

February 17, 1969
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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, February 17, 1969, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

* * * * *

INVOCATION.

The invocation was given by Reverend Lester L. Dattler, Minister of Glenwood Associate Reformed Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, the minutes of the last meeting on February 10, 1969 were approved as submitted.

PROPOSAL OF CIVIC CENTER BY CHARLOTTE DEVELOPMENT ASSOCIATES.

Mayor pro tem Whittington welcomed to the meeting County Commission Chairman Lowe and Commissioners Myers and Osborne.

Mr. Earl Crawford, Jr., representing Charlotte Development Associates, stated they have a matter to present to Council for its consideration. He introduced the representatives of the project - Mr. Bob Russell, a partner of Charlotte Development Associates; Mr. Bob deButts with Southern Railroad, and Mr. Bill Carlyle with Lyles, Bishop, Carlyle and Wolfe of Columbia, who are the planners for the project.

Mr. Crawford stated the project which they propose relates to the need in the community for a civic center. He stated the following paragraph is from the Greater Charlotte Central Area Plan: "It is believed that a new downtown convention and exhibition center would be in substantial demand for consumer and commercial trade shows, conventions of all sizes, miscellaneous meetings and conferences, and other general community events. Based on anticipated convention and exhibitions space requirements, it is recommended that the new facility be developed and that it have at least 120,000 square feet of multi-purpose meeting and exhibition space, and 60,000 square feet of additional supporting space; half the meeting and exhibition space should be clear span, high ceiling space on one level. Preliminary estimates indicate that the new convention and exhibition center would cost approximately \$8 million including the price of land and at the recommended location. In all probability this initial investment would have to be made by local governments, but anticipated revenue in leases and concessions and other fees would be adequate to cover operating expenses. A comprehensive feasibility analysis should be undertaken on this proposed facility at the earliest convenience."

Mr. Crawford stated under a contract with the Redevelopment Commission a feasibility analysis was done by the firm of Hamergreen, Siler and Associates, in which it was stated that the civic center's finances should

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be of secondary importance to the analysis of its utilization; that the income and expenses associated with its operation must be considered since the community will have to provide the funds not only to build the structure but to operate and maintain it; that the experience of Charlotte already indicates that large numbers of persons from outside the city will visit conventions, business and trade shows, and even some of the local events at the civic centers; that considerable positive contributions to the economy of the area must be kept in mind in the financial analysis.

Mr. Bill Carlyle presented drawings and stated the property involved in the present proposal is an area bounded by College Street on the north, Fourth Street on the east, Brevard Street on the south, and the property line that goes along the railroad tracks that connect the two together. That in the area with the east boundary on Third Street, it is proposed that the Civic Center be located, that the Southern Railroad tracks and the proposed location for Convention Boulevard runs through the center of the area; the building proposed as the Civic Center is a building that will be built over a protected garage area, a space of approximately 160,000 square feet; above will be constructed a building for rental purposes, allied or related to the civic center and convention facilities which will be built on the Plaza level; a plaza will cover the four blocks which will be approximately at the same grade as Tryon Street, and will be within two blocks from the heart of Charlotte, and will have access from several sides with the principal access through the area from Tryon Street to the civic center building.

Mr. Carlyle stated the plaza area will be approximately at Tryon Street level with the civic center on the first floor and the rental space above. In the total project they propose that a hotel be constructed immediately adjacent to the civic center, with two office buildings to flank the access from Tryon Street, and space developed for a motel, apartment houses and stores or other commercial or retail facilities.

Mr. Crawford stated for some time now the desirability of a civic center in downtown Charlotte has been obvious to the city's government and to all who have undertaken studies on such development. He stated the need for the center presented local government with two options: (1) build and operate a municipal civic center; (2) do nothing but hope that private investors would build and operate a civic center. He stated the second option is generally recognized as unrealistic. To serve its most important function as a generator of private development and as a general economic stimulus, such a facility cannot be expected to operate at a profit. To be competitive in its appeal to the large meetings and conventions which it would be expected to lure to Charlotte, it would probably operate at a loss. That it is unreasonable to expect that investors would have any interest in such a facility.

Mr. Crawford stated there is a third option - that the city and private investors enter into a partnership which could provide for the private interests, an adequate return on investment; and for the city, the advantages of a civic center without the burden of building and operating it. Because of the operational nature of a civic center, the only way such a partnership could be attractive to private interests is by combining the public facility with profitable private facilities.

He stated the proposal Charlotte Development Associates is presenting is based on that principle. Under this proposal CDA would construct a civic center as part of a larger, multi-purpose facility and would lease the center to the city for half of each year. The annual lease

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payment by the City would be equal to the amount of ad valorem tax due on the total multi-purpose building. At present tax levels this would be approximately \$367,200, based on CDA's projection of a total cost of around \$18 million for the multi-purpose building, which would include a civic center valued at about \$7 million. That is approximately \$100,000 a year less than it would cost the City to amortize the cost of a comparable facility. Under the CDA proposal the City would be accepting an obligation and simultaneously creating a source of new revenue to cover the obligation. Or, would provide the City of Charlotte with a civic center for 26 weeks of every year, at no cost, except operating costs during the 26 weeks of City use. If the City should build its own center, it would incur operating costs for a full year instead of half a year; it would reduce its borrowing capacity by the amount of the bonded indebtedness required. A city-owned center removes the land and the building from the city's tax base.

Mr. Crawford stated in comparing the CDA proposal to the possibility of the City constructing a comparable facility, one further factor should be considered - time. CDA can and will begin work immediately on the civic center as well as other components of its approximately \$50 million downtown development plan. It is unlikely that the City could prepare its own plan, hold a bond referendum and make other necessary arrangements, without delaying the eventual civic center at least a year - several years beyond the time CDA could have a center in operation. That it can be assumed that any delay in the construction of the civic center will be costing the City of Charlotte in lost revenue - not only sales tax, but ad valorem taxes on development generated by the center. Failure to accept the CDA proposal would result in CDA having to undertake additional planning on its other downtown projects, since the present plan includes the civic center. This could delay the overall CDA project a year or more at a substantial loss of ad valorem revenue to the City.

Mr. Crawford stated the estimated costs for a city-owned civic center free standing are as follows; that this relates to a comparative of a city-owned civic center using the same forms they have developed under the CDA proposal; they find justification not for 140,000 square foot civic center, but for one of a 170,000 square feet; and they wanted to bring city figures up to this:

Capital Costs

Building

170,000 square foot building (@\$41.20 per sq. ft.) \$7,000,000.00

Land

195,000 square feet (@\$4.30 square foot) 833,000.00

TOTAL CAPITAL COSTS \$7,833,000.00

Annual Charges

Amortize \$7,000,000 Building (35 years @ 5%) \$ 423,960.00

Ground rent (6% net) 50,000.00

TOTAL ANNUAL CHARGES \$ 473,960.00

He stated \$473,960 would be the total cost to local government to provide the building; then you have the operating cost; according to Hammer's figures based on 140,000 square foot building, the costs would be as follows:

Estimated Yearly Deficit

Operating Costs \$ 263,000.00

Operating Income 238,635.00

Yearly deficit \$ 24,365.00

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Mr. Crawford stated to compare this cost with the multi-use building, the figures are as follows:

Capital

Building	
170,000 square foot (@\$41.20 per sq. ft.)	\$7,000,000.00
Land	
same as free standing	833,000.00

Annual Charges

Building rent (amortization 35 years @ 7%)	\$ 536,640.00
Ad valorem taxes (\$4,200,000 @\$3.40)	142,800.00
Annual charge on amortization of the building	\$ 679,440.00
Ground rent: (1/2 lease value @\$833,333 @ 6%)	\$ 25,000.00
1/2 Ad Valorem taxes based on value of \$5,000,000 @ \$3.40	8,500.00
To be added to the annual charge on Amortization	\$ 33,500.00
Total Rent	\$ 712,940.00
One-half of the figure for each partner	\$ 356,470.00

Mr. Crawford stated recognizing that the City is hard-pressed for money and \$356,470 would be hard to come by and if it were put in effect on the tax rate that it would create approximately five cents on the tax rate, in effect, they propose to use the land cost at the same figure and to build a total building of \$17,166,000, bringing their overall value to \$18,000,000 which will carry a tax valuation of \$10,800,000 and will produce ad valorem taxes at the current rate of \$367,000. He stated under the CDA proposal the City would be accepting an obligation and simultaneously creating a source of new revenue to cover the obligation.

Mr. Crawford then compared the local government fiscal responsibility under the two situations:

	<u>GOVERNMENT OWNED</u>	<u>CDA</u>
Capital Cost	\$7,833,000.00	-0-
Annual Tax Generation	473,960.00	\$ 356,470.00
	-0-	367,200.00
Total Capital Cost	\$ 473,960.00	-0-

Mr. Crawford stated under operational cost there are two factors -

Expenses	\$ 263,000.00
Income	238,635.00
Deficit	\$ 25,000.00

He stated they can assume if that is what it will run for a full year, then it will run one half of that for 1/2 year. So you come to \$131,500, and take off \$119,318, and get approximately \$12,500.00. Mr. Crawford stated with a government-owned facility you have a total capital cost to retire each year of \$473,960 plus an operational cost to retire of \$25,000, or approximately \$500,000. That the total cost to government to own and operate this building on an annual basis is 1/2 million dollars. Under the CDA proposal it will be \$12,500.00.

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Mr. Crawford stated it has been suggested that the allocation of each party's 1/2 use of the center could present problems; there is no way to specify in advance exactly when the City would have use of the facility; ideally, each party should have the use of it at those times when it can be used to best advantage, and this can only be achieved by constant cooperative scheduling. Although it would be unreasonable to ask that the City be given absolute priority in the use of the facilities, it is reasonable to assume that CDA would grant every possible consideration, since the profitable operation of CDA's adjacent facilities is based on the fullest possible use of the civic center by the City. Each party would have a common interest in the fullest possible use of the center at all times, and this common interest should insure satisfactory cooperation in scheduling.

He stated it has been pointed out that under the CDA proposal the City, at the end of 35 years, would not own the civic center; while if the City built the center, it would own it at the end of the amortization period and would thereafter have the use of the building without additional lease or amortization costs. However, there is no way to know what the market value of the building might be in 35 years or what use the City might make of the building at that time. For purposes of comparison, assume that the civic center remains at a value of \$7,000,000 in the year 2005 and the tax rate remains the same. At that point, if the City no longer wanted to use the building, would it be better to own a 35 year old building worth \$7 million or have a source of some \$360,000 a year in ad valorem tax revenue? If it wanted to continue to use the building, would it be better to have the free use of its own building, or renew a lease at a cost which is offset by tax on the building. In either case, there is no clear advantage to the City in ownership. The important difference would be that during these 35 years, the City would have invested some \$16.5 million in principal and interest and borne all of the operating deficit of the center, with no ad valorem revenue from the center, compared with a lease cost offset by tax revenue, and only one half of the operating deficit.

Mr. Crawford stated Charlotte Development Associates is convinced of the need for and the potential value of a downtown civic center. To a great extent the faith in downtown Charlotte which underlies CDA's proposed investment of some \$50 million in the area is based on the assumption that there will be a civic center. That CDA, recognizing the difficulties, has developed a proposal to insure that a center will be built immediately on a basis which offers numerous advantages including multi-million dollar financial advantages, to the City in comparison to the City's undertaking such a project alone. He stated if the City does not accept this proposal, CDA urges the City to give some positive assurance that a center will be built in the immediate future, so that major private development plan can proceed with confidence.

Councilman Smith stated he does not like the thought that by doing this the taxpayers have been dodged; that he does not think Council should attempt to do something that the taxpayers do not want. Even if the property is leased by the City it should be subject to the taxpayers approval; that he would not want to take a devious route to give the taxpayers something they do not want because it is good for them. He stated he thinks the civic center would be a great thing for downtown - that in his estimation the boulevard comes first and then the civic center; but he does not think any course should be taken when the people Council represents is not involved.

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Mayor pro tem Whittington stated this is the first time that this type of proposal has been presented; he asked Mr. Crawford if there is a time table? Mr. Crawford stated the need for a civic center has been established over the last four years, and the debate over the arrangement for a civic center has been discussed for some time; that to the best of his knowledge this is the first time that the matter has been brought before the people's representatives. That in January when Council approved a memorandum of agreement between the Southern Railway with respect to the right-of-way for Convention Boulevard, for the first time there was an enclosure from the Mayor's Civic Center dated January 2, 1969 which in effect called on the City of Charlotte to abandon this proposal and to build the Civic Center itself. Mr. Crawford stated they have no objection to the City doing this; if Council decides not to accept this proposal, they would like to have some assurance that the Civic Center will be built. But he does not feel that any proposal should go unrepresented and therefore he has put this proposal together for presentation today. That he asked his associates for the month of February to see what could be done about getting a hearing on the proposal; if they are not to build a civic center from the plans which have been presented, there will have to be some replanning.

Mayor pro tem Whittington stated this proposal is to be taken under advisement and Mr. Crawford is saying they want an answer on the proposal in the month of February so that CDA will know what it can do and what road to take as it relates to other development in this area. He stated he did not know until last night that Mayor Brookshire was not in the city and would not be present today. He suggested that Council take this proposal under advisement; thank Mr. duButts, Mr. Carlyle and Mr. Russell for their presence, and just as soon as Council can get into this proposal with the Mayor and the Committee he has, and the best minds that Council could find to study this, that an answer will be given one way or the other.

Councilman Smith asked if this is a firm offer to the City, or if a lot of detail will have to be worked out? Mr. Crawford replied there are details that will have to be worked out; the deal will have to be fair to the local government - city and county, and it has to be a fair proposition to CDA.

Councilman Stegall stated he thinks Council needs someone to represent it, and he would hope that Mr. Lowe might feel the same way about this with someone to represent the County Commissioners.

Councilman Stegall suggested that one man from Council be appointed to work with this group, and since Council has a man who is familiar with the downtown situation and the master plan, he moved that Mr. Jerry Tuttle be appointed to study the proposal with this group and report back to Council. The motion was seconded by Councilman Short.

Councilman Smith stated he thinks the entire Council should be involved; that he does not want to take a back seat and having a liaison man is alright, but he wants to be in on this proposal as we go. That Mayor Brookshire has been in on this and Council probably should wait until he is back and get his ideas.

Councilman Tuttle asked who will comprise this committee? That he agrees with Mr. Smith 100%, and he would not sit in on any meeting attempting to analyze this, and would not make any recommendation to this Council until he had heard Mayor Brookshire and Mr. Robert Lassiter as to why this was turned down originally. Mr. Crawford stated he assumes the backing up and staff and the liaison is entirely up to the representatives of Council; this is a committee to relate to the major points of clarification.

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Councilman Alexander stated up to now we have had committees of sorts and one or two individuals developing these plans; from this point on he thinks the full Council should be in on any discussion; that he would like to be in on the discussion arriving at the point where it is submitted to Council; that he does not want to take it secondhand.

Councilman Jordan stated he thinks Council should thank Mr. Crawford and his group for their presence today and that Council should not make any appointment to a committee at this time.

Mayor pro tem Whittington stated for seven years the master plan has been working on a way to build a civic center or convention center in downtown Charlotte, and all the authorities have said this center must be built in order to re-vitalize downtown Charlotte or give it the momentum to get it started. That we were saying this in 1960 when every other building downtown almost was vacant; since that time this Council and the master plan committee and the task force have been working on the 12 block area as it relates to downtown Charlotte; about three years ago when there was a bond issue, everything passed in that bond issue except the two blocks that was proposed for the center; since that time this Council has spent \$339,000 for an economic and feasibility study of this 12 block area; because Council took this initiative, we are where we are today with the Charlotte Development Associates and the Southern Railroad interest, and the master plan.

Mayor pro tem Whittington stated five months ago a Committee was appointed to tell Council whether it should work with the CDA and Southern Railroad to build a civic center or convention boulevard; they started out with the idea of two buildings; from that two buildings would generate 50 or 80 million dollars worth of additional development. In January of this year this Committee recommended to Mayor and Council that they not accept Scheme (b) and (e) as proposed by CDA. Today these gentlemen have come with a proposal he thinks is different from that proposed by them to the old committee.

Mayor pro tem Whittington stated the only way to bring this to a head is to let a committee bring all this to Council with the best minds in this community - men in the banking industry, men who are financiers, men who can turn this over to a mortgage banker and say look at this and see what is wrong with it - along with the Committee that has already turned it down; Council would have a representative and he would hope the County Commissioners would appoint a man. When this is brought back to Council we would not only have the finance area to consider but would also have facts to consider such as which half of the year the City would lease it.

Councilman Jordan made a substitute motion that the entire Council sit in on the meetings. The motion was seconded by Councilman Alexander.

Chairman Charles Lowe, of the Board of County Commissioners, stated he would be enthusiastic about this; that he would say he appreciates these men coming with the proposal. Second, it seems you would not have to pass bonds and would get out cheaper and would generate a lot of things; that he has no quarrel whether there is a committee or whether all members serve. He stated Council might consider appointing one man and then let all the members who would like attend the meetings, ask questions and make notes so that they will be involved, but you would have a smaller group that could move a little faster and meet more often. He stated the County is willing to participate and thinks this is a very good thing.

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The vote was taken on the substitute motion which failed to carry by the following vote:

YEAS: Councilmen Alexander, Smith and Jordan.
NAYS: Councilmen Stegall, Short and Tuttle.

Mayor pro tem Whittington broke the tie vote voting against the motion and stated he will vote for the motion to have a committee of one.

The vote on the original motion is as follows:

YEAS: Councilmen Stegall, Short and Tuttle.
NAYS: Councilmen Alexander, Smith and Jordan.

Mayor pro tem Whittington broke the tie vote voting in favor of the motion.

Councilman Short stated that all members of Council should be advised each time this group gets together. Councilman Tuttle stated he will see that this is done, and Mr. Lowe's suggestion that they sit in on any meetings is in order.

ORDINANCE AMENDING EFFECTIVE DATE OF DAY CARE LICENSING ORDINANCE, ADOPTED.

Councilman Short moved that the effective date of the day care licensing ordinance be postponed from March 1 to July 15. The motion was seconded by Councilman Smith.

Councilman Smith stated in the meantime the city will have to go into this and cooperate with the state ordinance; there is a lot of work to be done on it to make it equitable to the people.

Mayor pro tem Whittington stated because this is under consideration by the State, the motion is to defer the effective date of the city ordinance from March 1 to July 15.

Mrs. Betty Christenbury stated she is a mother and a day care operator; that her children attend a kindergarten and the kindergarten will be closed because of the provision relating to upstairs,

Councilman Short stated the licensing ordinance was written by the City Attorney with the assistance of a sizeable committee appointed for this purpose; the various features that are sought to be enforced are a part of the State Building Code; the features sought to be enforced including the one where you have to have type one and type two construction if you have a two story building is a part of the state building code, and the state has made it mandatory in any event. That it is aimed at eliminating a dangerous second story.

Mrs. Christenbury asked if Council would consider letting the working mothers and the day care operators write a city licensing law; would Council look them over; since it concerns the mothers and children, they should have some say.

Councilman Smith stated the reason for the postponement is to get into the areas she is talking about; that Council will call on the operators to talk about their problems; and in the meantime it can be worked out; that most members of Council are aware there are injustices; this is the reason for the postponement.

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Councilman Alexander stated he was not in favor of this ordinance in the first place because there were too many problems that could not be resolved on an immediate adoption of such an ordinance; that he is still not in favor of the ordinance but he is in favor of postponing the effective date.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 101.

REQUEST THAT FEBRUARY 21 BE DECLARED A MEMORIAL DAY IN THE CITY OF CHARLOTTE TO MALCOM X TO BE PRESENTED TO MAYOR BROOKSHIRE.

Miss Mary Smith, 1808 Aileen Drive, a student, stated on February 21, 1965, black people lost one of their most prophetic leaders, Malcom X. That he suffered the oppression and wretchedness visited upon black people by the system. He was lynched by white racist America who has refused to effectively deal with the problem. Malcom X represented the ability of black people to survive in a context which is contrary to their very nature - whiteness. All too often white America has given and defined holidays and days of commemoration to black people, such as Negro History Week. She stated she is here today to assert that black people will no longer accept this kind of paternalism; they will define and determine their own heroes. That in his living, Malcom X gave them a sense of pride, dignity and worth in being black. He taught that black is beautiful and it is so beautiful to be black. He not only instilled in them a sense of pride but he sensitized them to the contradictions in American Society; he accentuated the struggle both on the domestic and international scene and removed the last vestige of Tomism from the black man.

Miss Smith stated she and her group are present to petition Council to officially declare February 21 as a memorial in the City of Charlotte to their sainted leader, Malcom X.

Mayor pro tem Whittington stated this is the first that such a request has been made of Council while he was a member; the setting aside of a week or a day would have to come from the Office of the Mayor and he is out of the state at this time. Mayor pro tem Whittington stated as far as he is concerned, as an individual member of this Council, he would have no part in proclaiming a day or a week for the slain Malcom X; that he does not know who killed him; all he knows are the instances he read in the newspaper at the time this happened. He stated he does not think this Council should take one individual against another, regardless of his color, and proclaim a day in Charlotte or Mecklenburg County that is not proclaimed by the national government or by the state government.

Miss Smith requested that this request be given to the Mayor.

COUNCILMAN SHORT LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR A PORTION OF THE MEETING.

Councilman Short left the meeting at this time and returned as noted in the Minutes.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MARCH 17 ON
PETITIONS NO. 69-19 THROUGH 69-28 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 6, at Page 251.

RESOLUTION RESCHEDULING PUBLIC HEARINGS TO MONDAY, MARCH 10, ON
PETITIONS NO. 69-11 THROUGH 69-18 FOR ZONING CHANGES.

Councilman Jordan moved the adoption of the subject resolution
rescheduling public hearings from today, February 17, to March 10.
The motion was seconded by Councilman Stegall and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 252.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MARCH 31, ON
PETITIONS NO. 69-29 THROUGH 69-35 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 6, at Page 253.

ORDINANCE NO. 145-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE
AT 401 FRANK DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY
AND ARTICLE 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and
unanimously carried, the subject ordinance was adopted ordering the
removal of an abandoned 1954 blue and white oldsmobile.

The ordinance is recorded in full in Ordinance Book 16, at Page 102.

ORDINANCE NO. 146-X ORDERING THE REMOVAL OF WEEDS AND GRASS ON PROPERTY
ADJACENT TO 1321 MARBLE STREET PURSUANT TO SECTION 6.103 AND 6.104 OF
THE CHARTER, CHAPTER 10, ARTICLE 1, SECTION 10-9 OF THE CODE AND CHAPTER
160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan to adopt the subject ordinance.
The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 103.

CONTRACT WITH STATE HIGHWAY COMMISSION FOR RELOCATION OF CERTAIN PORTIONS
OF WATER MAIN IN I-77 EXPRESSWAY.

Councilman Jordan moved approval of the subject contract for the
relocation of certain portions of a 42-inch diameter water main and a
16-inch diameter water main which are in conflict with the proposed
construction of I-77 Expressway, between Seaboard Railroad and I-85 with
the total estimated cost of \$181,500 to be shared by the City and the
State Highway Commission - the State to bear \$175,000 with the remaining
\$6,500.00 to be borne by the City. The motion was seconded by Councilman
Alexander, and carried unanimously.

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LEASE WITH CANNON AIRCRAFT EXECUTIVE TERMINAL, INC. FOR ADDITIONAL PARKING AREA.

Upon motion of Councilman Stegall, seconded by Councilman Alexander, and unanimously carried, a lease was authorized with Cannon Aircraft Executive Terminal, Inc. for 15,870 square feet of property located adjacent to the Executive Terminal on the east side of the airport, for a term of five years at \$80.00 rental per month, renewable annually at \$100 per month thereafter.

RESOLUTION ACCEPTING U. S. GRANT FOR FAA PROJECT 9-31-017-18 FOR CONSTRUCTION OF PARALLEL TAXIWAY TO THE NORTH END OF THE N-S RUNWAY AND RECONSTRUCTION OF PARALLEL TAXIWAY TO THE NORTHEAST END OF NE-SW RUNWAY.

Councilman Tuttle moved approval of the subject resolution accepting grant offer for \$320,000. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 254.

ORDINANCE NO. 147-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF PORTION OF AIRPORT FUNDS TO THE CAPITAL IMPROVEMENT BUDGET.

Motion was made by Councilman Jordan to adopt the subject ordinance authorizing the transfer of \$118,402.94 to be used for taxiway project. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 104.

RESOLUTION APPROVING AMENDMENT NO. 4 TO GRANT AGREEMENT FOR FAAP PROJECT 9-31-017-C313 AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Stegall, seconded by Councilman Smith, and unanimously carried, the subject resolution was adopted which increases the maximum amount of federal payment on the project from \$1,224,000 to \$1,286,892.51 with the additional \$62,892.51 representing the government's share of additional land acquisition costs which were incurred in connection with the project.

The resolution is recorded in full in Resolutions Book 6, at Page 255.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, authorizing the following property transactions:

- (a) Payment of additional \$5,000 to T. B. Upchurch, Inc. for property at 424 West Third Street acquired for the West Third and Fourth Street Connectors. The additional amount is to hold the City harmless in the event of claims by other interests and enable the City to negotiate a settlement on a more favorable basis with adjacent property owner.

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- (b) Acquisition of 14,700 square feet of property on Berryhill Lane, RFD 4, Box 560-E, from Bill B. Deck, Jr. and wife, at \$14,000 for the Airport Expansion Project.
- (c) Acquisition of 821 square feet of property at 1229 Spruce Street, from Carl L. Helms and wife, at \$82.00, for easement to sanitary sewer relocations for North-South Expressway.
- (d) Acquisition of 2,130 square feet and 1,075.5 square feet of property on LaSalle Street, from Ross Industrial Products, Incorporated, at \$129.00, for easements for sanitary sewer relocation on Northwest Freeway.
- (e) Acquisition of 1,662 square feet of property on undeveloped subdivision off Amity Place, at McNair Road, from James C. Evans and wife, at \$1.00, for sanitary sewer easement to serve McClintock Woods.
- (f) Acquisition of 10,615 square feet of property on Hebron Street, from J. A. Jones Construction Company, at \$1.00, for sanitary sewer easement to serve J. A. Jones Construction Company.

COUNCIL ACTION OF DECEMBER 2, 1968 ADOPTING ORDINANCE AUTHORIZING THE CLEARING OF STORM DRAIN PIPE ON PRIVATE PROPERTY AT 704 RANCH ROAD AND 708 RANCH ROAD, RESCINDED.

Councilman Tuttle moved that Council rescind its action of December 2, 1968, adopting two ordinances authorizing the clearing of a storm drain pipe on private property at 704 Ranch Road and 708 Ranch Road, changing the costs thereof to the property owners, Mr. Jerry W. Hudson and Mr. Larry D. Helms. The motion was seconded by Councilman Stegall, and carried unanimously.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Raymond C. Stewart for Grave No. 7, in Lot 14, Section 2, Evergreen Cemetery, at \$80.00.
- (b) Deed with George J. Baches for Lot No. 4A, Section 408, Evergreen Cemetery, at \$252.00.

CONTRACT AWARDED BUTLER & SIDBURY, INC. FOR GENERAL CONTRACT ON THE NEW NORTH CONCOURSE.

Motion was made by Councilman Jordan awarding contract to the low bidder, Butler & Sidbury, Inc., in the amount of \$335,763.00, on a unit price basis, for the general contract on the new North Concourse, at the Airport. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Butler & Sidbury, Inc.	\$335,763.00
Rodgers Builders, Inc.	348,917.00
Southeastern Construction Co.	352,700.00
Cisne & Associates	353,406.00
Myers & Chapman, Inc.	354,877.00
Laxton Construction Co., Inc.	363,500.00
F. N. Thompson, Inc.	377,720.00
Boyd & Goforth, Inc.	398,600.00
Cabarrus Construction Co., Inc.	416,600.00

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CONTRACT AWARDED AIR MASTER FOR PLUMBING CONTRACT ON THE NEW NORTH CONCOURSE.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Air Master, in the amount of \$34,226.00, on a unit price basis, for the plumbing contract on the new North Concourse, at the Airport.

The following bids were received:

Air Masters	\$ 34,226.00
Hicks & Ingle Corporation	37,600.00
A. Z. Price & Associates, Inc.	37,985.00
P. C. Godfrey	38,700.00
Southern Piping & Engr. Co.	47,353.00
Thompkins-Johnston Co., Inc.	76,904.00

COUNCILMAN SHORT RETURNED TO THE MEETING.

Councilman Short returned to the meeting and was present for the remainder of the Session.

CONTRACT AWARDED SOUTHERN COMFORT FOR MECHANICAL CONTRACT ON THE NEW NORTH CONCOURSE.

Councilman Tuttle moved award of contract to the low bidder, Southern Comfort, in the amount of \$74,670.00, on a unit price basis, for the mechanical contract for the new North Concourse. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Southern Comfort	\$ 74,670.00
Air Masters	78,401.00
Southern Piping & Engr. Co.	79,491.00
P. C. Godfrey	79,774.00
Hicks & Ingle Corporation	82,700.00

CONTRACT AWARDED SOUTHERN PIPING & ENGINEERING COMPANY FOR ELECTRICAL CONTRACT ON THE NEW NORTH CONCOURSE.

Motion was made by Councilman Jordan to award contract to the low bidder, Southern Piping and Engineering Company, in the amount of \$48,420.00, on a unit price basis, for the electrical contract for the new North Concourse. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Southern Piping & Engr. Co.	\$ 48,420.00
The Industrial Electric Co.	53,850.00
Austin Electric Company	54,516.00
Howard Electric Co., Inc.	55,893.00
Hensley & Mosley, Inc.	56,425.00
Beam Electric Company	58,780.00

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DISCUSSION OF FURTHER INSPECTIONS ON DAY CARE CENTERS.

Mr. Molyneux, Assistant Superintendent of the Inspection Department, stated in connection with the action taken earlier by Council on the Day Care Centers, this, in essence, postpones the effective date of a city licensing law. Currently they are working on some 133 requests for inspections of operating day care facilities; they have completed the inspection of 41 centers. That it is incumbent upon the Building Officials to complete the inspection of the centers in order to ascertain that the provisions of the state code is being met, as was his responsibility to do prior to the passage of the licensing ordinance. That should a tragedy occur in one of the day care nurseries, he does not think it is fair to leave Bill Jamison civilly and criminally liable for dereliction of not inspecting under the state code.

Councilman Alexander asked what was happening before this ordinance was adopted? Mr. Molyneux replied they were inspecting all the centers they knew were in existence. Councilman Short stated one reason why the effective date was put back was because of the difficulty the inspectors have in getting around to all the homes; that he thinks they should continue their inspecting and should have more time in which to do it. That speaking for himself, he would think the Inspection Department would continue with the inspections they were making even before the licensing law was passed.

Mayor pro tem Whittington stated there was no intent to tell the Inspection Department to discontinue its inspections; Council realized that they were behind and that the operators would need more time as well as the Inspection Department.

Councilman Smith stated this is something that the Inspection Department should discuss with Mr. Veeder and bring the information back to Council and make suggestions on procedures.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY CREATING A CITY-COUNTY PURCHASING DEPARTMENT.

Councilman Smith moved approval of the subject agreement combining the City and County Purchasing Department. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Stegall asked if the County Purchasing Department will continue as they are operating now with Mr. D. C. Brown simply directing their activities and bringing together what can be brought together for common purchases? Mr. Veeder, City Manager, replied there are two employees in the county operation; as of March 1 they will go under the supervision of Mr. Brown; Mr. Brown, working with both the County and City Managers, will try to work something out to bring all the purchasing people to a single location, wherever it can best be done; then they will continue and expand upon the premise of joint purchasing as has been done on a number of things over the years; they will also develop common procedures where different procedures are being used now.

REPORT ON GARBAGE COLLECTION.

Councilman Stegall asked if the Motor Transport Department plans to catch up on the garbage collection and perhaps work next Saturday? Mr. Veeder, City Manager, replied he talked with Mr. Davis today and if everyone who can will put their containers out to the street, they will try to get as many as they can regardless of the pickup schedule; at this point, there are no firm plans relating to the weekend.

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CITY EMPLOYEES COMMENDED FOR JOB WELL DONE DURING SNOW STORM.

Councilman Stegall commended the street department for the fine job in cleaning the snow from the streets of Charlotte.

Mayor pro tem Whittington stated that city personnel and their supervisors should be commended; that he has talked to a number of people who have commented on their work and he witnessed their fine job. He stated he would hope the City Manager would get a letter from Council to that department immediately for all the employees to read.

Councilman Tuttle stated he would like to commend the Police Department also; that several people commented about their delivery of drugs and they have done a great deal to help their image in the past few days.

NEWSPAPER BOYS COMMENDED FOR THEIR SERVICE TO CHARLOTTE.

Councilman Smith stated he would like to commend the news boys; that in his area the newspapers were delivered at 7:00 o'clock Sunday morning which was in the worse kind of conditions; that to him this is devotion to duty and they should be commended for their service to Charlotte.

COUNCILMAN REQUESTS THAT HE BE INVITED TO ALL FUTURE MEETINGS WHEN COUNCILMEMBERS ARE INVITED TO PARTICIPATE.

Councilman Smith stated he was told by a very good authority that he was not invited to the meeting at the Red Carpet Inn on Sunday night where the civic center proposal was presented; and the reason he was not invited was because he is an announced candidate for the Mayor of Charlotte. Councilman Smith stated he is a Councilman and he would like to tell whoever is going to have a meeting that involves the City of Charlotte government that regardless of what he is in the way of a candidate for the Mayor of Charlotte, he wants to participate in these meetings; that he is expecting to be invited to future meetings, and particularly one of such an important program to the City as the convention center. He stated he has no ill feelings against any official or any group. But, when it comes to City business, if there is any politics involved, it is wrong; that we should do our business, and if we want to politic, do it after hours.

HOUSING AUTHORITY REQUESTED TO BEGIN REQUIRED STEPS REQUESTING THE FEDERAL AUTHORITY FOR ADDITIONAL HOUSING UNITS.

Councilman Alexander stated Mr. Harold Dillehay gave a status report on the public housing program during the conference session; that he would like to express the commendations of Council for the efforts that have been put forth during the last 18 months by the Housing Authority; that Council is pleased with the progress as reported.

He stated realizing the length of time required for preliminaries before any development or construction can begin, he moved that Council request the Housing Authority to begin the required steps necessary and request the federal authority for an additional 2,500 units immediately. The motion was seconded by Councilman Short, and carried unanimously.

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COUNCIL TO CONSIDER A REQUEST THAT HUD RECONSIDER THE LAND USE PLAN FOR SECTION 5 OF BROOKLYN RENEWAL AREA.

Councilman Alexander stated one of the things that has slowed down the development of housing in our community has been the problem of acquiring land; this problem has been added to by new federal restrictions that require that this type of property not be located in an all-Negro area; that it will not be contiguous to a all-Negro area or to a so-called white area that is turning Negro. That sites have been turned down because of new federal regulations; today it was stated that there is a problem in trying to find locations for housing - not only low cost housing, but housing in any field that we are interested in that can relieve the housing strain.

He stated a few weeks ago Council discussed the possibilities of a park in the Blue Heaven area and at that time he was in favor of delaying a final decision on that section - not because he was opposed to parks - because he wanted the opportunity to re-look at the whole Brooklyn development section because of the lack of land for housing. He stated he did not have all the information necessary; he has since gotten the information that he wanted and some of it was whether the Housing and Urban Development Department would consider a review of the present plan regarding Brooklyn Sections 4 and 5; that he has an answer that stated HUD would review the plan. For this review to take place, Council itself must initiate the action and request a revision in the present plan to consider housing - that he is not talking of public housing as such but just housing; giving consideration to all the programs of housing under the federal governments housing program. He stated since we do have land that is available in Section 5 of Brooklyn, he would like for it to be considered by HUD to see if it is suitable for use in any housing program.

Councilman Alexander moved that Council approve action to initiate a revision in land use plans of Brooklyn Urban Renewal Section No. 5 for review by the Department of Housing and Urban Development. The motion was seconded by Councilman Smith.

Councilman Short stated he does not know how HUD or anyone else can fully come to grips with the use of Section 5 until we decide exactly how the interchanges and highways are going; he again urged Council and the administration to have a discussion of all interested parties about the throughway and interchange in Section 5.

After further discussion, Councilman Alexander re-worded his motion and moved that Council take under consideration a motion to request a reconsideration of the land use of Brooklyn Section 5, at the next meeting of Council. The motion was seconded by Councilman Short.

Council Members suggested that representatives of the Redevelopment Commission be present during the next conference session to discuss the motion. Mayor pro tem Whittington requested the City Manager to schedule this as part of the conference session next week.

The vote was taken on the motion and carried unanimously.

CLARENCE W. WALKER REAPPOINTED TO THE PARK AND RECREATION COMMISSION.

Councilman Short placed in nomination the name of Mr. Clarence W. Walker for reappointment to the Park and Recreation Commission for a term of five years from the expiration of his present term on March 21, 1969. The motion was seconded by Councilman Smith, and carried unanimously.

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NEXT COUNCIL MEETING SET FOR TUESDAY, FEBRUARY 25, 1969.

Councilman Smith moved that the next Council Meeting be set for Tuesday, February 25, 1969, due to City Hall being closed on Monday, in observance of Washington's birthday. The motion was seconded by Councilman Short, and carried unanimously.

REQUEST THAT ORDINANCE ON RACE TRACKS AS CONDITIONAL USE IN INDUSTRIAL AREA BE BROUGHT BACK TO COUNCIL.

Mayor pro tem Whittington stated that Council would like to have the rewording of the zoning ordinance relating to race tracks as a conditional zoning in an Industrial district; that he would hope this would be brought back to Council soon.

REQUEST THAT PUBLIC WORKS PROGRAM BE PRESENTED PRIOR TO BUDGET TIME.

Mayor pro tem Whittington stated for five or six months Council has had the public works program; that he hopes this can be resolved between now and budget time for the next Council.

RESOLUTION CALLING FOR A PUBLIC HEARING ON AMENDMENT NO. 1 REDEVELOPMENT PLAN FOR DILWORTH URBAN RENEWAL AREA, PROJECT NO. N. C. R-77.

Mr. Veeder, City Manager, requested Council to adopt a resolution rescheduling the public hearing on Amendment No. 1 of the Dilworth Urban Renewal Area from today, February 17, to March 10, 1969, at 2:00 o'clock p.m.

Councilman Stegall moved the adoption of the subject resolution calling for a public hearing on March 10, 1969 on Amendment No. 1 to Redevelopment Plan for Dilworth Urban Renewal Area, Project No. N. C. R-77. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, beginning at Page 256.

UNIVERSITY CITY PLAN TO BE PRESENTED ON FRIDAY, FEBRUARY 28, AT LUNCHEON MEETING.

Mr. Veeder, City Manager, advised Council that the Planning Commission has completed its work on the University City Plan and has scheduled a luncheon at 12:30, Friday, February 28, at the University which will be a joint meeting with the Board of County Commissioners and the Planning Commission.

RECLASSIFICATION OF TWO CAPTAIN POSITIONS IN POLICE DEPARTMENT TO MAJOR.

Mr. Veeder, City Manager, stated last Friday he sent Council Members a memorandum from Chief J. C. Goodman, endorsing his request that two positions in the department be reclassified from the rank of Captain to the rank of Major; this would be the head of the criminal investigation division and head of the administration division.

Councilman Stegall moved that the request of Chief Goodman for the reclassification of two positions from Captain to Major be approved. The motion was seconded by Councilman Jordan.

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Councilman Stegall stated the two men named - Captain Adams and Captain Porter - are both outstanding in their field and well deserving of this reclassification.

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

ADJOURNMENT.

Upon motion of Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, the meeting was adjourned.

Ruth Armstrong
Ruth Armstrong, City Clerk