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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, February 22, 1971, at 2:00 p.m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John Thrower, Jerry Tuttle and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications, concurrently with the City Council, with the following members present: Chairman Tate, and Commissioners Blanton, Godley, Moss, Ross, Sibley, Stone, Toy and Turner.

ABSENT: Commissioner Albea.

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INVOCATION.

The invocation was given by Reverend Duncan Futrelle, Minister of Enderly Park Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on February 8, 1971, were approved as submitted.

PETITIONS NO. 71-3 AND 71-11 FOR ZONING CHANGES APPROVED FOR WITHDRAWAL.

Mayor pro tem Whittington advised that requests for withdrawal have been filed by Attorneys for Petition No. 71-3 by Charlotte Elks Lodge No. 392 for a change in zoning of a tract of land located on the west side of Wallace Avenue, west of Delta Road, and Petition No. 71-11 by John Crosland Company, for a change in zoning of 73.83 acres of land on both sides of Quail Hollow Road extending from McMullen Creek to within 100 feet of Carmel Road.

Motion was made by Councilman Short, and seconded by Councilman Jordan, approving the request for withdrawal of Petition No. 71-3 and Petition No. 71-11. The vote was taken on the motion and carried unanimously.

HEARING ON PETITION NO. 71-8 BY JAMES E. BEAMON FOR A CHANGE IN ZONING FROM R-15 TO O-6 OF A LOT 216' x 439' AT 4501 SHARON ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the property is adjacent to a parcel of land recently rezoned on Sharon Road across from SouthPark Shopping Center. He stated the subject property is between the rear portion of the new church property and Sharon Road; there is a house located on the property with a single family residence facing on Coltsgate Road and then there is miscellaneous business which surrounds the Fairview Road intersection.

Mr. Bryant stated the shopping center area is zoned B-1SCD. The subject property is zoned R-15 as is the property all around it with the exception of the one parcel which was recently rezoned to O-6.

Mr. Jack DeLaney stated he is present to answer any questions, but has nothing to add.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 71-9 BY JESSIE L. CHEESBOROUGH, EUNICE M. WILLIAMS, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF TWO LOTS 100' x 160' AT 3729 AND 3733 FREEDOM DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this tract of land is located on Freedom Drive, across from St. James Methodist Church. It consists of two lots and each has a single family residence on it. There is one single family residence on it's I-85 side of the property and several vacant lots adjacent to that; then a hardware store, a service station and a cleaners which leads around and comes down Bradford Drive. Across the street is the Church and there is a day care center as a part of the church facility. There is a doctor's office at the next corner. Adjacent to the property, from the subject property up to Edgewood Road are two single family residences. Behind the property, running down Edgewood, there are single family residences and there are single family residences on Major Drive. The Horne's Motel and Restaurant facility is located on the service road of I-85. Basically, the property around the subject property is a combination of residential, church and business uses at Bradford Drive.

He stated the subject property is zoned single family residential and is the beginning of the residential zoning on the south side of Freedom Drive and leading out. There is single family zoning to the rear of the subject property, and there is business zoning on the I-85 side coming up to the subject property. Across the road where the church is located and for a considerable area there is R-6MF zoning and then business zoning to accommodate the Horne facility.

Mr. Bill Underwood, Attorney for the petitioners, stated the vacant property to which Mr. Bryant referred and the hardware store to which he referred both are the site of a Chevron Oil Station which is in the process of being constructed. The property which is already zoned B-1 and lies between that service station and the property under consideration will be included in the projected use if the petition is allowed. He stated he represents the heirs of Mrs. Lawrence and Mrs. Williams. Both families have lived at this property for 25 years or more and during that period of time they have seen a change in the character of the use of the neighborhood, resulting from the growth of Charlotte and the location of I-85 in the area. Mr. Underwood stated the property is under option to Tenneco Oil Company for use as a convenience store. The site will be 150 feet frontage and 160 feet depth which is slightly larger than the site of the Tenneco Facility on Woodlawn Road. The major reason for granting the petition is that it can be done consistently with sound zoning principles and without adversely affecting the surrounding uses. He stated that Tenneco, as a condition of their option, has pledged to screen the rear by a fence that will be attractive. The people to the northwest on Freedom Drive have been consulted and they feel due to the traffic on Freedom Drive, this property should be changed for business usage.

Mr. Underwood stated Freedom Drive is the major connecting point between the oil storage tanks at Thrift and I-85 and the City of Charlotte. That the traffic in oil tankers is extremely heavy. That the homes were built when the area was a semi-rural area, and they are very close to the street. The State Highway Commission's most recent traffic count indicates that in a 24-hour period 16,000 automobiles passed this point on Freedom Drive.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 71-10 BY CAROLINA BUILDERS, INC. OF CHARLOTTE FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT 95' x 200' AT 4126 TRIANGLE DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request is in the same area as the previous request and is across I-85 on Triangle Drive which is a short street that runs between the service road on I-85 and Tuckaseegee Road. The subject property consists of one lot at the corner of Triangle Drive and the I-85 Service Road. It has a number of uses on it; the front part of the lot has a beauty shop and a realty company office facing on Triangle Drive; the rear part of the lot facing on I-85 Service Road has on it a trailer rental facility which is in the process of moving out. The adjoining property to the rear on Avalon Avenue is used for single family residential purposes; adjacent to the property on Triangle it is single family residential usage; directly across Triangle Drive there is a residence which has been converted for church purposes; adjacent to that and coming all the way out is a truck repair facility.

Mr. Bryant stated everything on the north side of Triangle Drive, from I-85 is zoned B-1; across the street it is zoned I-1 and to the rear of the property is the beginning of a larger area of multi-family.

Mr. Warren Bancroft stated he owns the property and his real estate company office is located on the front of the subject property. He stated across from his property the area has gone very heavily to industrial. That the single family residence in the rear is owned by the State Highway Commission and will be for sale.

Mr. Bancroft stated he intends to operate a carburetor and ignition repair shop on the property. That most of the property will stay as it is; there will be no change in the buildings; it will be a change in the usage.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

ORDINANCE NO. 18 AMENDING CHAPTER 23, ARTICLE II, DIVISION 3 WITH RESPECT TO THE ZONING ORDINANCE TO ADD A NEW SECTION REGULATING ELEVATED PEDESTRIAN WALKWAYS IN YARD AND SETBACK AREAS.

The public hearing was held on Petition No. 71-12 by Charlotte-Mecklenburg Planning Commission to amend Chapter 23, Article II, Division 3, General Regulations, by adding a new section 23-24.01 to permit elevated pedestrian walkways to be located in required yard and setback areas.

Mr. Fred Bryant, Assistant Planning Director, stated this is a text change that has evolved out of the desire of the city and county to construct the elevated walkway in the Governmental Center area. This is one of the final things holding up the beginning of that project. He stated it has been construed that this is a structure and comes within the definition of structures within the ordinance and as such there is a problem in being able to place this elevated walkway structure within the required setback areas along the street. There is a setback line established by the zoning along the street, and there cannot be any structures located within that setback area. Obviously, that was not intended to preclude the possibility of a comprehensively planned and engineered facility of this sort; therefore, the Planning Commission is recommending that the ordinance be amended to remove this unnecessary roadblock toward the construction of that facility.

He stated the wording of the subject ordinance is related to a general text change which would, in effect, not be slanted specifically at the governmental center area itself, but would in effect go into the general regulations of the ordinance and therefore make possible an elevated walkway structure in any part of the city, provided it met the requirements that are contained in this ordinance.

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He stated the ordinance is as follows:

"Elevated pedestrian walkways may be located in required yard or setback areas provided they are part of a system designed to separate pedestrian traffic from public street vehicular traffic, do not create a hazard by obstructing driveway or street vision and have received any required governmental approval for placing such a structure over a public street."

He stated the stipulations are included for several reasons. One is to avoid the possibility of perhaps someone placing an elevated walkway structure as an adjunct to the architectural design of the building without actually intending to cross the street or to separate pedestrian traffic from vehicular traffic. Two, they do not want to permit anything that would create a hazard by obstructing a driveway or street vision. Three, they would tie it in to whether or not such a system had the necessary governmental approval for crossing a public street.

Mr. Bryant stated the Planning Commission has discussed this matter and is recommending it to Council for approval.

Councilman Thrower moved adoption of the ordinance amending Chapter 23, Article II, Division 3, with respect to the zoning ordinance to add a new Section 23-24.01 regulating elevated pedestrian walkways in yard and setback areas as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

Mayor pro tem Whittington asked if the Redevelopment Commission has been consulted on this? Mr. Vernon Sawyer, Director of the Redevelopment Commission stated the Redevelopment Commission is aware of the ordinance and sees the necessity for it, and recommends it to Council for approval.

No opposition was expressed to the proposed text amendment.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 84.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 4, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-24.

The public hearing was held on Amendment No. 4 to the Redevelopment Plan for Redevelopment Section No. 2, Brooklyn Urban Renewal Area, Project No. N. C. R-24.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated this is a rather simple amendment to this plan as it involves only one technical change and one change of substance. The technical change is to revise the title page of the plan to indicate the latest amendment date which is January, 1971. The real change is in the proposed land use plan which has been revised to change the land use designation of a block of property that formerly was in public use category to an office-institutional category in order to offer it for private development on the market. The changing of the land use does not preclude using the land for any public use for which it could formerly have been used as it is also permitted in the office-institutional use. It merely adds the office-institutional category to the piece of property.

He stated the property is bounded by Independence Boulevard on the south, Second Street on the north, old Davidson Street on the west and old Alexander Street on the East. That both the old streets have been closed. This parcel of property was formerly designated for public use so the School Board could use it to enlarge the campus of the Second Ward School.

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He presented a map indicating the property around the school that was for that purpose and stated the School Board had bought all the property indicated in red to enlarge the Second Ward School campus; they decided they could not use the parcel which faces the Boulevard.

Mr. Sawyer stated the zoning of the property is office-institutional and it was zoned for office-institutional when the plan was first approved; even though it was public land at that time it carried the correct zoning. He stated the Planning Commission has approved this change; the Redevelopment Commission held a public hearing and approved the change and is now recommending it to Council for approval.

No opposition was expressed to the proposed Amendment.

Councilman Short moved the adoption of a resolution entitled: "Resolution of the City Council of the City of Charlotte, North Carolina Approving Amendment No. 4, Redevelopment Plan for Project No. N. C. R-24." The motion was seconded by Councilman Tuttle and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 243.

RESOLUTION SETTING DATE OF HEARING ON MONDAY, MARCH 15, 1971, ON PETITIONS NO. 71-13 THROUGH 71-22 FOR ZONING CHANGES, APPROVED.

Councilman Thrower moved adoption of subject resolution setting date of hearing on Monday, March 15, 1971, on Petitions No. 71-13 through 71-22 for zoning changes. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 246.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, MARCH 15, 1971, ON AMENDMENT NO. 2, REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, to adopt the subject resolution calling for a public hearing on Monday, March 15, 1971, on Amendment No. 2, Redevelopment Plan for Downtown Urban Renewal Area, Project No. N. C. A-3.

The resolution is recorded in full in Resolutions Book 7, at Pages 248-249.

RESOLUTION APPROVING THE SECOND ACTION YEAR OF THE CHARLOTTE MODEL CITIES PROGRAM AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY AND THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ADOPTED.

Councilman Thrower moved adoption of the subject resolution approving the Second Action Year of the Charlotte Model Cities Program and authorizing the execution of an amendment to the Grant Agreement between the City and the U. S. Department of Housing and Urban Development. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 250.

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AMENDMENT NO. 5 TO CONTRACT NO. H-1216 FOR THE INTEGRATED MUNICIPAL INFORMATION SYSTEM PROJECT, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject Amendment was approved for the Integrated Municipal System Project to extend the federal funding of the Project until the end of this fiscal year, June 30, 1971, and increasing the estimated cost from \$703,210.00 to \$1,213,866.00.

Councilman Alexander asked what type of information will be stored? Mr. Branscome, Director of the IMIS, replied the question of concern is whether the City of Charlotte is interested in collecting information on individuals and building a dossier type of activity. That Council will have the opportunity of settling that question finally in adopting the overall policies which are being prepared for Council's approval through the Municipal Information Review Board. That he can speak in advance of the Review Board and say there is no need for that type of information, and no desire for that type of information. They are not building a system that accumulates or collects personal information on individuals. They are looking for the type of information that will help the city perform its operations better. To better plan the refuse collection pickups; to better service the water customers; to give the Police Department better access to their files, to their wanted persons files for their use and no one else's use. While there is no final formal statement yet, that is a policy decision to be made by Council in the formal policy to be adopted by Council. That the recommendations to be brought to Council will preclude the type of information being collected.

Mr. Branscome stated the general guidelines and overall policies will be adopted by Council. That he has talked with Mr. John Sanders, Director of the Institute of Government at Chapel Hill, and the Institute reflected a willingness to conduct an indepth study and to give a thorough analysis and a thorough report on which these final policies recommendations can be based.

Councilman Alexander asked from the knowledge that he has of the proposed program, is he right in assuming there will be no need for personal information as regards individuals in this type of program? Mr. Branscome replied there will not be; that he will hedge on his reply in the fashion that the police department has criminal history records which they have been keeping and which they will need to keep. That will not be a part of the information that is used by anyone other than the police department.

Councilman Alexander stated using himself, a City Councilman, as an example, there would not be kept in this program any personal information as regards Fred Alexander, citizen? Mr. Branscome replied no.

Mr. Branscome stated there are certain types of records which at present they are working to put on an on-line retrieval basis. That it will be in a computerized file; it will be on a separate file just as the police department now has separate files.

Councilman Alexander stated he has raised his questions because there is a general misunderstanding of what type of work will be developed under this system; that the public generally thinks that you are getting ready to go into a system of keeping personal information on people. That this needs to be cleared up in the minds of the public now, rather than getting involved in a system where everyone has false information.

Mr. Branscome replied he can see why the public would be concerned, and he appreciates the opportunity to speak to the point. That they are very concerned themselves that we not get into the business of keeping information on individuals.

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COUNCILMAN SHORT OUT OF MEETING.

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

ORDINANCE NO. 19 AMENDING CHAPTER 10, ARTICLE II, SECTION 16, SUBSECTION (C), OF THE CODE OF THE CITY OF CHARLOTTE, REFUSE COLLECTION ORDINANCE, BY DELETING ONE SENTENCE.

Council was advised that the Public Works Department is recommending the adoption of the subject ordinance to delete the sentence in subsection (c) beginning on the ninth line in its entirety, which reads as follows:

"One year after the effective date of this section, all bulk containers serviced by the City shall not be less than six (6) cubic yards, nor larger than eight (8) cubic yards."

Mayor pro tem Whittington stated as he understands this recommendation, it is to try to get all the people who use the containers to go to the eight cubic yards rather than six cubic yards? Mr. Hopson, Director of Public Works, replied all new containers; that when they started this program, they figured they would have some difficulty in making this progression, but they are not having that difficulty. That there are only about 40 who still have the smaller containers and which they are working on with problems, and they feel there is no use in making about 700 people go to larger containers and getting the business community upset when it is satisfactory they way they are being handled at present. He stated they are giving twice a week service in all the downtown area and that is satisfactory; that the ones with the smaller containers are getting adequate service and they see no reason for disturbing the status quo.

Councilman Withrow moved adoption of the subject ordinance amending Chapter 10, Section 16, Subsection (c) by deleting the one sentence of the subsection. The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 85.

Mayor pro tem Whittington requested Mr. Hopson to send out copies of the refuse collection ordinance with the water bills again. That as an example he saw a street where someone had cut down all their bushes and they were along the sidewalk and none of them were tied up, and the city will not pick them up.

Councilman Alexander asked if there is a limit to the number of bulk containers that a business can have? Mr. Hopson replied yes, and that is the reason they see no point in going to the larger ones if the smaller ones are doing the service. That they will service one container twice a week; if they need additional service over and above that, then they must go to a private contractor.

Mr. Hopson stated they will service one container twice a week or they will service two containers once a week.

COUNCILMAN SHORT RETURNS TO MEETING.

Councilman Short returned to the meeting at this time and was present for the remainder of the session.

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RESOLUTION DIRECTING THE CITY ATTORNEY TO PETITION THE SUPERIOR COURT FOR AN ORDER DIRECTING THOMAS B. JONES TO VACATE, DEMOLISH AND REMOVE A DWELLING UNIT ON DILLON STREET IN THE CITY OF CHARLOTTE, ADOPTED.

The subject resolution was presented for Council action and pictures were passed around for Council Members to view.

Mr. Underhill, City Attorney, advised that under the new housing code a new method of procedure has been created. Council now has several ways to go about demolishing dwellings found to be unfit. One is through the adoption of an ordinance; the other is to authorize the City Attorney to take legal action through the court to have the dwelling demolished. In this particular case, the housing division of the Building Inspection Department has been unable to get Mr. Jones to move. The only alternative is to try to move through the court. This new procedure authorizes the City Attorney's office to petition the court to direct the person, Mr. Jones, to move and to get the building demolished after his vacating the premises.

Councilman Tuttle moved adoption of the subject resolution entitled: "Resolution Directing the City Attorney to Petition the Superior Court for an Order Directing Thomas B. Jones to Vacate, Demolish and Remove a Dwelling Unit on Dillon Street, in the City of Charlotte." The motion was seconded by Councilman Short.

No one was present to speak for or against the resolution.

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

The resolution is recorded in full in Resolutions Book 7, at Page 251.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted authorizing the refund of certain taxes in the total amount of \$97.23, which were collected through clerical error against three tax accounts.

The resolution is recorded in full in Resolutions Book 7, at Page 252.

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR RE-CERTIFICATION OF THE WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT FOR THE CITY OF CHARLOTTE, NORTH CAROLINA.

Mr. George Selden, Chairman of the Advisory Committee on Urban Renewal and Community Improvements, stated the Committee has struggled very hard and they hope they have the final answer that would submit it to HUD as the workable program. He stated there is a last minute change proposed in the program. On Page 11, Paragraph 5, HUD asked the identification of the public agency or official responsible for overall direction in formulating and implementing the housing program, and to describe the relationship of such agency or official to the chief executive of the community. The response they propose is as follows: "The Citizens Advisory Committee on Urban Renewal and Community Improvement will be responsible for preparing and implementing a housing program for the City. This Committee, authorized by City Council, reports to the Mayor. The final authority for approval of the housing program as proposed by the Citizens Advisory Committee for urban renewal and community improvement therefore rests with the City Council and the Mayor."

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Mr. Selden stated the response in the May 18 reply which did not get certified left a designation of the Committee or a group or organization as being no specific organization responsible. However, in the July 21 letter from HUD we were brought to task in the manner in which we answered it and therefore, this answer is proposed. He stated if there is any desire on the part of the Council or any other group to alter that, the Committee will be glad to change it; but they feel it is a must to designate some organization.

Mr. Selden then read the resolution authorizing the submission of the application for recertification of the workable program for community improvement for the City of Charlotte.

He stated insofar as the workable program is concerned, hearings were held and they succeeded in securing the revised housing code and it was then presented to Council; they held hearings in open meetings on all sections of the workable program as it is presented to Council. That the majority of the Committee voted in favor of the wording as it is now.

Mayor pro tem Whittington, on behalf of the Mayor and Council, thanked Mr. Selden and his Committee for the tireless work that they have put into this and in the survey of the Park and Recreation Commission and the program that relates to housing. That this has been a tireless effort and one where a great deal of dedication was shown by Mr. Selden and the Committee.

Councilman Jordan moved adoption of the resolution authorizing Mayor John M. Belk, or in his absence, the Mayor pro tem to submit an application for the re-certification of the Workable Program for Community Improvement for the City of Charlotte. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 247.

Councilman Alexander asked someone to explain the purpose of the sentence that was added on Page 11, under Paragraph 5. Mayor pro tem Whittington replied Council felt that the wording of Paragraph 5, as it relates to the location of housing other than public housing should include that the City Council should have the authority to say where the sites are going. That Council did not want to divorce itself from the responsibility to the citizens of the community and have no knowledge of where sites were to be placed after Mr. Selden's Committee had gone through all the surveys. Councilman Tuttle stated Council has made certain pledges to certain areas of the city where they have more than their share of low income houses, and Council has said no more will be placed there until there has been some distribution throughout the city; if this sentence had not been added, then Council would have been delegating that responsibility to someone else.

Mr. Selden stated it is his life's business to know how the development grows; and yet today he could not, if it were necessary, tell exactly how many housing units of different categories are needed at this particular time. That he feels it is extremely essential that we make the most use of the census data that is now becoming available in order to identify more completely the total public housing needs, the areas of the city where the officials records identify substandard housing, and to develop a comprehensive plan before anything in the way of a site were identified. The comprehensive plan would have a firm foundation on which to say this is where housing is needed and this is how much is needed. He stated if Council will agree, this Committee will make a strong effort to establish this as a foundation and then come back to Council in terms of housing needs.

Mr. Selden stated as to the 236 specifically, you cannot analyze one factor of housing without analyzing all the factors of housing. That the 236 would be represented in whatever analysis is made as well as the need for Turnkey 3.

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Councilman Alexander asked if it is necessary for this Council, by vote of Council, to set up an organization for this Committee to begin to do just what Mr. Selden is talking about? Mr. Bobo, Acting City Manager, replied Council is doing this just by passing the workable program.

Councilman Alexander asked in light of what is added if we are running headlong with FHA or HUD that is involved in the printed paragraph at the top of the workable program that contemplates the use of federal assistance for housing for long income families, including housing under the federal rent supplement program, which may not be anything connected with public housing, and that public housing may have no control over and the answer to that is yes? Mr. Selden replied to answer specifically you have to move into another area. As has always been the case, a private developer and the FHA, except as it is constrained by housing codes, by city ordinances, or by other factors, have the authority to proceed with housing that is FHA, in any location they wish to. However, by this Committee moving forward as is proposed with a comprehensive study of the needs for low and moderate income housing, and a comprehensive plan which is recommended to the City of Charlotte, there would be a better handle on this control.

COUNCILMAN THROWER ABSENT FROM MEETING.

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

ORDINANCE NO. 20-X AUTHORIZING THE TRANSFER OF CAPITAL IMPROVEMENT FUNDS IN CITY PARK BOND FUNDS TO BE USED FOR IMPROVEMENTS OF PARKS EXECUTED AS A PART OF THE CITY'S 1970-71 URBAN BEAUTIFICATION PROGRAM.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance authorizing the transfer of Capital Improvement Funds in the total amount of \$126,360.00, in City Park Bond Funds to be used for improvements at Veterans, Southside and Midwood Parks, executed as a part of the City's 1970-71 Urban Beautification Program.

The ordinance is recorded in full in Ordinance Book 18, at Page 86.

ORDINANCE NO. 21-X AMENDING THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE BALANCE OF TWO CAPITAL IMPROVEMENT ACCOUNTS TO THE STREET MAINTENANCE BUDGET TO PURCHASE MATERIAL FOR SIDE DITCH DRAINAGE ON WEST TRADE STREET, BETWEEN TURNER AVENUE AND STEWART CREEK.

Councilman Jordan moved adoption of an ordinance amending the 1970-71 Budget Ordinance authorizing the transfer of \$10,500.00 from the balance of two capital improvement accounts to the street maintenance budget to purchase material for side ditch drainage on West Trade Street, between Turner Avenue and Stewart Creek. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 87.

COUNCILMAN THROWER RETURNS TO MEETING.

Councilman Thrower returned to the meeting at this time and was present for the remainder of the Session.

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CONSTRUCTION OF SANITARY SEWER MAIN IN SARATOGA DRIVE BY HELMS CONSTRUCTION COMPANY, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the request of Helms Construction Company, was approved for the extension of 140 lineal feet of 8-inch sanitary sewer main in Saratoga Drive, inside the city, at an estimated cost of \$1,544.40, with all cost of the construction to be borne by the applicant whose deposit in the full amount has been received and is non-refundable as per terms of the agreement.

CONTRACT WITH GREEN GARDENS, INC. FOR SANITARY SEWER, RESCINDED.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, to rescind the contract with Green Gardens, Inc., for sanitary sewer to serve the 4400 block of North Tryon Street, in the amount of \$2,750.00, which was approved on November 23, 1970. Green Gardens notified the City that their building plans have been altered and the sanitary sewer relocation will not be necessary at this time.

AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND THE CITY FOR THE EXTENSION OF AN 8-INCH SANITARY SEWER LINE TO SERVE FACILITIES OCCUPIED BY THE NORTH CAROLINA AIR NATIONAL GUARD, APPROVED.

Councilman Short moved approval of an agreement between the Department of the Army and the City for the extension of an 8-inch sanitary sewer line to serve facilities occupied by the North Carolina Air National Guard. The agreement provides for the city to extend the line and invoice the Department of the Army the actual cost of construction estimated at \$4,100.00. The total cost of the extension will be borne by the Department of the Army and no refund will be made. The motion was seconded by Councilman Withrow, and carried unanimously.

CHANGE ORDER NO. 2 IN CONTRACT WITH PITTSBURG-DES MOINES STEEL COMPANY, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject Change Order No. 2 in contract with Pittsburg-Des Moines Steel Company, was approved, reducing the amount of the contract by \$11,944.96, for the construction of an elevated storage water tank at Owen Boulevard.

ORDINANCE NO. 22-X ORDERING THE REMOVAL OF BEER CANS AND TREE LIMBS ON PREMISES ADJACENT TO 141 PERRIN PLACE, APPROVED.

Motion was made by Councilman Jordan and seconded by Councilman Tuttle to adopt the subject ordinance ordering the removal of beer cans and tree limbs on premises adjacent to 141 Perrin Place, pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina.

Councilman Tuttle asked the city's position on picking up tree limbs on the city's land? That they are all over town, and he asked how long they will stay there? Mr. Hopson, Public Works Director, replied if it is on private property and they can find the owner they will talk with him. Councilman Tuttle stated he is talking about on city's right of way such as streets where there are no sidewalks and curves and the yards seem to go to the street? Mr. Hopson replied they will go to the door and try to get the person to bundle it so they can pick it up legally.

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Councilman Short stated Section 10-9(d) of the Code provides that in cases where the Council, by Ordinance, orders the removal of litter and trash that the property owner must be given an opportunity to state his objections and protest. He asked if this means a public hearing? What does the City do to give the property owner the opportunity mentioned in this Section of the Code? Mr. Underhill, City Attorney, replied the opportunity for the property owner to protest is given when the item is placed on the agenda for Council to adopt the ordinance; that the property owner is notified that the item will be on the Council's agenda.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 88.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE, AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of the subject ordinances ordering the removal of abandoned motor vehicles pursuant to Article 13-1.2 of the Code of Charlotte, and Chapter 160-200(43) of the General Statutes of North Carolina. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinances are as follows:

- (a) Ordinance No. 23-X ordering the removal of an abandoned motor vehicle at 4120 Redwood Avenue.
- (b) Ordinance No. 24-X ordering the removal of an abandoned motor vehicle at the corner of West Trade Street and Solomon Street.
- (c) Ordinance No. 25-X ordering the removal of an abandoned motor vehicle at 1016 Grove Street.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 89.

ODOR MONITORING AND CONTROL PROGRAM ESTABLISHED.

The following actions were taken by City Council to establish an odor monitoring and control program:

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 26-X, amending the 1970-71 Budget Ordinance was adopted authorizing the transfer of \$25,000 from the unappropriated balance of Water and Sewer Fund to establish an Odor Monitoring and Control Program.

The ordinance is recorded in full in Ordinance Book 18, at Page 92.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving a lease-purchasing agreement with ITT Barton Company for four (4) sulfide monitoring units for the remainder of the fiscal year, at a cost not to exceed \$6,600.00.

Councilman Withrow moved approval of a rental agreement with Griffin Pollution Control Corporation for five treatment oxinite units for the remainder of the fiscal year at a cost not to exceed \$5,175.00. The motion was seconded by Councilman Thrower, and carried unanimously.

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Councilman Tuttle asked Mr. Bobo, Acting City Manager, if he believes that what is being done is an experiment or if he thinks the problem can be solved? Mr. Bobo replied as Mr. Rawlins, the City's consultant, pointed out, this is a bad time of the year to test to find out where all the odors are coming from. But he thinks this is money well-worth spending; that he thinks the problems will be eliminated at these locations; that as summer comes along and the weather gets warmer, there may be other areas with odors.

Mayor pro tem Whittington, requesting Mr. Bobo to notify the people who signed the petition and those who have been before Council on numerous occasions of the action taken by Council today, to try to rectify this problem.

ORDINANCES AUTHORIZING THE TRANSFER OF FUNDS FROM BOND SALES TO VARIOUS PROJECTS APPROVED.

Motion was made by Councilman Thrower, and seconded by Councilman Short, to approve six ordinances transferring funds from Bond Sales to various projects as follows:

- (a) Ordinance authorizing the transfer of \$1,475,000 from the sale of Sanitary Sewer Bonds, Series B, to the various sewer project accounts.
- (b) Ordinance authorizing the transfer of \$35,000 from the sale of Sanitary Sewer Bonds, Series A, to fund the parkway Avenue Trunk Line.
- (c) Ordinance authorizing the transfer of \$1,175,000 from the sale of Street Widening, Extension and Improvement Bonds, to various capital improvement project accounts.
- (d) Ordinance authorizing the transfer of \$200,000 from the sale of Street Land Bonds, Series B, for the Eastway Drive right of way acquisition.
- (e) Ordinance authorizing the transfer of \$500,000 from the sale of Public Building Bonds, Series B, to Model Cities Neighborhood Service Centers, to acquire land, and to design and construct a series of multi-purpose centers in the Model Cities Neighborhood Area.
- (f) Ordinance authorizing the transfer of \$500,000 from the sale of Recreation Facilities Bonds, Series B, to fund approved Park and Recreation Project.

Mr. Bobo, Acting City Manager, advised this is a bookkeeping transaction. That the bonds have been sold, and by this action, the funds will be deposited in the various accounts that Council has indicated they want the funds. Councilman Short stated this is a clerical matter.

Councilman Thrower referred to Item (c) which indicates that a portion of the \$1,175,000 will be used for the Sharon Lane Widening. He stated Council has promised the people of Sharon Lane that a thorough investigation would be made. He stated he would like for this portion of Item (c) to be deleted.

Mayor pro tem Whittington suggested that Council vote on each ordinance separately.

Motion was made by Councilman Jordan, and seconded by Councilman Alexander to adopt Ordinance No. 27-X authorizing the transfer of \$1,475,000 from the sale of Sanitary Sewer Bonds, Series B, to sewer project accounts, as follows:

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(1) Irwin Creek Pumping Station Addition	\$250,000
(2) Taggart Creek Outfall Extension	190,000
(3) Parkway Avenue Truck Replacement	10,000
(4) McMullen Creek Outfall Extension	925,000
(5) Refundable Sanitary Sewer Mains	100,000

The vote was taken on the motion and carried unanimously.

Councilman Withrow moved adoption of Ordinance No. 28-X authorizing the transfer of \$35,000 from the sale of Sanitary Sewer Bonds, Series A, to fund the Parkway Avenue Trunk Line. The motion was seconded by Councilman Tuttle, and carried unanimously.

Motion was made by Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, adopting Ordinance No. 29-X, authorizing the transfer of \$860,000, from the sale of Street Widening, Extension and Improvement Bonds to the following capital improvement project accounts:

(1) Central Avenue Widening	\$380,000
(2) Civic Center Street Improvements	235,000
(3) TOPICS Traffic Control Improvements	50,000
(4) Belmont Code Enforcement Area Street Improvements	195,000

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting Ordinance No. 30-X, authorizing the transfer of \$200,000 from the sale of Street Land Bonds, Series B, for the Eastway Drive Right of way Acquisition.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 31-X was adopted, authorizing the transfer of \$500,000 from the sale of Public Building Bonds, Series B, to Model Cities Neighborhood Service Centers, for the purpose of acquiring land, designing and construction of a series of multi-purpose centers in the Model Cities Neighborhood Area.

Councilman Jordan moved adoption of Ordinance No. 32-X authorizing the transfer of \$500,000 from the sale of Recreation Facility Bonds, Series B, to fund approved Park and Recreation Projects. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 93.

RENEWAL LEASE WITH THE AMITY GARDENS SHOPPING CENTER, INC. FOR SUITE 307, EXECUTIVE BUILDING FOR THE COMMUNITY RELATIONS COMMITTEE, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, the subject three-year renewal lease with the Amity Gardens Shopping Center, Inc., was approved for Suite 307, Executive Building, for the Community Relations Committee. The lease is for 1,160 square feet of office space at a fee of \$5.00 per square foot, or \$483.33 per month.

LEASE WITH AMITY GARDENS SHOPPING CENTER, INC. FOR ADDITIONAL SQUARE FEET OF OFFICE SPACE IN THE EXECUTIVE BUILDING FOR THE DATA PROCESSING DIVISION, APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, to adopt the subject one year lease with Amity Gardens Shopping Center, Inc. for an additional 700 square feet of office space in the Executive Building for the Data Processing Division. The price is \$5.25 per square foot for a total rent of \$3,675.00.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM CLINTON WESTBROOK AND WIFE, BOBBY P., LOCATED AT 3726 EASTWAY DRIVE, ADOPTED.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of 75' x 247.17' x 75' x 246.96' of property from Clinton Westbrook and wife, Bobby P., located at 3726 Eastway Drive, at a condemnation price of \$12,625.00, for the Eastway Drive Widening. The motion was seconded by Councilman Thrower, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 253.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM LILLIAN FREEMAN HUDSON AND HUSBAND, E. O. HUDSON, SR., T. A. FREEMAN AND WIFE, VIRGINIA S., LOCATED ON NANNIE PRICE ROAD, BERRYHILL TOWNSHIP, ADOPTED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of 2.104 acres of property from Lillian Freeman Hudson and husband, E. O. Hudson, Sr., T. A. Freeman and wife, Virginia S., located on Nannie Price Road, in Berryhill Township, at a condemnation price of \$9,700.00, for the Airport Expansion.

The resolution is recorded in full in Resolutions Book 7, at Page 254.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM LILLIAN FREEMAN HUDSON AND HUSBAND, E. O. HUDSON, SR., T. A. FREEMAN AND WIFE, VIRGINIA S., LOCATED ON NANNIE PRICE ROAD, IN BERRYHILL TOWNSHIP, ADOPTED.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of 20.892 acres of property from Lillian Freeman Hudson and husband, E. O. Hudson, Sr., T. A. Freeman, and wife, Virginia S., located on Nannie Price Road, in Berryhill Township, at a condemnation price of \$92,950.00, for the Airport Expansion.

The resolution is recorded in full in Resolutions Book 7, at Page 255.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM LILLIAN FREEMAN HUDSON AND HUSBAND, E. O. HUDSON, SR., T. A. FREEMAN AND WIFE, VIRGINIA S., LOCATED ON NEW DIXIE ROAD, IN BERRYHILL TOWNSHIP, FOR THE AIRPORT EXPANSION.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted, authorizing condemnation proceedings for the acquisition of 45.22 acres of property from Lillian Freeman Hudson and husband, E. O. Hudson Sr., T. A. Freeman and wife, Virginia S., located on New Dixie Road in Berryhill Township, at a condemnation price of \$237,800.00 for the Airport Expansion.

The resolution is recorded in full in Resolutions Book 7, at Page 256.

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PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 193.78' x 75' x 193.92' x 75' at 3801 Eastway Drive, from Mary Louise L. Clontz (widow), at \$23,000.00, for the Eastway Drive Widening.
- (b) Acquisition of 10' x 506.40' of easement at 220 West 31st Street, from Smith's Terminals Corporation, at \$1.00, for sanitary sewer to serve Smith's Terminal Corporation.
- (c) Acquisition of 100' x 940' x 100' x 939' at 7032 Old Dowd Road, in Berryhill Township, from Annie Belle McCoy Bradford and husband, William O. Bradford, at \$13,500.00, for the Airport Expansion.
- (d) Acquisition of 10' x 27.39' of easement at 6400 Countryside Drive, from Hobart Smith Realty Company, at \$30.00, for sanitary sewer to serve Countryside Apartments.
- (e) Acquisition of 10' x 318.71' of easement in the 6200 and 6300 block of Countryside Drive, from Edward C. Griffin and wife, Sadie E., at \$1.00, for sanitary sewer to serve Countryside Apartments.
- (f) Acquisition of .81' x 10' of easement at 4820 Yardley Place, from Albert L. Almond and wife, Sarah C., at \$1.00, for sanitary sewer to serve Monroe Road and Yardley Place.
- (g) Acquisition of 10' x 528.29' of easement at 5715 Lantana Avenue, from Edward C. Griffin and wife, Sadie E., at \$530.00, for sewer trunk to serve Monroe Road and Yardley Place.
- (h) Acquisition of 10' x 171.11' of easement at 1510 Ormsby Court, from Rosseau Petty Company, at \$171.00, for sanitary sewer to serve Monroe Road and Yardley Place.

RIGHT OF WAY AGREEMENTS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the following right of way agreements were approved:

- (a) Agreement between the City and the State Highway Commission for the installation of six inch water main in the south side of I-85 Service Road to serve a proposed building at that site.
- (b) Agreement between the City and State Highway Commission for the City to construct a 36-inch sanitary sewer line within the right of way of Johnson Road to serve McMullen Creek Outfall.
- (c) Agreement between the City and State Highway Commission permitting the City to construct a 24-inch sanitary sewer line within the right-of-way of Sharon View Road to serve McMullen Creek Outfall.
- (d) Agreement between the City and State Highway Commission permitting the City to construct a 30-inch sanitary sewer line within the right of way of Quail Hollow Road to serve McMullen Creek Outfall.

CLAIM BY MRS. DORIS COHEN FOR PROPERTY LOSS, DENIED.

Councilman Withrow moved that claim in the amount of \$2,500.00, filed by Mrs. Doris Cohen for property loss as a result of the demolition of her home at 2326 North Graham Street, be denied, as recommended by the City Attorney. The motion was seconded by Councilman Short, and carried unanimously.

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CLAIM BY MR. C. JEROME LEONARD, JR. FOR MRS. MARGARET L. RUSSELL, FOR PERSONAL INJURIES, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, the subject claim in the amount of \$885.50, filed by Mr. C. Jerome Leonard, Jr., for Mrs. Margaret L. Russell, for personal injuries, was denied as recommended by the City Attorney.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, approving the issuance of four Special Officer Permits for one year to the following:

- (a) Permit to Helen Ruth Payne for use on the premises of J. B. Ivey & Company.
- (b) Permit to Charles W. Freeman for use on the premises of J. B. Ivey & Company.
- (c) Permit to Pete A. Thore for use on the premises of K-Mart, 3700 E. Independence Boulevard.
- (d) Permit to Don Alan Claridge for use on the premises of English Village Townhouse Apartments, 400 W. Craighead Road.

CEMETERY DEEDS AUTHORIZED.

Councilman Thrower moved that the Mayor and City Clerk be authorized to execute a deed with Mr. and Mrs. A. L. Bechtold for Lot No. 339, Section 6, Evergreen Cemetery, at \$320.00. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR STEEL U-POSTS.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$7,106.00, on a unit price basis, for steel u-posts.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$7,106.00
Brighton Steel Co., Inc.	7,480.00
Hall Signs, Inc.	7,546.00
Vulcan Signs & Stampings, Inc.	7,590.00

CONTRACT AWARDED CUMMINS CAROLINA, INC. FOR ONE EMERGENCY ENGINE GENERATOR INSTALLED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding subject contract to the low bidder, Cummins Carolina, Inc., in the amount of \$10,500.00, for one emergency engine generator installed.

The following bids were received:

Cummins Carolina, Inc.	\$10,500.00
The Industrial Elec. Co.	10,750.00
Bagby Elevator & Elec. Co.	12,700.00

CONTRACT AWARDED TOLEDO SCALE COMPANY FOR THE BASIC LANDFILL SCALE AND FOR OPTION A FOR THE SCALE COMPUTER.

Councilman Thrower moved award of contract to Toledo Scale Company, in the amount of \$24,957.00, for the basic landfill scale and \$6,793.00, for Option A for the scale computer on a unit price basis, and that all bids under Option B be rejected. The motion was seconded by Councilman Jordan and carried unanimously.

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The following bids were received:

Howe Richardson Scale Co.	Basic Scale	\$23,092.00
Toledo Scale Company	Basic Scale	24,957.00
Fairbanks Morse Weighing Systems Division	Basic Scale	33,121.00
Toledo Scale Company	Option A	6,793.00
Toledo Scale Company	Option B	2,200.00
Fairbanks Morse Weighing Systems Division	Option B	2,203.00
Howe Richardson Scale Co.		3,493.00

CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC. FOR STREET MARKER HARDWARE.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, subject contract was awarded the low bidder meeting specifications, Vulcan Sign & Stampings, Inc., in the amount of \$5,268.00, on a unit price basis, for street marker hardware.

The following bids were received:

Vulcan Signs & Stampings, Inc.	\$5,268.00
Southeastern Safety Supplies	5,361.50
Dave Smith & Company, Inc.	5,408.86
Lyle Signs, Inc.	6,775.00

CONTRACT AWARDED BURRIS CHEMICALS, INC. FOR ALUMINUM SULPHATE.

Motion was made by Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Burris Chemicals, Inc., in the amount of \$25,235.55, on a unit price basis, for 405 tons aluminum sulphate.

The following bids were received:

Burris Chemicals, Inc.	\$25,235.55
Allied Chemical Corp.	25,434.00
American Cyanamid Co.	27,195.75

CONTRACT AWARDED ASHER-MOORE COMPANY FOR HYDRATED LIME.

Councilman Jordan moved award of contract to the low bidder, Asher-Moore Company, in the amount of \$15,517.60, on a unit price basis, for 560 tons hydrated lime. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Asher-Moore Company	\$15,517.60
Williams Lime Mfg. Co.	16,721.60
Moreland Chemical Co., Inc.	17,052.00

CONTRACT AWARDED F. H. ROSS COMPANY FOR ACTIVATED CARBON.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded F. H. Ross Company, in the amount of \$9,648.00, on a unit price basis, for 60 tons activated carbon.

The following bids were received:

F. H. Ross Company	\$9,648.00
Burris Chemicals, Inc.	9,948.00

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CONTRACT AWARDED TAYLOR SALT & CHEMICAL COMPANY, INC. FOR ANHYDROUS AMMONIA.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding subject contract to the low bidder, Taylor Salt & Chemical Company, Inc., in the amount of \$4,465.00, on a unit price basis, for 19 tons anhydrous ammonia.

The following bids were received:

Taylor Salt & Chemical Co., Inc.	\$4,465.00
Burriss Chemicals, Inc.	4,560.00
Jones Chemicals, Inc.	4,940.00
Moreland Chemical Co., Inc.	5,700.00
Axton Cross Company	6,498.00
Thompson-Hayward Chem. Co.	6,916.00
National Ammonia Company	7,600.00

CONTRACT AWARDED BURRIS CHEMICAL, INCORPORATED FOR LIQUID CHLORINE.

Council was advised that the Water Superintendent and the Purchasing Director recommends the award of contract for liquid chlorine to Jones Chemicals, Incorporated, on their low identical bid in the amount of \$29,400.00.

Councilman Thrower stated because there are three identical bidders on the 210 tons of liquid chlorine, and all three are Charlotte firms, he moved that contract be awarded Burriss Chemicals, Inc., in the amount of \$29,400.00 for 210 tons liquid chlorine. The motion was seconded by Councilman Withrow.

The Acting City Manager stated Jones Chemicals Incorporated was recommended because of previous experience and we are satisfied with their services. That there are no real objections to selecting any of the three low bidders.

Councilman Tuttle stated the Purchasing Agent has stated there is a slight advantage to the city in staying with Jones because of less bookkeeping, handling of inventory and less handling of large chlorine cylinders. He asked if this is talking about dollars? Mr. Brown replied because all the bidders had the same price, there was nothing left to make the decision on; that there is a certain amount of inventory or bookkeeping in keeping up with the cylinders; they weigh about 3,500 pounds a piece and if you change you will be in a position of having cylinders from one supplier which we are presently using, and cylinders from another supplier. He stated that is the only advantage they can see for the city; it is a slight advantage. That Jones Chemical Company was awarded the contract based on a low bid last year.

Mr. Franklin, Superintendent of the Water Department, stated the only problem would be one of inconvenience in getting the cylinders back to the companies. That he concurs in what Mr. Brown has said.

Mr. Bob Romas, representing Jones Chemical Company, stated they have supplied the City of Charlotte for a number of years; most all the time they were awarded the contract because they were the low bidder and not because of a tie. That he feels as long as their service has been good, and the Water Department is satisfied, that to give it to one of the other bidders arbitrarily is not fair to them.

Mr. Peter Maynard, representing Burriss Chemical Company, stated when you take the full total of the complete waterworks bids his company submitted the low price on a number of the bids as they wanted to give the City an overall package; some of their competitors used a pick-and-choose method and bid on only three or four of the items.

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Mr. Homer Ketchie, representing Morehead Chemical Company, stated he agrees with Mr. Romas and does not see how Burris Chemical Company can be picked out of three identical bids. The bids were not advertised on a packaged basis and it should not be considered on the total package. That there are three equal bids this year; last year Jones was low, and the year before that, the bids were equal and the year before that, his company was low. He stated they would like for their bids to be considered also if the bids are to be spread around.

Councilman Short stated Mr. Thrower's comments in a very close situation makes a certain degree of logic to him.

Councilman Tuttle stated he does not know any of these gentlemen, but he likes what they had to say. But Council has a responsibility to accept the low bid, and however slight, the only two experts Council has, the Purchasing Director and the Water Superintendent, have said there was a slight advantage to the City. With this in mind, he does not see how he can do anything but go with the recommendation.

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

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

The following bids were received:

Burris Chemical, Inc.	\$29,400.00
Jones Chemicals, Inc.	29,400.00
Moreland Chemical Co., Inc.	29,400.00
Thompson-Hayward Chem. Co., Inc.	30,576.00
Howerton Gowan Chem., Inc.	31,500.00

CONTRACT AWARDED CITIES SERVICES COMPANY, ICD. FOR SODIUM SILICOFLUORIDE.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, Cities Services, ICD, in the amount of \$19,260.00, on a unit price basis, for 90 tons sodium silicofluoride.

The following bids were received:

Cities Service Co., ICD	\$19,260.00
Axton-Cross Company	20,735.00
Burris Chemical, Inc.	21,024.00
Jones Chemicals, Inc.	21,150.00
Thomas-Hayward Chem. Co., Inc.	22,374.00
Howerton Gowen Chem., Inc.	22,770.00

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER CONSTRUCTION FOR TAGGART CREEK INTERCEPTOR.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Sanders Brothers, Inc., in the amount of \$93,263.50, on a unit price basis, for sanitary sewer construction for Taggart Creek Interceptor.

The following bids were received:

Sanders Brothers, Inc.	\$ 93,263.50
Propst Construction Co., Inc.	95,847.00
Joe R. Abernethy Const. Co.	99,168.50
Crowder Construction Co.	104,542.45
Thomas Structure Company	108,787.70
Dickerson, Incorporated	115,561.55
Master Engineering & Const.	141,903.47

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CONTRACT AWARDED F. T. WILLIAMS COMPANY, INC. FOR DEMOLITION OF STRUCTURE FOR LIBRARY PARK.

Councilman Jordan moved award of contract to the low bidder, F. T. Williams Company, Inc., in the amount of \$4,300.00, for demolition of structure for Library Park. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

F. T. Williams Co., Inc.	\$4,300.00
Cochran & Ross Const. Co.	5,200.00
Big Chief Wrecking Corp.	5,400.00
D. H. Griffin Wrecking Co., Inc.	5,400.00
Max Berrier Wrecking Co.	6,974.00

ACTING CITY MANAGER TO INVESTIGATE THE MERITS OF A RIDE ALONG PROGRAM FOR TEENAGERS WITH POLICE OFFICERS ON PATROL.

Councilman Short stated he has been reading about the program instituted by the Police in San Diego where they have tried to create a rapport with teenagers. They have a program called the ride along program. That he was impressed with the program. They have arranged to have more than 1,000 teenagers ride with policemen on patrol, and according to the information he received, they have a two months waiting list. That the idea seems to have possibilities; that at this age, perhaps children are impressionable, and you might make an impression for good on one by letting them have this close association with police under these circumstances.

Councilman Short requested the Acting City Manager to discuss this with Police Chief Goodman to see if it has merit.

Councilman Tuttle requested Mr. Bobo, before taking this to Chief Goodman, that he check this with the Insurance Advisory Committee from a standpoint of not only the city's liability but from the standpoint of the officer driving the car.

PLANNING COMMISSION REQUESTED TO COMMENT ON TWO ACTS INTRODUCED INTO THE GENERAL ASSEMBLY BY SENATOR MOORE WHICH WOULD CHANGE THE CITY'S ZONING PROCEDURE.

Councilman Short stated he has copies of two Acts introduced into the General Assembly by Senator Moore which would considerably change our zoning procedure.

He requested the Acting City Manager to discuss this with Mr. McIntyre, Planning Director, and ask that the Planning Commission give Council its opinion on the two changes.

Councilman Short stated two things are involved. One, if Council changes to a more restrictive use after the hearing, this would require a second hearing which would have to be advertised. The other item is related to some changes in the buffer zones that are sometimes used in connection with the 3/4 vote rule.

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COUNCIL ADVISED THAT A STATUS REPORT ON PUBLIC HOUSING WILL BE MADE TO COUNCIL ON MARCH 8, 1971.

Councilman Alexander stated in the past 18 months, Council has heard much discussion, pro and con, over the placement of housing, low income or any housing, in which blacks are eventually to live. That he makes this statement as it regards the Greenville Area because it concerns him deeply. That he does not know where we are with Greenville right now. With all the talk we have had about where to place houses, he thinks that since nothing has been built in Greenville, we should ask the Redevelopment Commission to come back to Council with a definitive statement on just where we stand for the rebuilding of Greenville with housing that will eventually be housed by Negroes. That we need to find out whether or not we are going to run into any difficulty in getting funded any housing programs now after what we have stated as regards the placement of housing. That it would be most unfortunate with the people involved, who have been looking for a long time for housing in that area, to be told at the last minute that because of the policy of not wanting any more Negro housing in that section that you cannot go through with it. Councilman Alexander requested Council to ask the Redevelopment Commission to come back to Council with as accurate a statement as can be determined after consultation with federal officials as to what can be expected from Greenville Redevelopment Program now in light of our existing housing philosophy.

Mr. Bobo, Acting City Manager, stated he met with the Housing Authority staff, the Redevelopment Commission Staff and Mr. Selden this past week and discussed our housing problems. That on March 8 a status report on the housing program, which will include the Greenville Area, will be made to Council.

POLICE CHIEF REQUESTED TO REPORT ON POLICIES IN EFFECT IN RESPONSE TO OUR SCHOOL SITUATION.

Councilman Alexander stated he has followed with keen interest the problems that have grown out of our school situation. Especially from the point of view of our police activities. He stated he thinks it would be wise to ask our Police Chief to come to Council and give somewhat of a resume of the policies that have been determined for use in these matters as near as possible.

That just this past week there was another problem in West Charlotte High School; out of which police confrontation takes place. That he has in his possession now a statement from the students of West Charlotte High School naming incidents and officers, etc. which he will place in the hands of our Chief for his consideration.

The thing that concerns him, from his observation of these incidents, is that he thinks we can use different tactics. Number one, it increases the volatile condition of an already volatile condition for suddenly to have 25 to 30 police cars move into an area where school problems are concerned. It creates too much attention. It does not take but a minute for word to get across town and the next thing you know here comes an area crowded with parents, and everybody else who has no knowledge of the situation. When that many people and that many policemen get together anything can happen.

That he questions whether or not it takes that many vehicles immediately for these types of situations. That he would suggest for consideration that when these calls come in that somebody should be sent there, or just perhaps one or two cars sent, to survey the situation; that it would not take five minutes to get any type of reinforcement necessary in this town. He stated in many cases, these situations do not require a whole lot of outside activities. Another thing that disturbs him, and he may be wrong,

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it looks as though no one is in immediate charge when these policemen arrive. This is how things get out of hand. That when it happens, whoever is sent first in response to a call should be someone who can be in charge if it continues when they all arrive. That he thinks a white officer and a black officer should be sent. There should be no longer officers just falling in; running into anything that they do not know what has happened.

Councilman Alexander stated we should know where we are going now; we have been comparatively lucky in Charlotte with our situation; and we can continue to ease through it if we put some indepth thinking to it. Everybody has to help everybody else.

He stated if we do nothing else, it is extremely important that we immediately on these calls send someone first to see what the real situation is and let that be someone who can be in charge; that he thinks this will cut out some of the situations that happened this past week at West Charlotte- especially if there is a white and black officer arriving on the scene together to survey the situation.

Councilman Alexander stated he is suggesting this; that he does not know what we can do other than just suggesting it and to see what we can do about it. That he does think we should have the Chief report to Council giving a summary of what steps are taken in these types of situations.

He stated he was quite disappointed; that he has been on the scene, not to interfere with the school process but he wanted to inform himself as to what is the direct relationship from the point of appearance of our Police Department.

Mr. Bobo, Acting City Manager, stated he would have Police Chief Goodman report on this.

Later in the meeting, Councilman Withrow stated he agrees with Mr. Alexander on the schools and the issue of a black policeman and a white policeman being sent out. Also, he talked with Mr. Jonas over the weekend, and he also wondered why Charlotte cannot place a police officer on a rotating basis with a black policeman one day and a white policeman the next day at these schools. Councilman Alexander replied the children would resent that.

Councilman Thrower stated that unmarked cars going into the areas first would create a little less havoc.

DISCUSSION OF PROPERTY OWNER PAYING SEWER CHARGE WHEN HE IS NOT CONNECTED TO CITY SEWER.

Councilman Alexander stated a situation has been called to his attention where a property owner has found recently that he is on a septic tank and not on the city sewer. This came to their knowledge when they had a stop up, and they found they were not on city sewage but on a septic tank. But they have been charged a sewage charge since 1967 when they purchased this property. A refund was given for the period that it is legally possible for them to be refunded. They object to accepting this refund. He stated he has talked to Mr. Underhill, City Attorney, about this and there seems to be a regulation that after two years claims are not valid in this type of case.

Councilman Alexander stated he holds the position that the City has no right to use the statute of limitation to refuse to refund money in a case where a person is dumping nothing into the city sewage system. That he cannot be a part of a government where he is putting his stamp of approval on what can be called taking money away from the citizens. That he is in

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favor of putting a stop to this practice in whatever manner we can approach it. That in this particular case he thinks these people should be given a refund from the time they have been charged for sewage up to this particular time. That he thinks this matter should be given consideration as he has much personal concern about being a party to any situation where our citizens are made to pay for a situation where they get nothing in return.

Mayor pro tem Whittington asked the City Attorney to get an answer to Mr. Alexander for next week. That he would have to think this is simply a mistake as he has never heard of anyone being charged for sewer when they are on a septic tank.

Mr. Bobo, Acting City Manager, stated this has been corrected to where the same mistake will not happen in the future. That some years ago the City did not make the connections to the sewer lines in the street; the plumbers made these connections and there was no way for the city to know who was connected and who was not. That this may be what has happened in this case. The City makes all connections in the street now, and there is a record so that when someone applies to the Engineering Department for a connection, a duplicate of the application is furnished the water billing section and it immediately goes on their record.

Councilman Alexander asked if it is possible that a system could be set up by Council action where anyone who refers a matter such as this to Council that from that point on the sewage charge will be discontinued? Mr. Bobo replied this is done immediately; if the person is not on the sewer system, then the charge is dropped when it is brought to the City's attention.

Mr. Underhill stated he believes this can be handled administratively.

COUNCIL'S ENDORSEMENT OF LEGISLATION PENDING IN RALEIGH ON PORNOGRAPHY AND LEWDNESS TO BE SENT TO STATE LEGISLATURE.

Councilman Tuttle stated all members of Council have been receiving letters and telephone calls from the people about the pornography and the lewdness and the topless and bottomless that is going on in this City. That he does not know what Council can do, but now is the time to find out if there are any laws and any way to control some of this stuff and to look into the matter and see what can be done.

Later in the meeting, Councilman Thrower stated he is sure that all members of Council have received mail recently, particularly involved with the International Arts Studio. That the establishment is about six blocks from his home. He stated he does not think anyone in the neighborhood knew what was going on until they turned their television set on one night and realized that things other than what was advertised were going on.

Councilman Thrower stated he would like to speak in defense of Council. That he has heard the criticism that Council is granting privilege licenses for such operations to be allowed to carry on these activities within this City. That to his knowledge, and he hopes to everyone else's knowledge, this Council has never been a part of anything like that, nor did they know that anything like that was going on.

He stated when he found this was going on, he notified the proper authorities in the Police Department and he thinks the situation has been stopped. There is legislation now pending before the legislature that will spell out in hard cold facts what can be, and what cannot be considered lewd and immoral. That it is going to take this kind of law. We cannot be vague about it, we have to be direct. He stated he has four small children and he hopes they grow up in this town because it is one of the finest towns in the world. That he does not want to see anything like this going on, and he is sure the rest of the Council does not want to see anything like this going on. That he does not think Council should take the brunt of the responsibility. He is

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sure the Supreme Court, with an average age of 75 years or older, cannot get excited about anything. That it disturbs him to the point that he does not know what to do about it, and he hopes the good citizens of this City will continue to write this Council, or the attorney or the city manager, and let them know of every single act that is going on that they consider below the standards of this City.

Mayor pro tem Whittington asked the City Attorney if this place has not been closed? Mr. Underhill replied he does not know. Councilman Thrower replied no, but it is being kept under close observation. Mayor pro tem Whittington asked where they would have gotten their privilege license, and Mr. Underhill replied from the privilege license section of the Tax Collection Department.

Councilman Withrow asked what kind of legislative action is contemplated? Mr. Underhill replied there are at least three bills that have been introduced wrestling with the question of obscenity, and they are in various stages of the legislative process. Two are in Committee and one has been reported out of Committee and will go to the House for a vote sometime this week. When you get into the area of obscenity, you are generally talking about matters that are subject to state legislation, although there is some leeway for local legislation in this area. In the past in this state, this area has been dealt with primarily at the state level.

Councilman Thrower replied that is the whole point. If you pass it at the local level then it is stricken down at the state level, because at the state level, it is so vague. The Bills before them now spell this out in hard cold language like it comes out in the courtroom. That is what we must have. That we are going to have to deal with this head-on.

Councilman Withrow moved that Council go on record and ask the City Attorney to prepare a resolution to be presented to the legislative body in Raleigh of the Council's feelings about the situation in Charlotte and to see what can be done at the local level to alleviate the situation. That it behooves each one of us to go on record. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short stated it is proper to say that this Council has done whatever they could on this subject. That as an example, the massage parlor ordinance was put through against opposition. That Council also tried in the case of Chili Pepper to prosecute and the fact that it was impossible was not the fault of Council, and the fault of the ordinance.

Mayor pro tem Whittington stated he thinks the news media realizes that Council is serious about this matter and is urging the legislature to do all they can, and the police department to do all it can from a harrasment standpoint to prevent this from continuing.

DISCUSSION OF CONTRACTORS PULLING INTO STREETS AND MUDDYING THEM.

Councilman Withrow stated he has received a lot of calls about the contractors pulling out into the streets and keeping the streets muddy. He asked how long they can continue this practice before the City can force them to wash the street at the contractor's expense? Mr. Bobo, Acting City Manager, replied a citation can be issued on warrant; also, the Council Litter Committee is preparing to make a presentation to Council shortly offering some suggestions.

Councilman Withrow asked if they are supposed to wash it down at the end of the day every day or when? That he knows of five streets on the west side where the mud is ankle deep.

Mr. Bobo stated normally the City is notified of this and they discuss it with the contractors and have it cleaned up.

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COUNCIL'S ENDORSEMENT OF SENATOR HORTON'S RESOLUTION ON RAPID TRANSIT AMONG CITIES OF PIEDMONT CRESCENT DELAYED FOR ONE WEEK.

Mayor pro tem Whittington stated last week Senator Horton from Forsythe County introduced a resolution in the legislature saying that now is the time to plan for efficient and rapid means of transportation among the cities of the Piedmont Crescent. Apparently he also made a speech in the Senate in which he said the need for study of rapid transit for North Carolina is now.

Mayor pro tem Whittington stated he is bringing this to Council's attention because Mr. McIntyre, Planning Director, called him about it after he received it and thought the Council would like to support this resolution of Senator Horton, and notify him in Raleigh that Council had taken this action. That he proposes this to Council as a suggestion and hopes that Council will approve it on the recommendation of Mr. McIntyre as well as himself.

Councilman Short asked if this can be held until next week.

Mayor pro tem Whittington asked the City Attorney to send copies to Council and advise them of its merits.

ERVIN JACKSON NAMED CHAIRMAN OF COMMITTEE TO STUDY ITINERANT PEDDLERS.

Mayor pro tem Whittington stated two weeks ago Mayor Belk inadvertently omitted Mr. Ervin Jackson's name from the Committee to Study Itinerant Peddlers.

He stated the Mayor has appointed Mr. Jackson as Chairman of the Committee.

RESOLUTION OF BOARD OF DIRECTORS OF CENTRAL CHARLOTTE ASSOCIATION COMMENDING COUNCIL FOR ITS ACTION IN HIRING THE CONSULTING FIRM OF PONTE-TRAVERS AND WOLF ASSOCIATES TO FORMULATE GUIDELINES FOR CENTRAL CITY DEVELOPMENT.

Mayor pro tem Whittington stated the Central Charlotte Association adopted the following resolution commending the City Council for its action as it relates to the appointment of Ponte-Travers of Montreal and Harry Wolf and Associates to direct the specific guidelines for central city development:

"WHEREAS, the Board of Directors of the Central Charlotte Association has continued to exhibit increasing concern over the shape of the future of the central city;

AND WHEREAS, the Charlotte City Council has also expressed concern for the central city;

AND WHEREAS, the City Council has unanimously agreed to hire the consulting firm of Ponte-Travers of Montreal, Canada, and Wolf Associates of Charlotte to formulate specific guidelines for central city development in Charlotte and implement these guidelines through cooperation with private developers;

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Central Charlotte Association hereby commends the City Council for its action and pledges its full faith and cooperation in carrying out the proposals for central city development.

Adopted on this Seventeenth day of February, the year of our Lord, Nineteen Hundred and seventy-one."

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ACTING CITY MANAGER REQUESTED TO CONTACT RESIDENT OF HICKORY GROVE COMMUNITY CONCERNING PUBLIC HOUSING IN THE AREA.

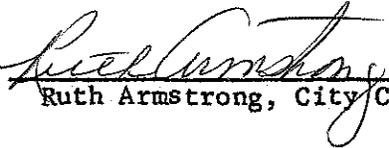
Mayor pro tem Whittington stated he received a letter today from Mr. Charles E. Mangiere, on Craigwood Drive in the Hickory Grove community, claiming that he cannot get any answer from the Housing Authority or the Ervin Company as it relates to the two projects that are to go into this area. At the end of the letter he made the following statement: "We, the citizens of Hickory Grove, would like to know how the consolidation of government would help us in a case like this. Would you give us the courtesy of inviting us to a meeting to discuss this matter?" Mayor pro tem Whittington stated apparently this is a group of people that cannot get any communication with the Housing Authority. He requested the Acting City Manager to look into this with Mr. Connerat and give Mr. Mangiere and the organization any audience they want, and all the facts that can be furnished them as it relates to what the Housing Authority plans to do out there.

RESOLUTION TO BE PREPARED AND SENT TO SENATOR JORDAN FOR HIS QUICK RECOVERY FROM OPERATION.

Mayor pro tem Whittington requested the City Attorney to draw a resolution to be sent to Senator Jordan in Duke Hospital, letting him know that the Mayor and City Council are thinking about him, and our prayers are that he will soon recover and be back in Washington representing this State.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk