and Council a very Merry Christmas.

Mr. Horack stated he would like to add his own wishes to Mr. Shaw's and the "hired hands", and thank all of Council for what they have done and what they do for the City of Charlotte every day of the year and all the selfless time, hours and attentions they give to the affairs of the citizenry of Charlotte.

On behalf of Mr. Shaw, the hired hands and himself, Mr. Horack wished to each one and their families a very Merry Christmas and a great big thanks.

TRAFFIC ENGINEER INSTRUCTED TO CONTACT TRUCKING COMPANIES CONCERNING INTERSECTION IMPROVEMENTS AND REPORT BACK TO COUNCIL 60 DAYS AFTER IMPROVEMENTS HAVE BEEN MADE.

Mr. Herman Hoose, Traffic Engineer, stated back in the early spring he received a request from Mr. John York, representing Thurston Motor Lines for some help at the intersection of Johnson Road and Graham Street; this was in reference to a traffic signal. He stated in April they answered the request denying the signal and asked for some help to widen Johnson Road and to change a radius at the corners and establish two site distances.

Mr. Hoose stated one of the problems is that five trucking companies are located on Johnson Road with tractor-trailer movements in and out of the street. With the street as narrow as it is and the short radius the tractor-trailers, to move in, have to back up and often cause congestion.

Mr. Hoose stated he is requesting a 50-foot radius on each side to set up two fifteen foot lanes and a 25-foot lane for the movement into Johnson Road. He stated Johnson Road carries 1,122 vehicles during a 12-hour period; of this 199 tractor trailers turn right and 138 turn left; at present they are jamming up on one lane and the right turn cannot get out.

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Mr. Hoose stated he asked Mr. York to see what he could do to help defray the cost of the street; it will cost almost \$1,000 to do this work which is not changing the location of the fence. Mr. Hoose stated they have suggested that it will not be necessary to take the fence down if they will prohibit the parking; that the site distance is impaired at this intersection; that he has told Mr. York that this should be done whether the signal is warranted or not as it would increase the efficiency of the street by 60 percent.

Mr. Hoose stated they recommend that the new radius be built within the property lines; that the driveway out of the parking lot be moved and the parking be prohibited in the area setting up the site distance so that you can see the traffic both ways. He stated at present there are flashers approximately 250 feet from this intersection warning that this is a truck entrance which were installed in 1963; that this is the sixth survey the department has made in this area from 1963 to 1969.

Councilman Whittington asked if it would not be better to require them to move the chain link fences back; if you do not, then cars coming in late will park in there, and the site distance will be impaired again? Would they be willing to move them back? Mr. Hoose replied the chain link fence is alright; they are asking them to put in a curb and move the drive down so they can use that location and do away with the two parking spaces; he stated Mr. York has been working with him on this, but it is bogged down at present because they cannot get all five companies to share in the cost.

Councilman Short asked how many cars and trucks come along Graham Street and turn into Johnson Road? Mr. Hoose replied there are 184 tractor-trailers turning left into Johnson Road, 83 light commercial and 440 passenger cars. Councilman Short stated that is over 500 in all directions a day and he cannot help but feel they need a light there. Mr. Hoose stated it averages around 800 on Graham Street against 94 on Johnson Road.

Councilman Alexander stated Johnson Road is a dead-end street and all the space is occupied by the trucking lines; until that street is opened the matter of trucking lines is not going to increase; that the problem exists at peak traffic hours and it is not an all day long situation; that Mr. Hoose's recommendations will relieve the problem to a great extent and he thinks this is a sound recommendation.

Mr. John York stated there are five trucking lines on the street with a total of 1,266 employees and their tax bill is \$62,000 and for that they think they should be able to get a light as they have had a need for many years; that they do not think the site distance is going to solve the problem. He stated there can be two tractor trailers waiting to get out of Johnson Road and one or two on Graham waiting to turn in; that the man on Graham has the right of way and there is no opportunity to come out of Johnson Road until the traffic on Graham clears; that a signal light would give Johnson Road a chance to clear. He stated the traffic on Graham moves at a high rate of speed as there is a long stretch without a light and by the time they get to Johnson Road they are moving at the speed limit and they are not going to slow down to give a truck the opportunity to get out.

Mr. York stated a truck loaded might weigh 60 thousand pounds and sitting at a dead standstill needs more time than a car to get out of an intersection; a truck will take three to five times to start rolling from a dead standstill. He stated using Mr. Hoose's figures of 1,122 vehicles in 12 hours, it averages about 92 vehicles an hour coming out of Johnson Road and that does not include traffic turning in; that he would assume for each truck coming in there is a truck going out; that he would guess there are 180 vehicles per hour working through the intersection. That 331 of the units coming out of Johnson Road are tractor trailers and they are the real problem.

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Mr. York stated he has talked to Mr. Hoose about the site distance and Mr. Hoose believes the site distance will improve the intersection; but personally he does not go along with it. He believes it will take a traffic light in addition to the site distance to solve the problem. That he has contacted each of the four other companies on Johnson regarding the sharing of the cost of clearing the intersection and three of the companies agreed. Fredrickson agreed to eliminate parking and will pay their share of the cost; Ryder's fence is on the edge of a deep depression and there is no way they can move the fence without going to a lot of expense and he does not believe they will be interested in that; that Ryder feels nothing will solve the problem except the traffic signal; that if they can promise them a traffic signal they will pay their share of the construction cost and if a traffic signal is promised the other companies will agree to share in the construction cost; that the cost will run about \$190 for each company.

Councilman Thrower moved that a traffic signal be installed with the provision that the trucking companies make the site distance improvements. The motion was seconded by Councilman Withrow.

Mr. Hoose advised the cost of the traffic signal will be around \$3,000; that it will be a two phase signal and will not help the left turn movement because a three phase signal is not warranted.

Councilman Whittington stated he has talked with Mr. York and this is the third time that he has requested a traffic light at this intersection; this is the first time that the Traffic Engineer or Engineering Department has brought back any suggested improvements for this intersection.

Councilman Whittington made a substitute motion that the improvements recommended by the Traffic Engineer be the beginning and instruct Mr. Hoose to report back to Council in 60 days and invite the representatives of the trucking companies back and if these improvements are not working to the trucking companies satisfaction then he will be in favor of installing a traffic signal. The motion was seconded by Councilman Alexander.

Councilman Whittington stated he would like to see if this will work as this is being done at Park Road and Emorywood Road where all this traffic is coming from Starmount and Montclair and South Boulevard into Park Road going towards Celanese and the new Southpark Shopping Center and Eastern Air Lines Computer Center; this was completed last week and before a light could be effective there this will have to be done anyway.

Councilman Whittington stated he will be in favor of putting the light in if this does not show some improvements immediately.

Mr. York stated unless these five companies are guaranteed a light at this intersection he does not believe they will be interested in sharing in the cost of clearing the intersection; that Ryder will not as they say they are paying enough taxes in Charlotte to warrant the light; that he does not believe he can get the five companies to share in that construction cost.

Councilman Whittington stated in a sense this is a private road and he grants that with the number of vehicles and the amount of taxes that perhaps a signal should be placed at the intersection; that he is just suggesting it be done this way first and then take the next step if needed; that he would hope the trucking companies will cooperate as Mr. Hoose and Council are trying to cooperate with them.

Councilman Tuttle stated it concerns him that this, in essence, is a private road and this is the sort of thing that just opens up if Council goes ahead with the signal; and he suggested that we try the improvements of the intersection and then see what happens.

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Councilman Thrower stated he is not concerned with the amount of taxes paid; everybody pays taxes; his concern is that when a tractor trailer wants to come out of an intersection he is coming out and when that tractor trailer comes out and a car comes down and runs under the tractor trailer, that's it. The situation out there now is a mess; that he is not concerned about the people on Johnson Road, he is concerned about the people coming along Graham Street.

Councilman Short stated this really is a public street. That the City has very happily approved an arrangement proposed by Mr. Hoose two or three years ago which says that if someone would actually make the entry way improvements into what is literally a private street, that the City would then consider the possibility of giving them a traffic signal. This seems to be what is happening here and even though this is not actually a private street, these gentlemen have offered to pay the expense of the curb and gutter and in effect are making the entry way improvements on the ground and this seems to be in keeping with the city's policy.

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

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

Councilman Whittington stated his motion is that Mr. Hoose will report to Council 60 days after the construction of the improvements and invite Mr. York and the representatives of the other companies to be present when the report is made.

Mr. York stated he does not believe the companies will agree to this unless they have assurance that the traffic signal will be installed.

PETITION NO. 69-91 BY ED GRIFFIN DEVELOPMENT CORPORATION FOR A CHANGE IN ZONING FROM R-12 TO R-9MF OF AN 18.05 ACRE TRACT OF LAND ON THE SOUTHWEST SIDE OF MONROE ROAD, BEGINNING AT EAST MECKLENBURG HIGH SCHOOL PROPERTY, AND EXTENDING TOWARD VISTA DRIVE, DENIED.

Motion was made by Councilman Tuttle to deny the subject petition for a change in zoning from R-15 to R-9MF as recommended by the Planning Commission and on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property. The motion was seconded by Councilman Thrower, and carried unanimously.

PETITION NO. 69-111 BY WILFORD M. SMITH, C. D. BULLOCK AND R. E. SULLIVAN FOR A CHANGE IN ZONING OF A PARCEL OF LAND AT THE NORTHEAST CORNER OF ROCKFORD COURT AND WOODLAWN ROAD, DENIED.

Motion was made by Councilman Whittington, and seconded by Councilman Tuttle, to deny the subject petition as recommended by the Planning Commission, and on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

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

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

Councilman Withrow abstained from voting.

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ORDINANCE NO. 473-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP TO CHANGE ZONING FROM R-6MF TO B-2 OF PROPERTY ON THE NORTHEAST SIDE OF WESTWOOD AVENUE, WEST OF SOUTHWOOD AVENUE AND EXTENDING TO THE REAR OF LOTS ALONG CLIFFWOOD PLACE, ADOPTED.

Councilman Short moved adoption of the subject ordinance changing the zoning from R-6MF to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 459.

PETITION NO. 69-109 BY JOHN W. HINSON FOR A CHANGE IN ZONING OF A LOT AT THE SOUTHEAST CORNER OF REMOUNT ROAD AND KIMBERLY ROAD, DENIED.

Councilman Tuttle moved that the subject petition for a change in zoning from O-6 to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried by the following vote:

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

PETITION NO. 69-110 BY MRS. EVELYN BULLARD FOR A CHANGE IN ZONING OF A LOT AT 526-28 BEATTIES FORD ROAD, DEFERRED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, decision on the subject petition was deferred pending further study of Beatties Ford Road, from Johnson C. Smith University to the railroad.

PETITION NO. 69-113 BY H. I. TUCKER FOR A CHANGE IN ZONING OF A LOT AT 2330 EAST SEVENTH STREET, DENIED.

Motion was made by Councilman Whittington to deny the subject petition for a change in zoning from R-6MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

ORDINANCE NO. 474-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING ON A TRACT OF LAND FRONTING ON THE WEST SIDE OF SHARON AMITY ROAD BEGINNING SOUTH OF CENTRAL AVENUE ON PETITION OF DELTA REALTY CORPORATION.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, adopting the subject ordinance changing the zoning from R-9 to R-6MF as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 460.

PETITION NO. 69-116 BY 400 QUEENS ROAD, INC. FOR A CHANGE IN ZONING OF A TRACT OF LAND FRONTING 100 FEET ON THE SOUTH SIDE OF AMHURST PLACE AND EXTENDING THROUGH THE BLOCK TO FRONT 181 FEET ON LUTHER STREET, DEFERRED.

Councilman Thrower moved that decision on the subject petition be deferred pending the securing of further information from the petitioner by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

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ORDINANCE NO. 475-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY AT THE NORTHEAST CORNER OF PECAN AVENUE AND SHENANDOAH AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted changing the zoning from B-1 to B-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 461.

ORDINANCE NO. 476-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP TO CHANGE THE ZONING OF A TRACT OF LAND FRONTING ON THE NORTH SIDE OF SHAMROCK DRIVE, BEGINNING WEST OF FINCHLEY ROAD.

Motion was made by Councilman Thrower to adopt the subject ordinance changing the zoning from O-6 and R-9MF to B-1 and O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle.

Councilman Whittington stated he was not present when this petition was discussed last Monday, and he knows in the past when we have tried to extend business down this street they have had strong objections from the people who live there as they felt it would be carrying strip zoning of B-1 further and further away from the intersection.

Mr. Fred Bryant stated the Planning Commission did recommend that this particular request be approved; however, with a very strong indication that the reason for approval is one related to the fact that this is not in effect extending business zoning any further from the intersection than it already is on the opposite side of the road and at the same time it will continue to set up a transitional buffer area of O-6 zoning between the business and the residential. He stated this is entirely the basis on which this recommendation is predicated and if there is any implication attached to this that the Planning Commission would be in favor of further strip zoning in this area, then the Commission would like the opportunity to reconsider the recommendation.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 462.

ACTION OF CITY COUNCIL ON DECEMBER 15 AUTHORIZING THE ADVERTISEMENT OF PETITION NO. 69-115 FOR HEARING FOR B-2 ZONING RESCINDED AND HEARING ON DECEMBER 15 FOR A CHANGE TO B-1 TO STAND.

Councilman Tuttle moved that Council action of December 15 authorizing the advertisement of Petition No. 69-115 by Johnson H. Brown for a change in zoning from R-6MF to B-2 be rescinded and the hearing of December 15 for a change in zoning from R-6MF to B-1 stand as requested by the Attorney for the Petitioner. The motion was seconded by Councilman Whittington and carried unanimously.

ORDINANCES AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR LONGEVITY ALLOWANCE.

Councilman Jordan moved adoption of Ordinance No. 478-X authorizing the transfer of \$4,681.00 from General Fund Contingency Account, and Ordinance No. 477-X authorizing the transfer of \$757.00 from the Water and Sewer Contingency Account for longevity allowances. The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 463.

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ORDINANCE NO. 479-X AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF FUNDS WITHIN THE CAPITAL IMPROVEMENT BUDGET.

Mr. Underhill, City Attorney, stated this ordinance is the transfer of funds to be used to pay a jury award for damages to the Queen City Coach Company in condemnation proceedings; the suit was filed some time ago and was part of the Pine Street Project; that Pine Street Project Account does not now have sufficient funds to cover the amount of the jury award; the total award is \$57,000, and the additional \$26,250.00 to be transferred is needed to make up the difference; that \$30,000 has already been deposited.

Councilman Short stated he more than anyone else urged Council to let this matter go to the jury rather than settling on the compromise offered; if we had taken the compromise we would not have spent as much money as we now have to spend under the jury verdict; the land involved was essentially vacant land in the sense it did not have buildings on it; the price recommended to Council in the compromise settlement of a month ago was in the range of \$10.00 per square foot; this is located about three or four blocks west of the Square, and we are very much involved with land four or five blocks east of the Square in urban renewal, some of which currently is being advertised at 68 cents a square foot and other figures between \$1.00 and \$2.00 a square foot. In defense of his suggestion he thinks it was necessary for the City as a political body to have a court adjudication here where the amount involved is perhaps ten times more per square foot than we have been accustomed to for a tract of inner-city land.

Councilman Jordan moved adoption of the subject ordinance, which was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 465.

COMPROMISE SETTLEMENT WITH JACK NORMAN AND WIFE FOR ACQUISITION OF PROPERTY FOR THE PROVIDENCE ROAD SIDEWALK PROJECT, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, a compromise settlement in the amount of \$101.00 with Jack Norman and wife, Doris, for acquisition of 100' x 6.50' x 100' x 6.50' at 3100 Providence Road for the Providence Road Sidewalk Project was approved.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Wallace D. Gibbs, Jr. for appraisal of two parcels, at \$100.00 each, for the Charlotte-Mecklenburg Library Park Project.
- (b) Contract with H. L. McKee for appraisal of two parcels, at \$100.00 each, for the Charlotte-Mecklenburg Library Park Project.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE SALE OF LAND TO THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE IN REDEVELOPMENT PROJECT NO. N. C. R-77.

Councilman Thrower moved adoption of the subject resolution approving the sale of 686,694.61 square feet of land to the Housing Authority of the City of Charlotte in Redevelopment Project No. N. C. R-77, for the 298 unit public housing facility for the elderly. The motion was seconded by Councilman Withrow and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 2.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO THE CITY OF CHARLOTTE, NORTH CAROLINA, IN REDEVELOPMENT PROJECT NO. N. C. R-77.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution approving the sale of 8,746.47 square feet of land at a price of \$14,431.68 to enhance the entrance to the Housing Project and for the expansion of the adjoining fire station.

The resolution is recorded in full in Resolutions Book 7, at Page 3.

CLAIM OF CHARLES A. HERNDON FOR AUTOMOBILE DAMAGES DENIED.

Councilman Whittington moved that claim in the amount of \$215.00 filed by Mr. Charles A. Herndon for damages to his automobile be denied, as recommended by the City Attorney. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR A GRANT FOR AN URBAN MASS TRANSPORTATION TECHNICAL STUDY, PROJECT NO. N. C. F9-48-69.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 7, at Page 4.

CONTRACT WITH T. S. JONES FOR CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the contract was approved with T. S. Jones to construct 755 linear feet of 8-inch sanitary sewer main to serve Queen City Motel and adjacent property, inside the city, at an estimated cost of \$5,435.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

ORDINANCE NO. 480-X ORDERING THE REMOVAL OF WEEDS AND GRASS, TRASH AND RUBBISH AT THE CORNER OF JONES AND GRANT STREETS PURSUANT TO SECTIONS 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, grass, trash and rubbish at the corner of Jones and Grant Streets. The motion was seconded by Councilman Thrower and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 466.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Henry Moses Snyder for Lot 349, in Section No. 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Nic W. Batty and Mrs. Elizabeth W. Batty for Graves No. 9 and 10, in Lot 21, Section 2, Evergreen Cemetery, at \$160.00.

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CONTRACT AWARDED MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. FOR MOBILE RADIOS.

Motion was made by Councilman Jordan awarding contract to the low bidder, Motorola Communications and Electronics, Inc., in the amount of \$28,476.00, on a unit price basis, for mobile radios for various departments. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Motorola Communications & Electronics, Inc.	\$28,476.00
General Electric Company	30,664.00

CONTRACT AWARDED MOTOROLA COMMUNICATIONS ELECTRONICS, INC. FOR BASE STATION.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Motorola Communications & Electronics, Inc., in the amount of \$1,681.00, on a unit price basis, for base station equipment for various departments.

The following bids were received:

Motorola Communications & Electronics, Inc.	\$ 1,681.00
General Electric Company	1,851.00

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT TO ASSIST THE CITY IN DEMOLISHING UNSAFE AND SUSTANDARD STRUCTURES.

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

The resolution is recorded in full in Resolutions Book 7, at Page 5.

REPORT BY CITY ATTORNEY ON SURVEY OF GUN LAWS.

Councilman Short requested the City Attorney to make a report on his survey of gun laws.

Mr. Underhill stated his research indicates there are presently two ordinances in the City Code concerning fire arms and weapons; the ordinances make unlawful the shooting of fire arms in the city except in a shooting gallery or by permission of the Council or killing destructive animals and a section in the city licensing code setting out the fees required to procure a city license to sell fire arms. The remaining legislation on the subject pertaining to regulation and possession of fire arms are found in the North Carolina General Statutes - those statutes make it unlawful to sell pistols, pop guns, knives, daggers, etc. without first obtaining a permit from the Clerk of Court. A record of the permits issued is kept by the Clerk of Court and there is also correlated duty on the part of the gun dealer to keep a record of all sales of weapons covered by these statutes. A search of the specific powers granted to North Carolina municipality failed to reveal any grant of authority that would allow a city to regulate in the area of possession and registration of fire arms. Because of this and because of the general statutes he has mentioned, it is his opinion that any ordinance enacted by the City attempting to regulate possession and registration of fire arms will be held void for two reasons. First, because of the existing state legislation which has pre-empted the field and second, because of no specific authority on the part of a municipality of North Carolina to regulate in the area.

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Mr. Underhill stated there is one avenue of regulation available to the city and that would be the closer regulation of gun dealers through the license section of the City Code; this could be accomplished by adding the classification of "handgun dealers" or "gun dealers" to Sections 11-3 and 11-4 of the City Code. Section 11-3 requires certain types of occupations and businesses to be approved by City Council such as: taxicabs, billiard rooms, pool rooms, bowling alleys and shooting alleys, hotels, junk dealers, pawn brokers. By adding the classification of handgun dealers or gun dealers to this section, the Council could require the applicant to appear in person before Council and give evidence, under oath, concerning the manner of operation and Council could refuse the grant of a business license if they were not satisfied with the good moral character of the applicant.

Section 11-4 classified certain types of occupation and requires that the person post bond in order to conduct certain types of business such as: pawn brokers, junk dealers, electrical contractors, sign contractors, plumbing contractors and house moving contractors.

Mr. Underhill stated according to his research this is the only avenue of regulation available to the City.

REPORT TO MAYOR AND COUNCIL FROM THE CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle and unanimously carried, that the following report by Dr. Warner Hall, given in the Conference Session, be made a part of the formal record:

"I shall not attempt to survey all the facets of our common life to which we have turned our attention. Rather I shall mention matters about which we have a concern and to which we believe the Council could address itself helpfully.

1. The violence which characterizes so much of the life of our community, the disagreements which end in murder, the crimes against property and person in which firearms are used.

We believe that a large percentage of the citizens of Charlotte own handguns and that a terrifyingly large number of these normally go armed.

This is a major factor in the number of crimes of violence annually committed in Charlotte. By any statistical criterion we are a city of violence. Murder and non-negligent manslaughter for January-September 1969 totaled 35. This approximates the total for Great Britain, a nation of forty million. For the same period the number of armed robberies was 293 and aggravated assaults totaled 1805.

The fact that the police may assume that a substantial number of the citizens of Charlotte may be armed at any given moment seriously complicates the problem of law enforcement and the maintenance of order. The attitude and action of an officer in dealing with an unarmed man is one thing. It must be quite ^{and} other when he is dealing with one who is thought to be armed.

This has led us to feel that some form of gun control is sorely needed in Charlotte. Our concern is with hand guns. Anyone carrying a rifle or a shotgun is obviously armed, and therefore poses less of a threat. It is the handgun that is used in armed robberies and hold-ups.

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Other communities have moved to protect themselves by instituting gun control. They have concentrated on the handgun and to good effect. While New York and Philadelphia both have had good results, the most dramatic result was obtained in Toledo, Ohio.

Unable to secure statewide action, Toledo enacted legislation which made it unlawful to get or to keep a handgun without a license from the police. It was feared that such an ordinance would do little good since it was confined to the city limits of Toledo. Yet, while crimes of violence increased throughout the nation by 9% during the first six months this year, they decreased in Toledo by 31%. Murder dropped from 36 to 22 and armed assault from 152 to 83.

What can be done in Charlotte? Attorneys for the city and the police department doubt that the city can enact legislation similar to that enacted by the city of Toledo. If such action can not be undertaken without the permission of the legislature, then let us ask the legislature for permission or better still, let us request our delegation to seek a statewide ordinance making it "unlawful to get or to keep a handgun without a license from the police." In the meanwhile let us see if a strong enforcement of existing ordinances can make significant improvement.

As the crimes of violence against property and person increase, the necessity for dealing effectively with the problem of handguns becomes increasingly apparent and urgent.

II. Another concern of the Committee is the inadequate supply of housing for families of low income. As the Council is well aware, there are little more than 2,000 public housing units existing and occupied in the Charlotte area, and some thirteen hundred low income housing units authorized or in various stages or planning or construction. This is good; but, as you know, it does not meet the needs of the community. Mecklenburg County has experienced a net growth in population of 12,000 per annum for the last ten years. From a third to a fourth of the in-migration is made up of persons, largely from the rural areas of North and South Carolina who have been unemployed or poorly employed and who come to us hoping for a better life. This complicates our housing situation significantly. Approximately 5,000 houses have been built each year over the last ten years, but the majority of these were designed for middle or high income families. During the same period a thousand low-cost housing units have annually been demolished for one reason or another. This seems to us to add up to a genuine emergency in the housing field in Charlotte and Mecklenburg County. The need for public housing is, in our opinion, acute.

The difficulties in moving forward rapidly in this area are numerous and well known, but it most earnestly is to be hoped that the Mayor and Council can undertake measures during 1970 to speed up the process. We honor the wise decision of the Council to adopt as its policy the dispersal of public housing throughout the city. As this policy is implemented a number of our problems will be solved. We further believe that all future public housing units should be small. One hundred should be the maximum size and half that number would be preferable. Such a unit will be more readily accepted by the community in which it is placed. It will not overwhelm the community or its services.

We further urge consideration of "Turn-key 3" units which have two great assets. They can be made to blend in with the general appearance of the community; and therefore, not easily stigmatized.

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Secondly, they make possible, as does no other scheme, eventual home ownership on the part of those who might never otherwise obtain so happy a goal. We are much concerned, as I am sure you are, with the plight of the poor white family who sorely needs the help which public housing gives but who seems now to be cut off from it by psychological barriers. There are a large number of white families which can not achieve decent living conditions apart from the help which public housing would afford. We hope that steps can be taken to make both present and future public housing more attractive both to white and to black since the problem with which public housing seeks to deal is not the problem of color but the problem of poverty.

III. A third concern relates to the upgrading of the skills of low-income citizens. We rejoice in the outcome of the bond election and applaud the positive role played by the Mayor and the Council in the election. We share the conviction that Charlotte has taken a significant step forward. We believe that the construction envisioned will not only contribute to the physical assets of the community, but it will also provide an opportunity to do something important to our human equation.

It is thought that a number of black citizens have the skill and the desire to enter the construction trades but have suffered from a dearth of opportunities to do so. It seems clear that Charlotte needs (1) more skilled artisans in all trades and (2) more citizens with the income which skilled work commands. It is to be hoped that the construction projects made possible by the bonds will provide an opportunity for a meaningful advance in meeting these two needs.

The Charlotte-Mecklenburg Community Relations Committee in full knowledge of the non-discriminatory clause in city contracts urges Council that every step of planning, contracting and expenditure of money for bond projects, to recruit, solicit and seek out minority group contractors, artisans, apprentices and labors. We would further urge that the city throughout the construction on all bond projects police the efforts of contractors and sub-contractors to use available minority group persons wherever possible.

IV. I would like to conclude our report by expressing our appreciation of the way in which the Mayor and Council in the recent bond election took the important matters of city government to the people of Charlotte. We recognize that this required a most unselfish expenditure of time and effort on the part of all of you, but we believe that the effort was not only worth it, it set a fine pattern of communication with the people of Charlotte which, we trust, you will continue to use. We believe most heartily in a representative form of government, and recognize that the final decision in most matters is the prerogative and responsibility of the elected representatives. Nevertheless, a representative government can function creatively only where there is an informed electorate behind it. For this reason, we believe that the good thing which you have begun ought to be continued in much the same fashion to keep people of Charlotte abreast of the major issues with which we must deal.

The vote for the bond issue was the primary decision. A number of secondary decisions will arise from it. These decisions we believe, can be made most happily in the same context of information and involvement. Rarely, if ever, have the people of Charlotte felt

themselves to be so involved in the affairs of the community. Surely this is a plus-factor of great value. We further believe that this involvement is productive. The response to the question concerning the parks has been overwhelming and encouraging. A considerable number of the citizens took time to write thoughtful statements. This is a resource in all of our planning which we will ignore to our loss. We most earnestly hope that the Mayor and the Council will take opportunities to bring the affairs of government, the needs and problems of the community to the citizens in the confident hope that a fruitful dialogue will ensue."

COMMENTS ON TELEPHONE SYSTEM AND DIFFICULTIES IN LOCATING SPECIFIC PARTIES.

Councilman Tuttle stated the telephone service for the City is costing a lot more money. That he had a matter which he thought required the top man in the Police Department and he asked for the Chief. The Chief was not in and he was given the name of a Captain and a number to call; the Captain was not in and he asked again who was in charge and he was given the name of a Sergeant and a number to call and he was not in; he was given the name of another Sergeant to call at another number. He called that number and that Sergeant told him to call another one and he called him and this man told him to look on Page 65 of the telephone directory. Councilman Tuttle stated he looked on Page 65 of the directory and there is a list of the various department heads in the Police Department. This did not tell him who was in charge. That he could not find anyone on Page 65 but there is a number which says if you cannot find the number listed to call a number which he did and finally got Sergeant Temple who was most courteous and helped him with his problem.

Councilman Tuttle stated it took ten minutes to find someone in charge of the Police Department and he had to call six numbers.

ADMINISTRATIVE ASSISTANT COMMENDED FOR JOB WELL DONE ON BOND ISSUE.

Councilman Tuttle stated he would like to thank and compliment Bill Carstarphen, Administrative Assistant, for the excellent work he did in the bond issue.

TRAFFIC ENGINEER REQUESTED TO CHECK INTERSECTIONS FOR SITE OBSTRUCTIONS.

Councilman Tuttle stated going northwest on Queens Road East toward town with Myers Park Club on the left at Roswell Avenue, there is an apartment on the right and there are two or three automobiles in their parking lot which block the vision. That there is an amber light at the intersection but at night you have to get the radiator of your car out into the street and the cars come by 40 mph on that little narrow street. He stated there is going to be a serious accident there unless the site ordinance is enforced.

Councilman Short requested the City Manager to have the Traffic Engineer check the site distance at the intersection of Greenwood Cliff and Kenilworth Avenue where there is a wall and it is on a curve.

ZONING INSPECTOR INSTRUCTED NOT TO ENFORCE ZONING REGULATIONS ON PARK ROAD UNTIL MR. THOMPSON HAS TIME TO APPEAR BEFORE ZONING BOARD OF ADJUSTMENT.

Councilman Whittington stated in connection with the zoning hearing which was held in the 2200 block of Park Road where a Mr. Thompson and associates asked for the zoning to be changed from O-6 to B-1 and it was stated a proper permit was not obtained to cut the curbs into Park Road and Council denied

the petition on recommendation of the Planning Commission. Councilman Whittington stated Mr. Thompson did not realize that his contractor did not get the proper permit to pave this parking lot and to cut the curb. That he does not think Council would want to rezone this property to B-1. That Mr. Thompson feels this was turned down because he made a mistake and the contractor did not do what he was supposed to have done. That since Council turned down the petition, the Zoning Office has notified Mr. Thompson that he will have to put up barriers in front of the driveway by January 9. Councilman Whittington stated he would like to ask Council to have the City Manager instruct Mr. Birmingham, the Zoning Inspector, not to require Mr. Thompson to do this until he can appear before the Zoning Board of Adjustment, which is the only appeal he has. He stated this man is a good citizen and he thought he had done the right thing.

Mr. Veeder, City Manager, advised this is an automatic stay of application as long as Mr. Thompson does appeal to the Zoning Board of Adjustment.

NOTICE REQUESTED SENT OUT WITH WATER BILL CONCERNING THE CONSTRUCTION OF THE FOOT BRIDGE ACROSS SUGAR CREEK FOR YOUNG PEOPLE OF MONTCLAIR AND STARMOUNT AREAS.

Councilman Whittington requested the City Manager to have notices sent out in the water bill that Council has approved the foot bridge across Sugar Creek for the young people of Montclair and Starmount to get to Huntington Park.

COMMENTS ON MAYOR BELK'S INTERVIEW ON RADIO THAT CHARLOTTE'S GREATEST ASSET IS ITS PEOPLE.

Councilman Whittington stated last Sunday he heard on his car radio the Mayor being interviewed and what the Mayor said was excellent. Someone asked the Mayor the greatest asset Charlotte has, and the Mayor replied it was the people; that he commended Mr. George Broadrick and other citizens of the community who year in and year out, and day in and day out are always putting the city first, and that is what makes a great city. Councilman Whittington stated he agrees with this statement.

STAFF INSTRUCTED TO MAKE WHATEVER STEPS ARE REQUIRED TO IMPLEMENT INSTRUCTIONS IN LETTER FROM DEPARTMENT OF INTERIOR REGARDING THE IMPROVEMENTS TO SUGAR CREEK.

Councilman Alexander stated he read an interesting article in the paper about the proposal submitted sometime ago by Councilman Tuttle regarding the creek. The newspaper article gave the impression that this idea has been looked on with favor by certain departments of the federal government and there is a possibility there may be some interest there. He stated, if according to the newspaper article, this type of interest can be developed and we can get it done as a governmental project, he is sure that no one will object. That anything that is necessary to speed up such a decision, he thinks it should be done.

Councilman Tuttle thanked Mr. Alexander for his remarks; he stated anything involving money that Council would have to be consulted; that he has on his own been attempting to sell this with the help of Mayor Belk and others; that his thought was if we could sell HUD on this as being an experimental project that we could perhaps get 100% federal money.

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Councilman Tuttle stated he has a copy of a letter addressed to the Honorable John Belk, dated December 19, 1969 from the United States Department of the Interior, Southeastern Regional Office, in Atlanta, which he read:

"On Thursday, December 18, Mr. Wallace H. Jones and I, representing the Southeast Regional Office of the Bureau of Outdoor Recreation, were privileged to meet with Mr. Jerry C. Tuttle, City Councilman, and other state and city officials interested in the recreation development of Sugar Creek, Mecklenburg County, North Carolina.

My visit to Charlotte was prompted by an application received from Charlotte through the State office of Dr. William L. Turner for a Federal grant to cover a part of the cost of developing the Sugar Creek Waterway Project and because of the very excellent report, "Sugar Creek 'Projection 70'", which I have reviewed.

The plan illustrates a bold and imaginative approach to problems of vacant lots, stream degradation, and environmental decay which plagues many cities. We agree that by creating a recreation waterway out of Sugar Creek you could not only eliminate many of the problems which now exist but increase recreation opportunity, restore a quality environment and establish a setting favorable to further economic growth of Metropolitan Charlotte.

Furthermore, we believe that, with completion of the project as proposed, it would demonstrate how metropolitan areas can be developed to include park and open space and "quiet people places" which are so lacking in urban areas today.

Many of the elements identified in the plan cannot be funded under the Land and Water Conservation Fund Program administered by the Bureau of Outdoor Recreation through the State of North Carolina.

Some of the elements can be funded, however, and with this in mind, we discussed with Mr. Tuttle and others present an approach which should lead to early action and ultimate attainment of project objectives.

We understand that the City of Charlotte will withdraw its project application and resubmit it at a later date along the lines of our December 18 discussion.

I commend the City of Charlotte for a very forward looking program and one in which we should like to participate to the extent possible.

With your permission, I should like to send a copy of the Sugar Creek proposal to Honorable Millard A. Beckum, Mayor-Elect of Augusta, Georgia. Lands along the Augusta waterfront have similar potentials to Sugar Creek in Charlotte, and we would like for Mr. Beckum to see how you have approached your problem.

Thank you for the opportunity of visiting your city and participating in a meeting which I think was fruitful.

Sincerely yours,

(signed) Roy K. Wood
Regional Director."

Councilman Alexander moved that the letter become a part of the formal record and that whatever steps are required that our staff be authorized to make them. The motion was seconded by Councilman Thrower, and carried unanimously.

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COMMENTS ON FOUNTAINS INSTALLED IN FRONT OF OVENS AUDITORIUM AND INTERSECTION OF MOREHEAD AND MCDOWELL STREETS.

Councilman Alexander asked if the fountains in front of Ovens Auditorium and the one at Morehead and McDowell Streets are completed? Mr. Bobo, Administrative Assistant, replied all but the beautification; the fountains are complete but the planting of shrubs and flowers is not. Councilman Alexander stated he is very disappointed in the one at Morehead and McDowell as it looks just like a yard sprinkler; that he hopes the next one will be more innovated and have a little beauty to the fall of the water.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE ADDING CLASS NO. 312 PUBLIC WORKS DIRECTOR ASSIGNED PAY RANGE 53, STEPS A-F.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution.

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

MAYOR EXPRESSES APPRECIATION TO CITIZENRY FOR ALLOWING HIM TO SERVE AS THEIR MAYOR AND WISHES EVERYONE A MERRY CHRISTMAS.

Mayor Belk thanked the citizens of Charlotte for allowing him to be Mayor and to serve with this fine Council this year; that his Christmas will be better having done this.

He wished everyone a very Merry Christmas.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk