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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 7, 1972, at 3:00 o'clock p.m., with Mayor pro tem Fred D. Alexander presiding at the beginning of the meeting, and Councilmen Sandy R. Jordan, James D. McDuffie, Milton Short and Joe D. Withrow present.

ABSENT: Mayor John M. Belk at the beginning of the meeting, and Councilman Patrick N. Calhoun and James B. Whittington for the entire meeting.

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INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on January 31, 1972, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO SAM WHITE, LABORER II, STREET MAINTENANCE DIVISION.

Mayor pro tem Alexander recognized Mr. Sam White, Laborer II, Street Maintenance Division of Public Works Department, and presented him with the Employee Plaque for his service to the City from January 23, 1956 until his retirement January 25, 1972. Mayor pro tem Alexander wished him well in his retirement and expressed appreciation for his fine service with the City.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 3 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROJECT NO. N. C. A-3, AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING THE FILING OF AN AMENDATORY NEIGHBORHOOD DEVELOPMENT PROJECT APPLICATION FOR PROJECT NO. N. C. A-3.

The public hearing was held on Amendment No. 3 to the Redevelopment Plan, Downtown Urban Renewal Area, Project No. N. C. A-3.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated the hearing today is on a major change to the redevelopment plans financing plans of Downtown Project N. C. A-3. About two months ago, Mayor Belk and the Chairman of the Redevelopment Commission and several others went to Atlanta to request additional money for the downtown project in order to complete the purchase of land that will be necessary in order to assure that the proposal by the North Carolina National Bank and Crow, Carter Associates of Atlanta, Georgia, namely their joint venture, could develop the land according to a plan that has been presented to Council at a public hearing. It took HUD a little while to commit this money but notice has been received now that the money has been committed and they have proceeded to change the plan to accommodate the additional funds that were requested.

Mr. Sawyer stated the Redevelopment Commission held its public hearing last Tuesday, and approved the change. The Planning Commission approved the change last Wednesday night at its monthly meeting. The purpose of the hearing today is to see if there are any objections for the purpose of Council determining whether or not to approve it.

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He stated Council has been furnished an explanation of the changes that will take place in the plan. There are two changes. One is technical and that is to change the title page of the plan to add "amended February, 1972" so they might keep up with the chronological changes as they take place. The major change is in the financing plan in the estimated cost and method of financing on Page 15 of the Plan.

Mr. Sawyer stated this is an increase in the federal capital grant of \$1,102,072 and an increase in the City's 1/3 grant to the project of \$551,035. This will not require any cash or any new money from the City. All this increase can be applied against the credit that the City has already received from HUD that flows from the Civic Center downtown. This will reduce the credit the City already has by \$551,035, but it will require no appropriation from the City. That is taken care of.

He stated the actual amount of new money that HUD has committed for this change was \$981,000 but there had been a previous carryover from last year of some \$121,000 which carried it over the \$1.0 million mark. This merely confirms the total amount in honoring the request. Twenty-five percent of the cost of the civic center up to a maximum of \$2,500,000 was the amount of credit the City received. Some of it was used last year - a little better than \$1.0 million. This year this amount plus some other is being used, and the City will still have credit going into the third year project which is a very fortunate circumstance for the city.

Councilman Short stated the upshot of this in a sense is to reduce the cost of the civic center. Mr. Sawyer replied that is one way of looking at it. It is spending the civic center money twice. This is located in the project and it is one of the eligible buildings Congress has recognized as being worthy of making a contribution to a city. Councilman McDuffie asked if that means the federal government makes sure this kind of buildings serves the public in a general way - that the civic center is supposed to be a civic center, and have multi-uses? Mr. Sawyer replied that is the assumption. The specific buildings are identified by name in the law. Councilman McDuffie asked if the Redevelopment Commission has information on what qualifies as a civic center? Mr. Sawyer replied only the federal law; they have made application to HUD for the maximum credit allowable. That it was received without question simply by describing the facility by name and by function.

Councilman McDuffie stated in a \$10.0 million building, he would like to see us use that facility. That he is sure civic centers are known to be civic centers and exhibition halls are exhibition halls. That is something the other members of Council have not admitted. He stated the man who drew the plans for it told him this is not a civic center; it is a exhibition hall. Mayor pro tem Alexander replied you will not find any federal guidelines that tell what a civic center must be. Councilman McDuffie replied he would imagine that a civic center building can be described, and an exhibition hall can be described. That somewhere we got one or the other and we do not have a civic center building, and he is not willing to accept that we will leave it like it is and spend the \$10.0 million and not be able to use it for more than as an exhibition hall.

Mr. Sawyer explained the background of why Congress permitted this kind of building, and we received this kind of credit. He stated it resulted from some special acts which were the first to anyone's knowledge on behalf of certain cities the previous year. Denver was one of those cities and Norfolk, Virginia was another one, and there were three or four others that just got a special act for those cities approved. He stated he is familiar with what occurred in Norfolk, Virginia. Their project at that time was a coliseum. It has developed into what they call Scope which is their coliseum-auditorium, whole complex. They got, not 25% credit, but 100% credit, regardless of the cost. It started out with an estimate of some \$20.0 million and the final cost was \$36.0 million, and this entire \$36.0 million is credit for Norfolk, Virginia Urban Renewal Program. They have the program funded from here on out.

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Councilman McDuffie stated the discussion we had is that the civic center bond issue promotion was a multi-purpose building and would have a number of kinds of events in it - the Billy Graham Crusade, a wedding reception, local meetings and numerous meeting rooms. To his knowledge this is not the kind of building we are building. It evolved to something else. That is the question he has been raising. We are going to build a \$10.0 million building, but it is not the one we talked about in the beginning. It evolved down to something else. All he wants these men to do is to admit that; face up to it and see if we cannot make some additions to it as we go down the road, and make it a multi-purpose building. Councilman McDuffie stated he does not intend to let it lay on this. That if HUD has something to do with it and they approve the building as a civic center, then he would like for them to say in their judgement later that they will not hesitate to approve the increase in financing. Somewhere we need to modify what the building contains and see that the next 20 to 30 years will have the maximum use. That he does not believe the way it is designed at present will have maximum use.

Councilman Short asked what is the project expenditure increase that runs it from \$3.7 million up to \$5.9 million, and runs it from \$1.1 million up to \$1.7 million? Mr. Sawyer replied the project expenditures are all the things we spend money for in executing the project. This ranges from the administrative costs and legal costs to land acquisition costs. The land acquisition budget is the largest single item in the project expenditures. This money that is added is capital grant funds, and it does not relate directly to any one item; it relates to them all. As you increase your expenditure for land and acquisitions, legal costs or title work, or additional properties you intend to buy, you increase your project expenditures.

Councilman Short stated the action of Council a month or so ago in shifting this plan to the Crow, Carter type plan resulted in all these added expenses when compared with what? The original neighborhood development plan of several years ago? Mr. Sawyer replied no, of just last year. That is the one approved prior and became effective July 1, 1971, and terminates June 30, 1972. Those figures are reflected in the present plan costs. That is the plan approved and the one we began executing July 1, 1971. That does not contemplate buying all the property in the block at the Square, bounded by Trade, Tryon, College and Fourth Streets. With the addition of this extra money, we do contemplate buying all the property in that block, except Home Federal. We are adding the money and buying all the property where we did not intend to buy all of it previously.

Mr. Burkhalter, City Manager, stated this program started in three different increments. Exactly what is in the plan now was planned for the third year. That no land is being acquired that was not planned in the three years. He stated this is in the second year now. The first year has been completed, and the second year is now being worked on, and the Redevelopment Commission asked HUD to move up part of the third year into the second year. That money has been received in the second year that we did not think would be received until the third year. All this is doing is readjusting the second year programming. Mr. Sawyer stated that is exactly correct.

No opposition was expressed to the Amendment.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, to adopt the following resolutions:

- (a) Resolution of City Council of the City of Charlotte, North Carolina, approving Amendment No. 3 to the Redevelopment Plan and the Feasibility of Relocation for Neighborhood Development Project No. N. C. A-3.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 55.

- (b) Resolution of the City Council of the City of Charlotte, North Carolina Authorizing the Filing of an Amendatory Neighborhood Development Project No. N. C. A-3.

The resolution is recorded in full in Resolutions Book 8, at Page 59.

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ORDINANCE NO. 368-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF OLD REID ROAD, BEGINNING AT THE REAR OF LOTS ON LINFORD DRIVE, AND EXTENDING EASTWARD TOWARD PARK ROAD, ON PETITION OF SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY.

Petition No. 72-4 for a change in zoning from R-12 to O-15 and B-1 of a tract of land on the north side of Old Reid Road, beginning at the rear of lots on Linford Drive, and extending eastward toward Park Road, 450 feet and on which a protest petition sufficient to invoke the 3/4 Rule was filed was presented for Council consideration. Council was advised that the Planning Commission recommends the request for B-1 be denied, and that the entire tract be approved for O-15 except for a 75-foot buffer strip of R-12 zoning on the west side at the rear of lots on Linford Drive, and a 75-foot buffer strip of R-12 on the north side.

Mr. Underhill, City Attorney, advised he has discussed the withdrawal of the protest petition with Mr. Steve Blackwell, Attorney, who represents the protestants, and who advises the protestants wish to withdraw the 3/4 Protest Petition. He stated he has checked the document Mr. Blackwell has to withdraw the protest petition, and it is sufficient to withdraw the protest petition that would require the 3/4 vote. If the 3/4 Rule is no longer in effect, the rezoning can be approved by a simple majority and the Mayor will have no vote. It will require only four votes of Council to rezone the property at this time; with the Mayor pro tem having no vote, it will require the vote of all the remaining members of Council here present in order to pass the rezoning request. In any event, four affirmative votes are required to pass any motion.

Mr. Blackwell then presented to the Clerk a petition withdrawing the 3/4 protest petition. He stated there are five adjoining landowners and all five of them signed the petition. That all five of them are in agreement. Based on that they would like to withdraw the petition. He stated he lacks one signature. That this landowner has authorized him as his attorney to represent to the Council that he is also in agreement, but is out of town and could not sign the petition. Mr. Blackwell stated he is his attorney.

Councilman Jordan moved adoption of the ordinance changing the zoning of the property from R-12 to O-15 with the buffer areas on the west side and north side, all as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 472.

CONSIDERATION OF SUGAR CREEK CANAL STUDY DEFERRED UNTIL LATER IN THE MEETING.

Councilman Withrow moved that the subject item be deferred until later in the meeting. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 369-X AMENDING THE 1971-72 BUDGET ORDINANCE AUTHORIZING THREE ADDITIONAL PLANNERS TO THE STAFF OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance authorizing three additional planners to the staff of the Charlotte-Mecklenburg Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 473.

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RESOLUTION AUTHORIZING THE CITY TO ACCEPT FOR MAINTENANCE A PORTION OF SEABOARD STREET.

Councilman McDuffie moved adoption of subject resolution authorizing the City to accept for maintenance that portion of Seaboard Street, from Smith Street to the Southern Railway tracks. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 60.

MAYOR COMES INTO MEETING AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk came into the meeting at this time and presided for the remainder of the Session.

SUGAR CREEK CANAL STUDY AND FUNDS APPROPRIATED TO FINANCE STUDY, AUTHORIZED.

Councilman Alexander moved that the subject item be reconsidered at this time. The motion was seconded by Councilman Withrow, and carried unanimously.

Motion was made by Councilman Jordan, and seconded by Councilman Withrow to approve the Sugar Creek Canal Study, as follows:

- (a) Ordinance No. 370-X authorizing an increase of \$139,700 in revenue and appropriating funds to finance the Sugar Creek Canal Study.
- (b) Contract with Metrolina-Texas Engineers, Ltd., in the amount of \$80,000 for engineering studies for the proposed Sugar Creek Improvements.
- (c) Contract with Hammer, Greene, Siler Associates, in the amount of \$30,000 for a study of the significant economic factors that would affect the project or be affected by the proposed development plan.

Councilman McDuffie stated he cannot support this project because of the lack of priorities the City and County has taken on other creeks that need remedies for flooding. That people who live on these creeks are in dire need. In his judgement, this is not an appropriate step for local government to be taking while ignoring these problems of other people. With this money, whether it is federal or local, we can do a number of things that will make Charlotte attractive while ignoring basic needs and the rights of citizens to have a home that is free from flooding. Until we can deal with that problem he cannot support this.

Councilman Jordan stated when this creek is dammed up from the headwater on down it will help everyone up and down Sugar Creek. Councilman McDuffie stated this is talking about an \$8.0 million expenditure. Councilman Jordan replied we would not get this \$8.0 million without this project. Councilman McDuffie stated his view is that we are not doing anything about the \$1.0 million we had for flood control already, and we need to be spending some local funds to do something on these other creeks. There are 400 miles of creek and this is dealing with one creek for tourists. In priorities, in his mind, this is just not what the most citizens in Charlotte can participate in, and it is something we are ignoring. Councilman Jordan stated he would be glad to do everything he can and everything this Council can to get the government to do something about the rest of the creeks. That he feels this money is going to help Sugar Creek all the way down. Councilman McDuffie stated he understands there will have to be three sets of locks which will make it a very undesirable floatation from the standpoint of San Antonio where the flowing is continuous. Although with this study they will be able to determine whether it will be a feasible canal project or not.

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Mayor Belk stated this is a once in a lifetime opportunity, and he would like to congratulate those people who had the forethought and vision to bring something about that is unheard of. That he wants to thank the people in Washington, the local people, and the people in Greensboro and Atlanta for the wisdom of this. Councilman McDuffie stated he just thinks there are other things we need money spent for, whether federal or local. That priorities get rearranged and this is not in the best interest of the people who live on 400 miles of creek in Mecklenburg County. Mayor Belk stated we are going to have to do something about creeks and he thinks this is forethought in putting this all to use; that our creeks are not being used to the best advantage. That he admires people who have this kind of wisdom, and he would just like to congratulate them on it.

The vote was taken on the motion and carried, as follows:

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

The ordinance is recorded in full in Ordinance Book 18, at Page 474.

RESOLUTION AUTHORIZING CITY MANAGER TO FILE APPLICATION FOR FEDERAL GRANTS FOR SANITARY SEWER IMPROVEMENTS.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted authorizing Mr. David A. Burkhalter, City Manager, to file application for federal grants for sanitary sewer improvements for the following projects:

- (a) Upper Kennedy Creek Interceptor.
- (b) Berryhill Road Trunk.
- (c) Parkway Avenue Trunk

The resolution is recorded in full in Resolutions Book 8, at Page 61.

CHANGE ORDER NO. 1 IN CONTRACT WITH FRED MORETTI CONSTRUCTION COMPANY FOR ADDITIONAL WORK FOR THE LIBRARY PARK CONSTRUCTION, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving Change Order No. 1 in contract with Fred Moretti Construction Company, for additional work for the Library Park construction, increasing the contract price by \$1,451.07 for which funds are available in the project account to cover this increase in cost.

ENGINEERING SERVICE CONTRACT WITH GENERAL SURVEYORS, INC., APPROVED.

Councilman McDuffie moved approval of an engineering service contract with General Surveyors, Inc., in the amount of \$1,450.00, for a boundary survey, property map, contour map and utility location map of the proposed Irwin Creek Park. The motion was seconded by Councilman Short, and carried unanimously.

CONSTRUCTION OF GRAVEL SIDEWALK OF ST. JULIAN STREET, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, approval was made of the construction of 900 feet of gravel sidewalk on St. Julian Street, between Independence Boulevard, and 150 feet north of McClintock Road, at a cost of \$500.00 for which funds are available from money previously allocated for gravel sidewalk construction.

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ORDINANCE NO. 371-X TRANSFERRING FUNDS FROM 1969 REDEVELOPMENT BONDS FOR URBAN RENEWAL PROJECT NCR-43 AND MCDOWELL STREET WIDENING.

Councilman Short moved adoption of the subject ordinance transferring \$309,146 from 1969 Redevelopment Bonds to pay the city's share of costs for Urban Renewal Project NCR-43 (Brooklyn Section No. 4) and McDowell Street Widening. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 475.

ORDINANCE NO. 372-X AMENDING THE 1971-72 BUDGET ORDINANCE AUTHORIZING CHANGES IN THE STAFF OF THE FINANCE DEPARTMENT ACCOUNTING DIVISION TO ACCOMMODATE INTEGRATION OF THE MODEL CITIES PROGRAM FINANCIAL MANAGEMENT RESPONSIBILITY INTO THE CITY FINANCE DEPARTMENT OPERATION.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance authorizing changes in the staff of the Finance Department, Accounting Division, to accommodate integration of the Model Cities Program Financial Management Responsibility into the City Finance Department operation.

The ordinance is recorded in full in Ordinance Book 18, at Page 476.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE TO INCLUDE FIVE NEW CLASSES FOR OPERATION OF THE NEIGHBORHOOD CENTERS SYSTEM DEPARTMENT, AND ONE NEW CLASS NECESSARY FOR THE PROJECT EVALUATION SECTION OF THE MODEL CITIES DEPARTMENT.

After explanation by Mr. Carstarphen, Assistant City Manager, Councilman Alexander moved adoption of the subject resolution. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolution Book 8, at Page 62.

Councilman Short asked when one of the centers will be in operation? Mr. Carstarphen replied Alexander Street Center is in operation; the Greenville contracts are scheduled to be let within the next sixty days; they hope for complete construction within 12 months. At the same time, they are designing the expansion and renovation of the existing Alexander Street operation; that will get underway this year; hopefully within the next six months. The architect has been retained and is working. We can expect an expansion of that operation within the year, and can expect a second center to be opened within 12 months.

PURCHASE OF PARCELS OF PROPERTY FROM THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION AND EXECUTION OF A QUIT CLAIM DEED AND WAIVER TO THE BOARD OF EDUCATION OF REVERTER RIGHTS TO CERTAIN SCHOOL PROPERTY, AUTHORIZED.

The following actions were presented for Council approval:

- (a) Purchase from the Charlotte-Mecklenburg Board of Education of approximately four acres of land and a building formerly known as the Alexander Street School property, located in the 900 block of North Alexander Street, at a total purchase price of \$63,000.
- (b) Purchase from the Charlotte-Mecklenburg Board of Education of approximately 2.3 acres of land located on Westbrook Drive and formerly occupied by the old Zeb Vance School, at a total purchase price of \$22,710.
- (c) Approve a quit claim deed and release to the Charlotte Mecklenburg Board of Education of reverter rights to 29 parcels of former Charlotte Board of School Commissioners' property.

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Council was advised the recommended settlement provides the City with two neighborhood center sites, totaling in excess of 6-1/4 acres, which have been appraised at a combined value of between \$160,000 and \$188,000 for a total purchase price of \$85,710; it will also provide the Board of Education with free and clear title to those parcels of property formerly owned by the old Charlotte Board of School Commissioners.

After explanation by Mr. Underhill, City Attorney, motion was made by Councilman Jordan to approve the above three actions as recommended. The motion was seconded by Councilman Withrow.

After further discussion, the vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Withrow moved approval of the following property transactions which was seconded by Councilman Alexander, and carried unanimously:

- (a) Acquisition of 25' x 127.33' of easement at 2021 McDonald Drive, from Bobby L. Deaton and wife, Macene and Ann Deaton (widow), at \$130.00, for Interstate 77 sanitary sewer relocation.
- (b) Acquisition of 25' x 1,181.94' x 15' x 51.22' of easement at 701 Silverlead Road, from David W. Whisnant and wife, Mary, at \$1,233.00, for Kings Branch Outfall sanitary sewer construction.
- (c) Acquisition of 25' x 159.55' of easement at 6300 Old Pineville Road, from Korbler Development Corporation, at \$1.00, for Kings Branch Outfall sanitary sewer construction.
- (d) Acquisition of 25' x 481.39' of easement at 401 Arrowood Road, from Virginia Ulmer Watson (widow), at \$482.00, for Kings Branch Outfall sanitary sewer construction.
- (e) Acquisition of 10' x 120.47' of easement at 127 Moncure Drive, from Holly Development Company, at \$1.00, for Lower Briar Creek Outfall sanitary sewer construction.
- (f) Acquisition of 1.15' x 56.92' x 2.99' x 54.95' of easement at 209 Manning Drive, from James N. Haynes and wife, Elva W., at \$1.00, for Lower Briar Creek Interceptor sanitary sewer construction.
- (g) Acquisition of 69.18' x 61.38' x 29.82' x 49.51' x 47.57' at 5400 Old Pineville Road, from Marion H. Smith and wife, Nancy S., at \$1.00, for Tyvola Road Extension.
- (h) Settlement with Radiator Specialty Company, in the amount of \$500.00, for acquisition of easement for Irwin Creek Outfall sanitary sewer relocation because of the I-77 construction.

CONTRACT FOR SANITARY SEWER MAIN, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, approval was made of a contract with Frank E. Watson, Jr., for the extension of 250 lineal feet of 8-inch sanitary sewer main to serve 4605 Gilead Street, inside the city, at an estimated cost of \$1,870.00 with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and is non-refundable.

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RIGHT OF WAY AGREEMENT WITH DUKE POWER COMPANY, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, approving a right of way agreement between the City and Duke Power Company for relocation of certain power lines within an area where the power lines will not interfere with new construction at the Irwin Creek Waste Water Treatment Plant.

TRANSFER OF CEMETERY DEEDS.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots, which was seconded by Councilman Withrow, and carried unanimously:

- (a) Deed with Claude R. Roberts and wife, Frances W. Roberts, for Lot No. 861, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Thomas W. MacLean and wife, Laila D. MacLean, for Lot No. 762, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with M. M. Fisher and wife, Mamie J. Fisher, for Lot No. 267, Section 2, Evergreen Cemetery, at \$3.00, for duplicate deed.

SPECIAL OFFICER PERMIT AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, a Special Officer Permit was issued to Mrs. Nellie L. Price, for use on the premises of Belk Brothers Company for a term of one year. The application has been approved by the Police Department.

CONTRACT AWARDED L & N ROYAL TIRE SERVICE FOR PASSENGER TIRES.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder meeting specifications, L & N Royal Tire Service, in the amount of \$10,856.09, on a unit price basis, for passenger tires.

The following bids were received:

L & N Royal Tire Service	\$10,856.09
Goodyear Service Stores	10,858.26
B. F. Goodrich Tire Co.	11,255.77
Miller Tire Service	11,925.09
Firestone Truck Tire Center	11,926.79

CONTRACT AWARDED L & N ROYAL TIRE SERVICE FOR TRUCK TIRES AND TUBES.

Councilman Withrow moved award of contract to the low bidder meeting specifications, L & N Royal Tire Service, in the amount of \$51,634.86, on a unit price basis, for truck tires and tubes. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

L & N Royal Tire Service	\$51,634.86
Miller Tire Service	52,012.54
Firestone Truck Tire Center	53,635.12
Goodyear Service Stores	53,660.05
B. F. Goodrich Company	53,983.66

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CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR CLAY BRICK.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, contract was awarded the only bidder, Kendrick Brick & Tile Company, in the amount of \$19,250.00, on a unit price basis, for clay brick.

COMMENTS BY COUNCILMAN MCDUFFIE IN RESPONSE TO LIST OF GOALS SENT OUT BY MAYOR AND DIFFERENT NEWS ARTICLES APPEARING IN THE NEWSPAPERS.

- (1) Councilman McDuffie stated he received a list of goals the other day. That he called the Mayor's office to mention the fact that the Plaza Road Widening was mentioned as part of the goals for the City, and Fairview was not listed. Although it probably will get pavement before The Plaza, he did not want some people to misunderstand that we talk about one road and build another. That he did not see either of them mentioned in the news article after the news conference. He stated the point is the Mayor mentioned Plaza Road Widening as a goal for the City, and did not mention Fairview Road Widening which is ahead of it in the priorities. Councilman McDuffie stated he wants Plaza Road widened but he does not want it talked about and not widened. That is what has happened for the last ten years.
- (2) Councilman McDuffie stated in the news conference the Mayor mentioned that the City might not be able to afford to annex all the areas that were eligible. That it appeared the Mayor was making decisions for the Council with information he had the Council did not have. He stated he understands it may have come out in the news differently from what the Mayor intended. That he would hope we would not make a decision on what parts will be annexed or not until all the reports are in and the Council has a chance to discuss it.

Mayor Belk stated he did not intend to take anything away from Council, and he never intends to take anything away from Council. The only thing he said was there is a study coming up, and he thought annexation was one of the healthy things for the growth of the city. That he only said this was a goal and he thinks this is a healthy goal for the City.

Councilman McDuffie stated annexation is very important and has been neglected over the years. If there is a decision made to leave out areas that are eligible, this Council will make that decision after the public has been advised why.

- (3) Councilman McDuffie stated he read in the news last week about the Committee of Council, and the other elected representatives of the County and State. He thought that Committee was set up to make up an agenda, and not have meetings and discuss things without the full body being there. Mayor Belk replied this Committee will bring a program to Council which he thinks will be very beneficial. Councilman McDuffie stated in the future he would like to be notified of meetings and what their agenda will be. That he thought the Committee was to meet and decide on an agenda. Councilman Withrow stated the news media was at the meeting; that a report was made to the members of the Committee to see whether it is advisable to bring it to Council at the present time. That this will be brought to Council, and Council will receive a briefing from Mr. McIntyre.

Councilman McDuffie stated he would like for this Council to be advised of Committee meetings or whatever they are and what the subjects will be when possible. That he does not like to read about it in the paper and wonder if he was supposed to have been there.

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COMMENTS BY COUNCILMAN WITHROW ON MARKING CITY COACH LINE BUSES USED FOR TRANSPORTING SCHOOL CHILDREN.

Councilman Withrow stated there has been some talk in the papers about the child that was killed after getting off a school bus operated by the City Coach Lines. He suggested that Council ask the City Coach Company to mark the buses designating them as school buses. Mr. Burkhalter, City Manager, replied this does come under the School Board, and if they cannot get the cooperation of City Coach Lines, then Council might be approached to assist them. That the company may have some good reasons for suggesting that school children ride all their buses.

Councilman McDuffie stated the child riding to the corner drugstore is a little different from a bus loaded with 100 school children. The City Manager stated he is not saying there is not a problem; he is only saying the School Board is taking care of it.

Councilman Withrow stated he brought it up so that Council could endorse the marking of the buses, indicating it is a school bus, and if the Board needs the Council's assistance, then Council will be glad to assist them. That he thinks Council should take it under advisement at this time and if the School Board needs help, then Council can take some action.

Later in the meeting, Councilman Alexander stated some three years ago he called Council's attention to the manner in which school children were packed on the City Coach Line buses; that we found out then there is nothing the City could do about this.

The City Attorney advised they found this is basically an area in which the State assumes jurisdiction and control. That this is something that would require action by the General Assembly.

PLANNING DEPARTMENT REQUESTED TO INVESTIGATE THE POSSIBLE SALE OF CITY OWNED PROPERTY ON THE EAST SIDE OF THE AIRPORT FOR INDUSTRIAL PURPOSES.

Councilman Withrow stated on the east side of the airport there is a lot of vacant industrial property owned by the City. That he doubts seriously if the airport will ever use that property for runways. He requested that this be investigated by the Planning Department for the possibility of selling this valuable property for industrial purposes.

COUNCIL ADVISED THAT COUNCILMAN WHITTINGTON IS PROGRESSING RAPIDLY FROM OPERATION.

The City Manager advised that he talked with Councilman Whittington this morning, and he says he is recovering rapidly; that he is working on the Committee assignment that has to do with the Legislature. That he says he is making good progress. That he is at home and is receiving friends and telephone calls.

CITY ATTORNEY REQUESTED TO PREPARE ORDINANCE AMENDING CITY CODE TO PERMIT THE SALE OF CEMETERY LOTS WITHOUT INDIVIDUAL APPROVALS BY THE CITY COUNCIL.

Councilman Short suggested that Council ask the City Manager and Mr. Frank Haas, of the Cemetery Department, to give Council a list of proposed prices for all lots in city cemeteries, and Council then authorize the Mayor and the Clerk to sell any of them to any citizen of the City of Charlotte, and they would not have to seek further authorization from this Council unless there is some change in the price.

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Mr. Underhill, City Attorney, advised this will require an amendment to the ordinance which Council will have to pass; it is something that can be worked out by amending the ordinance.

Councilman Short requested the City Attorney to prepare the ordinance which would permit this. That he thinks the transfer of the deeds should be handled quicker.

SUGGESTION THAT POLICE OFFICERS RIDE BUS TO HELP CONTROL THE NO SMOKING ORDINANCE.

Councilman Withrow asked if the City has an ordinance which prohibits smoking on city buses? Mr. Underhill replied it does. Councilman Withrow stated he rode a bus the other day, and he thinks we should have some of our policemen ride these buses. That the bus driver said he was unable to control it, and the city was doing nothing about it.

CITY ATTORNEY REQUESTED TO DRAW THE NECESSARY MOTION FOR COUNCIL TO HOLD AN EXECUTIVE SESSION.

Councilman Alexander stated it is going to be necessary for Council to hold a meeting on personnel and some real property matters. He asked if under the regulations, Council has to set a particular time; if it can vote to have a meeting to discuss personnel and property matters, and set the time later?

Mr. Underhill, City Attorney, stated the statute is not specific in that regard as to whether or not you have to indicate when the executive session will be held. The only action that seems to be required by the law is that the majority of the number present during a regular or special meeting vote to hold an executive session to consider any or all of the five categories or areas for which executive sessions may be held. They are the acquisition or lease of property, the negotiation between the city and employees as to employment, attorney-client relationships, matters dealing with patients of medical staff, etc., and conferences with legal counsel and deliberations concerning litigation.

Mr. Underhill stated if Council wishes to discuss a matter that can be the subject for an executive session he would suggest that not only do they take the action to hold such a session in a meeting such as Council is now holding, but also indicate the time and as nearly as can be done the place of that meeting. All the language says is that you can do this if you do it by a vote of the majority of the members present.

Councilman Alexander requested the City Attorney to draw the necessary motion for Council to make to hold an executive session.

PROGRESS REPORT REQUESTED ON DEVELOPMENT OF PARK IN GOVERNMENTAL PLAZA.

Councilman Jordan stated the walkway in the governmental plaza has been completed and he asked when the park will be started? Mr. Burkhalter, City Manager, stated they are excavating for the lake now. Mr. Bobo, Assistant City Manager, stated plans are being prepared and contracts will be let soon.

Mr. Burkhalter stated he has seen a letter from the Redevelopment Commission to the School Board in which they called their attention to the parking that is supposed to be underground. He stated when the School Board bought this property it was agreed they would have something like four years in which they would build the second phase which means that all parking has to be underground up to a level with the existing second level.

The City Attorney stated he does not think this is part of the Redevelopment Plan use as such, and therefore it is not a legal requirement. That as he understands it it is part of the governmental plaza concept which has been approved and adopted in principle by the Council. The parking in the governmental plaza area would be a part of the concept.

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Councilman Jordan requested the City Manager to check and see when the plans for the Park will be ready, and if it cannot be started by Summer.

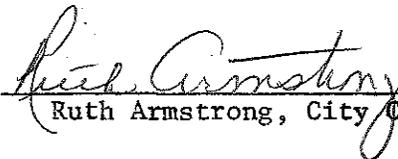
Councilman Alexander asked what has happened to the Old Courthouse on Trade Street? At one time it was discussed to move it down into the Park. Mr. Bobo replied the Public Works Department is now soliciting bids to see what it will cost to move it.

COUNCIL ADVISED THAT COMPLAINT IN LAW SUIT HAS BEEN FILED AGAINST MAYOR AND COUNCIL, AND THAT CITY ATTORNEY'S OFFICE WILL REPRESENT EACH MEMBER IN THE LAW SUIT.

Mr. Underhill, City Attorney, advised the Mayor and Council has received a copy of a complaint in a law suit that was filed in federal court on Friday against each individually. That the U. S. Marshall served copies of these complaints on him, and he in turn has passed them on to Council. This is to let Council know that as in the past, his office will represent each one in the litigation.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk