

January 28, 1974
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The City Council of the City of Charlotte, North Carolina, met on Monday, January 28, 1974, in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Reverend Edwin R. Eckerd, Jr., Baptist Metropolitan Ministries.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on January 21, 1974, were approved as submitted.

TOASTMASTER WEEK PROCLAMATION PRESENTED BY MAYOR BELK.

Mayor Belk read the following Proclamation and presented it to Mr. Peter Gerns:

"WHEREAS, the abilities to speak effectively, listen carefully, and think critically are among the most valuable talents a person can develop; and

WHEREAS, the development of leadership abilities in men is of great value to our democratic society and the free enterprise system; and

WHEREAS, Toastmasters International, a non-profit, non-sectarian educational organization, is dedicated to providing the opportunity for developing these talents; and

WHEREAS, the members of eight (8) Toastmasters clubs in Charlotte make important contributions to the public good through their participation in community service and charitable programs:

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim January 27, 1974 to February 2, 1974 as

"TOASTMASTERS WEEK"

in Charlotte, and urge our citizens to honor this observance.

WITNESS MY HAND and the Official Seal of the City of Charlotte this 28th day of January, 1974."

Mr. Gerns stated Toastmasters International was founded fifty years ago this month and has since grown to an organization of nearly 4,000 members in the United States and forty foreign countries. That it is now celebrating its fiftieth anniversary and on this occasion the President of Toastmasters International, David A. Corey of Norfolk, who is a native of North Carolina, will visit Charlotte and will be our guest from Wednesday through Saturday of this week.

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That Mr. Corey will visit with a number of employers on the local scene, including American Credit, Southern Bell, Akers Motor Lines, Associated Grocers Mutual, Duke Power, Sears and Roebuck and Eastern Air Lines. He will also appear on Ty Boyd's scene at noon and will be interviewed by several other people, including Darrell Sifford.

Mr. Gerns stated he takes great pride in receiving this Proclamation on behalf of Mr. Corey. He stated he is aware that Councilman Withrow is a member of the Toastmasters International and also that Councilwoman Locke's husband has been a member for a number of years.

CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED.

Mayor Belk recognized the following City of Charlotte Employees and presented them with Employee Plaques upon their retirement:

- (1) Fire Captain Cornelius P. Hannah, employed May 16, 1951, retired December 26, 1973. (absent)
- (2) Fire Captain Lonnie Marshall Russell, employed August 27, 1946, retired December 26, 1973.
- (3) Fire Captain Hazel Simpson, employed January 6, 1943, retired December 26, 1973. (absent)
- (4) Fire Captain Charles Eugene Wallace, employed August 1, 1948, retired December 26, 1973.
- (5) Fire Captain Ernest Clayton Watts, employed February 4, 1943, retired December 26, 1973.
- (6) Fire Captain George P. Canipe, employed March 1, 1943, retired December 26, 1973.
- (7) Fire Alarm Dispatcher I Jasper M. Griggs, employed June 8, 1943, retired December 26, 1973.
- (8) Fire Captain Harry Robert Henderson, Sr., employed February 15, 1943, retired December 26, 1973.
- (9) Fire Captain Floyd Jackson Martin, employed March 8, 1943, retired December 26, 1973.
- (10) District Fire Chief Joseph Falls Morris, employed April 17, 1935, retired December 26, 1973.
- (11) Police Sergeant Merrit J. Wilson, employed September 16, 1950, retired December 31, 1973.
- (12) Labor Foreman I William C. Pentuff, Landscape Division, employed October 14, 1965, retired December 31, 1973.
- (13) Laborer I Jimmie Lee Wilson, Utility Department, employed January 11, 1957, retired December 25, 1973.

Each employee was congratulated by Mayor Belk and Councilmembers.

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HEARING ON PETITION OF URBAN REDEVELOPMENT DEPARTMENT OF THE CITY TO CLOSE A PORTION OF THE PUBLIC ALLEY WITHIN THE BLOCK BOUNDED BY EAST TRADE, SOUTH COLLEGE, EAST FOURTH AND SOUTH TRYON STREET, CONTINUED UNTIL MARCH 4, 1974.

Council was advised the attorney, Mr. Jim Allison, has requested that the hearing be continued until March 4, 1974 without further advertisement.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the hearing was continued until March 4, 1974.

ORDINANCE NO. 79-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE WEST SIDE OF SOUTH TRYON STREET, AS PETITIONED BY MABLE C. DAVIS ESTATE, F. F. POTTER, R. FRANK BOYD, JR., AND CLARKSON JONES, JR.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, adopting the subject ordinance changing the zoning of property on the west side of South Tryon Street, beginning 120 feet north of Bowman Road, extending westerly to Interstate 77 and along the southerly side of Blairhill Road for B-D Zoning, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 20, at Page 424.

PETITION NO. 73-50 BY DOROTHY A. POTTER AND MARTHA A. SUTHER FOR A CHANGE IN ZONING OF APPROXIMATELY 7.0 ACRES OF LAND AT THE SOUTHEAST CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, DENIED.

Councilman Whittington moved the subject petition for a change in zoning from R-15MF to O-15 be denied as recommended by the Planning Commission, which motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, FEBRUARY 25, 1974 FOR ZONING CHANGES.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted providing for public hearings on Monday, February 25, 1974 on Petitions No. 74-4 and 74-5 for zoning changes.

The resolution is recorded in full in Resolutions Book 9, at Page 387.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 8-37-0012-07 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE FOR THE REIMBURSEMENT ON CONSTRUCTION COSTS IN THE DEVELOPMENT OF THE AIRPORT MASTER PLAN.

Motion was made by Councilman Withrow, seconded by Councilman Harris, and unanimously carried, adopting the subject resolution authorizing, adopting, approving, accepting and ratifying the execution of a grant agreement for Project No. 8-37-0012-07 between the United States of America and the City of Charlotte for the reimbursement of construction costs in the development of the Airport Master Plan, in the amount of \$337,500.00.

The resolution is recorded in full in Resolutions Book 9, at Page 388.

EXTENSION OF LEASE WITH YELLOW CAB COMPANY FOR GROUND TRANSPORTATION AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilman Harris moved approval of an extension of a lease with Yellow Cab Company for ground transportation to and from Douglas Municipal Airport for a one year period, from March 1, 1974 through February 28, 1975, which motion was seconded by Councilman Withrow, and unanimously carried.

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RESOLUTION APPROVING AGREEMENTS WITH THE TOWN OF MATTHEWS, THE TOWN OF MINT HILL, THE TOWN OF PINEVILLE AND THE COUNTY OF MECKLENBURG TO UNDERTAKE THE DEVELOPMENT OF A "201 FACILITIES PLAN".

Councilman Short moved adoption of the subject resolution approving agreements with the Town of Matthews, the Town of Mint Hill, the Town of Pineville and the County of Mecklenburg to undertake the development of a "201 Facilities Plan". The motion was seconded by Councilman Withrow.

After explanation of the plan by Mr. Bobo, Assistant Manager, Councilman Whittington asked if this plan means that COG, under "201" is going to get into planning the water and sewer for Mint Hill, Matthews and Pineville? Councilman Short replied no, this item is in furtherance of COG's efforts to provide water and sewer facilities here in this county. It is a long standing effort that Council will recall that has involved our Westinghouse Agreement, our partnership effort, our consolidation and our efforts to get federal funds for these various purposes.

Council's

Councilman Short stated the other item on today's Agenda, Item 23, is in furtherance of another program that has been going on also ever since about 1968 or 1969 which is an effort to make approximately a twenty year plan for the river basins to make sure there is adequate sewer plants all up and down the river, from the mountain to the sea to make sure that the river is not polluted.

Mayor Belk asked if we could not get with the County, like we do on water and sewer, and work with them and not have to go to COG and complicate it more? Councilman Short replied he would like to compare this to airports. That what we are doing here in Item 10, is seeking to go forward with the building of an airport, whereas, in Item 23, it is similar to a federal program that is trying to see that all the airports in the country form a good system of airports so there is transportation available but no overlapping or duplication.

Councilman Short stated it is not the intention of COG to interfere with anything that is internal within this county. That they may make some inquiries and make some studies of what is in this county, but it is purely for the purpose of relating it to what is all up and down the river.

Councilman Harris stated Mr. Lee Dukes, Assistant Director of Utilities, had explained this plan at the water-sewer meeting and he would like to hear from him.

Mr. Dukes presented a map to Council and pointed out the city's responsibilities under the plan. He stated later another plan will be brought for Council approval which will include Cornelius, Huntersville, and others.

Mayor Belk asked Mr. Dukes to point out on the map where the line will fall on the western part of the county and Mr. Dukes stated roughly this follows the ridge line; that the Mallard Creek Plant is in this area.

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

The resolution is recorded in full in Resolutions Book 9, at Page 389.

ORDINANCE NO. 80-X AMENDING THE 1973-74 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE GENERAL FUND UNENCUMBERED BALANCE PROVIDING TEMPORARY APPROPRIATIONS FOR LAND ACQUISITION FOR THE BEAL STREET AND PLAZA ROAD PARKS.

Councilman Whittington asked if the ordinance is approved today, will it mean the Park and Recreation will have the property they need and be ready to go out to bids for this center? Mr. Marion Diehl, Superintendent of Park and Recreation Commission, replied yes, it means a temporary loan of funds; that the city will get this money back when they get the matching funds from HUD on this particular Beal Street property. That the Park and Recreation Commission does not have the full amount but if the City loans it as a cash flow, they will receive the money back.

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Councilman Whittington asked if this money is approved, does this mean the architect is ready to give the plans out to contractors and go ahead and build this center and Mr. Diehl replied the land is now under condemnation. Councilman Whittington asked if a target date has been set and Mr. Diehl replied they should be ready to begin within the next three months.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance amending the 1973-74 Budget Ordinance was adopted.

The ordinance is recorded in full in Ordinance Book 20, at Page 425.

ORDINANCE NO. 81-X AMENDING THE 1973-74 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE PARK AND RECREATION COMMISSION TO ADD ONE PARK CARETAKER.

Councilwoman Locke moved adoption of the subject ordinance amending the 1973-74 Budget Ordinance, amending the Table of Organization for the Park and Recreation Commission by adding one Park Caretaker, Class No. 822, Pay Range 6, Pay Steps C-F, with the Caretaker to occupy the recently acquired dwelling located at the Methodist Home Park. The motion was seconded by Councilman Whittington.

Councilman Short asked how far this park is from the Hezekiah Park and Mr. Diehl replied about 2 blocks. Councilman Short asked if this caretaker could be a sort of security guard for the Hezekiah place also and Mr. Diehl replied no, he did not believe he could go down to that property. That the caretaker would have a playground and a park to take care of, picnic shelter, reservations, ballfield, plus a community center which will run six nights a week until 10:30 or 11:00, and he would not have time.

A vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, on Page 426.

MRS. CHARLES GALLANT, JR. REAPPOINTED TO THE ZONING BOARD OF ADJUSTMENT FOR A THREE YEAR TERM.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, reappointing Mrs. Charles Gallant, Jr. to the Zoning Board of Adjustment for a three year term.

MR. DON LEE REAPPOINTED TO THE ZONING BOARD OF ADJUSTMENT FOR A TERM OF THREE YEARS.

Councilman Short moved the reappointment of Mr. Don Lee to the Zoning Board of Adjustment for a three year term, which motion was seconded by Councilman Harris, and carried unanimously.

ORDINANCE NO. 82-X AMENDING SECTION 5.21 OF THE CITY CHARTER BY INCREASING THE NUMBER OF MEMBERS OF THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY FROM FIVE MEMBERS TO SEVEN MEMBERS.

Councilman Withrow moved to increase the Auditorium-Coliseum-Civic Center Authority from five members to seven members, which motion was seconded by Councilwoman Locke.

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

YEAS: Councilmembers Withrow, Locke, Alexander, Harris, Short and Williams.
NAYS: Councilman Whittington.

The ordinance is recorded in full in Ordinance Book 20, at Page 427.

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MRS. EDWARD THOMAS, JR. NOMINATED TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY.

Councilwoman Locke placed in nomination the name of Mrs. Edward (Ann) Thomas, Jr. to the Auditorium-Coliseum-Civic Center Authority. She stated Mrs. Thomas is the out-going President of the Junior League, former Residential Chairman of the United Way Campaign, former President of the Charlotte Speech and Hearing Board and is on the Board of Directors at UCS.

MOTION TO ADOPT A RESOLUTION ESTABLISHING A MORATORIUM ON DECISIONS ON REQUESTS FOR REZONING LARGE TRACTS OF DEVELOPED LAND UNTIL THE COMPREHENSIVE DEVELOPMENT PLAN IS PRESENTED AND REVIEWED BY CITY COUNCIL, DIED FOR LACK OF A SECOND.

Councilman Alexander asked when Council would be able to see the Preliminary Comprehensive Development Plan and Mr. Fred Bryant, Assistant Planning Director, replied it would be in a very short period of time.

Councilman Alexander then moved adoption of subject resolution establishing a moratorium on decisions on requests for rezoning large tracts of developed land until the Comprehensive Development Plan is presented and reviewed by City Council. The motion did not receive a second.

Councilman Short asked if this resolution would involve withholding decision on a zoning matter on which he had been ruled ineligible and would he be ruled ineligible to second this motion? Councilman Alexander replied this would not affect any zoning by name at present.

Mr. Underhill, City Attorney, stated it might pay to be over cautious in this type of situation and it would be better for Councilman Short to decline participation in this motion.

Councilman Short stated he would like the record to show that he abstained from discussing or voting on this motion.

Councilman Withrow asked when zoning decisions are made now, if Planning is not making decisions in accordance with the plans before them and Mr. Bryant replied the Planning Commission takes into consideration what they know at this point, but of course, this cannot be used as an official basis for making recommendations because they have not approved the official plan. That the Comprehensive Plan is a little different sort of instrument, or document, from the zoning plan and while the Comprehensive Plan is going to be of general benefit in this area, it is not going to be the tool that will eventually determine precise boundaries of zoning districts, whether zoning lines should be on this or that lot. This will have to follow the Comprehensive analysis and updating on all zoning which the Planning Department intends to get into when these plans are completed. That the plan consideration is very definitely involved in their minds when they deliberate on a recommendation.

MOTION TO INCREASE COUNCIL TERMS OF OFFICE FROM TWO YEARS TO FOUR YEARS, WITHDRAWN.

Councilwoman Locke moved to increase Council terms of office from two years to four years, which motion was seconded by Councilman Harris.

Councilman Harris stated according to a memorandum in Council's agenda, it spells out the legal basis for his motion last week and when you talk about the terms of office for elected officials, we should always be aware of accountability of the official, experience, continuity of office and also give the elected officials time to complete their programs that they have tried to implement during their terms.

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That this has been brought to bear in the last month in the new Councilmembers trying to learn as much as they can as fast as they can so that this resolution is just a resolution of intent to have a public hearing on the matter. He stated the idea he would like to put forth for discussion is that we would have in November 1975, the top four finishing candidates for four year terms; then in November 1977, the Mayor and the other three on the Council at that time would stand for four year terms. Thereafter, every two years, we would be electing half of our officials to give accountability again to the public.

Councilman Harris stated he hopes this will consolidate our governments and move on and have this type of facility for consolidated government in the future. But for the record, he would like to bring this up for discussion.

Councilman Withrow stated Council is having a meeting in February with the County Commissioners on consolidation and he had the same idea in mind, but at a later date. That he is afraid Council might get the horse in front of the cart again. He stated if we can get consolidation, we are going to have to go to staggered terms but we should talk with the County Commissioners about consolidation first, try to get consolidation, and then, at that time, go to staggered terms, or four years, rather than do it now, ahead of the County Commissioners, when we have asked for a meeting with them to talk about consolidation.

Councilman Harris stated the County Commissioners have already gone on record in favor of four year terms and he would like to have this on the same footing. That today all Council could do is set a date for a public hearing, perhaps in March, or later to discuss the matter.

Councilman Whittington stated he appreciates what Councilman Harris has said and also what Councilman Withrow has said but this is one of the problems Council ought to think about today and if we had tried to analyze all of these things when we were talking about consolidation and actually asking the people to vote on it two or three years ago, we may have had consolidation now instead of trying to get it back on the table for consideration. What he is trying to say, is that it is a mistake for the County Commissioners to have done what they have already done and for Council to do what Councilman Harris is proposing today until we can come together and sit down and get this thing of consolidation up on the table where everybody can get a handle on it and one board not be going one way and one board the other way. That until both bodies can do this, and staff just sit there and listen to what everybody has on their minds and then get some direction, this motion is off on the wrong foot. Councilman Whittington stated this motion is premature and the County's motion, in the same light, is premature. That he hopes we can wait until we can all sit down together and talk about it.

Councilwoman Locke withdrew her motion and Councilman Harris withdrew his second to the motion.

Councilman Williams asked how this would adversely affect consolidation and Mayor Belk replied if we do get things lined up to have consolidation by 1976, and the County had elections this year, it would be 1978. He stated we have a meeting with the County on the 6th of February; that the City elections would not come up for two years anyway, therefore, the County's would come up in this year and this would delay it four more years.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AND SANITARY SEWER MAINS, APPROVED

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following contracts were approved for the construction of water mains and sanitary sewer mains:

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- (a) Contract with The Westminster Company for the construction of 2,650 feet of water main to serve a portion of the Stonehaven Subdivision, outside the city, at an estimated cost of \$15,900. Funds will be advanced by the applicant and refunds made, all in accordance with the existing city policies.
- (b) Contract with Ed Griffin Company for the construction of 2,140 feet of water main and one fire hydrant, to serve an apartment complex on Elgywood Lane, outside the city, at an estimated cost of \$12,200.00. Funds will be advanced by the applicant and refunds made, all in accordance with the existing city policies.
- (c) Contract with LaPointe Leasing Corporation for the construction of 450 linear feet of 8-inch sewer main in New Dixie Road, near Terminal Drive, outside the city limits, at an estimated cost of \$4,685.00. The applicant has deposited 100% of the estimated cost and refund will be made in accordance with the agreement.

MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the meeting at this time and Mayor pro tem Whittington presided until later as noted in the minutes.

OPTION ON TRACT OF LAND AT BEAM ROAD AND SHOPTON ROAD FOR POLICE AND FIRE TRAINING FACILITY, APPROVED.

Mr. Charles Hunter stated his family owns land adjoining part of the property the City is looking at for the training facility. That they own a total of some 270 acres south of this property, land that is west of it and then, except for a few hundred feet, land to the north of it.

He stated he has no objection whatsoever to the land on the east side of Beam Road and the north side of Shopton Road being considered for the facility. That part of his property is across Beam Road and that is the part he is going to refer to.

He stated the installation of skid pans will begin to depreciate the value of their adjoining land. Also, from a financial standpoint, this seems to be a very high price to pay for land for this purpose when you could use land down on flood plains or land that is in the city landfill.

Mr. Bobo, Assistant City Manager, stated at the moment the City does not have a plan for the development of this tract of land but at the time they were considering it, they looked at it from the standpoint of seeing the various things which were needed to put on any training center. That right now, the City does not have a plan so they cannot say what is going on this 26 acres that Mr. Hunter is referring to. Mr. Bobo stated whatever the City does, they want to be good neighbors and will certainly try to put the least objectionable items of the training center there.

Councilman Alexander asked when will people who are interested have an opportunity to have some say so as to what the final plans are? That it sounds like Mr. Hunter has a valid point in his contention and if there is some portion of this land that perhaps could be better suited for that type of activity, which calls for skidding practices, maybe some other section of land could be used, possibly down by the creek.

He stated Mr. Hunter does not object to the purpose of the property but just the matter of their being concerned about the disturbance of having that driving range up close to these other properties. That this is why he asks the question, is there going to be a time after the plans are determined when they could get another look at the plans, or if in developing the plans, they have any alternatives as to whether or not they could move the driving range down in the low land section which would be further away from these other properties?

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Councilman Whittington asked how far this property is from Big Steele Creek Church and Mr. Hunter replied approximately 2 1/2 miles. Councilman Withrow asked how much money was appropriated for this center and Mr. Bobo replied \$300,000 was appropriated in current revenue.

Councilman Harris stated he is in favor of having this facility, but not as to the location and cost of the land.

After discussion, Mr. Bobo stated the staff tried to find an area according to the plan use of land that would be compatible with the neighborhood in the future. That they were concerned if they did put it in a certain area and then found out later that it would not be compatible with the surroundings.

He stated his staff asked the Planning Staff to give them some criteria to go by in looking for land and this was one of the areas that would be suitable to meet with the development of the area in the future. That this land is contiguous to the landfill and that land could be a part of this land. It was also a consideration in the relationship of the land to the airport; to make sure it was not in the approach pattern.

Mr. Bobo stated all these considerations have gone into this selection and they have found that this is the most suitable site that they have been able to find to date for this facility. That they do not feel this is something that the neighborhood will be objecting to and this will provide a green space for the neighborhood.

Councilman Whittington asked the location of the other sites which were considered for this facility and Mr. Hopson, Public Works Director, presented a map and pointed out locations to the north and west which were considered. That they were looking for areas which would include over 100 acres, properly zoned, good highways, with water and sewer, if possible.

Councilman Harris asked if the City could do without the 26 acres on the west side of Beam Road and Mr. Hopson replied according to our consultants, it will be necessary to include this acreage to develop this property.

Mr. Hopson stated the City would not only consider the immediate impact of this land, but the future impact because the City has 254 acres adjoining in the landfill and there is no reason why, at some future date, this will not help the situation here. That he agrees with Mr. Bobo in that in the development of this land, you could not expect a much better neighbor than this training facility. He stated in the meantime, he would be working with Mr. Hunter.

Councilman Alexander asked if a delay of one week would affect this option and Mr. Hopson replied the owner has told him we have to act by Wednesday.

Councilman Alexander moved the approval of the option contract with the understanding that the Master Plan of this development be brought back to Council before building begins on it and that will give Council a chance to look at the placement of the proposed developments on it and would also give an opportunity for Mr. Hunter and the other land owners to get a preview of where the various developments on it will be.

Councilman Whittington asked Councilman Alexander to include in his motion that this Plan be given to Council next week so that they will have it prior to the actual discussions with Mr. Hopson and the consultants and Mr. Bobo, Assistant City Manager, replied he would forward this material to Council.

Councilwoman Locke seconded the motion.

After further discussion, Councilman Whittington stated another thing Council ought to have from staff is exactly what Council said when the City bought the Allison and Austin property when the landfill was enlarged as it appears in the minutes before Council makes any final decision on this option. That he feels it is important to have the exact wording of the motion that Council voted for.

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Later in the meeting, Mr. Bobo read the following excerpt from Minute Book 58, Page 271, of the City Council Meeting Minutes of February 26, 1973:

"(4) The City will not use state or city owned land in this area, in the present site, to expand the present facility. He (Councilman Whittington) stated so that all the fears will be allayed, he is saying the city will not use land owned by the State of North Carolina, or land owned by the City of Charlotte for the Irwin Creek Disposal Plant to expand this facility (landfill) beyond the 68 acres we are talking about today."

Councilman Whittington asked Councilman Alexander to state his motion again. Councilman Alexander stated his motion was to approve this item with the proviso that before the Master Plan was put into execution, it would be brought back to Council for Council's pursual and also so Mr. Hunter and other property owners out there could look at it at that time. That Mr. Hunter's main contention is the location of the driving range. Mr. Bobo stated staff would be glad to do this.

Councilman Whittington stated what Council is doing today is approving the \$10,000 option; they are not approving the purchasing of the land. That the option is for six months and at the end of that time, Council will make a decision as to whether or not to purchase it.

Mr. Bobo stated later a petition for a zoning change for institutional-industrial would have to be approved by the County. Councilman Harris asked when the proposed plan is finished, as far as the layout and you have approval of that, this would all be prior to the actual purchasing of the land? Mr. Bobo replied that is correct.

The vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 45.62' of easement at 2401 Interstate 85 from Henry L. Harkey and wife, at \$45.00 for sanitary sewer trunk to serve I-85 and Alleghany Street.
- (b) Acquisition of 15' x 94.99' of easement at 7211 Lakeside Drive North, from Loren F. Haus and wife, at \$95.00 for Hickory Grove Area sanitary sewer trunk.
- (c) Acquisition of 15' x 39.12' of easement at 9000 Monroe Road, from John Crosland Company, at \$1.00 for sanitary sewer to serve Stonehaven Subdivision.
- (d) Acquisition of 16' x 55' of easement at 7100 Providence Lane West from William D. Walters, Sr. and wife, at \$210.00 for 8-inch water main for Rea Road, for Annexation Project, Section 1(2).
- (e) Acquisition of 24' x 24' x 17' x 43' of easement at 2800 Rea Road, from Trustees of W. A. Davis Estate, at \$1.00, for 8-inch water main for Rea Road, for Annexation Project, Section 1(2).
- (f) Acquisition of 15' x 34.98' of easement at 7519 Gayle Avenue, from Richard K. Morris and Gertrude T. Morris, at \$135.00, for sanitary sewer to serve Annexation Area 1(4), Monroe Road area.
- (g) Acquisition of 15' x 17.48' of easement at 1735 Woodberry Road, from Henry W. Wright and wife, and Louise J. Morrow, at \$50.00, for sanitary sewer to serve Annexation Area 1(4), Monroe Road area.

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- (h) Acquisition of 15' x 301.39' and 25' x 1079.32' of easement at 4701 Chevoit Road, from Charlotte Park and Recreation Commission, at \$1.00, for Derita Woods Area sanitary sewer trunks.
- (i) Acquisition of 15' x 105.10' of easement at 5421 Manning Road, from B. Carolyn Eargle and sister, Mary N., at \$175.00, for Derita Woods Area sanitary sewer trunks.
- (j) Acquisition of 15' x 1477.48' of easement at 3801 Nevins Road, from Nevins Center, Inc., at \$2200.00, for Derita Woods Area, sanitary sewer trunks.
- (k) Acquisition of 8' x 182.77' of easement at 4146 Statesville Road, from Dwight L. Jenkins and wife, at \$185.00, for Derita Woods Area sanitary sewer trunks.
- (l) Acquisition of 30' x 95.39' of easement at 3326 Cedarhurst Drive, from Ronald Lee Kinney and wife, at \$270.00, for Derita Woods Area, sanitary sewer trunks.
- (m) Acquisition of 15' x 243.32' of easement at 3448 Nevins Road, from Nevins Center, Inc., at \$500.00 for Derita Woods Area sanitary sewer trunks.

CHANGE ORDER NO. 1 IN CONTRACT WITH THOMAS STRUCTURE COMPANY, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Williams, and unanimously carried, subject Change Order No. 1 in contract with Thomas Structure Company was approved decreasing the contract price of \$981,000 by \$5,330 for the installation of the Irwin Creek Crossover Outfall sewer.

CHANGE ORDERS IN CONTRACT WITH SYSTEMS DEVELOPMENT CORPORATION FOR CENTRAL BUSINESS DISTRICT SIGNAL SYSTEM, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Harris, and unanimously carried, approving the following two (2) Change Orders with Systems Development Corporation for the Central Business District Signal System:

- (a) Change Order No. 1 increasing the contract price of \$1,245,819.54 by \$22,500.00 to install the traffic monitoring station at the intersection of West Trade Street at I-77 rather than the original location of Trade and Tryon Streets.

The increase in cost is based on unit prices contained in the contract. This additional cost provides only for the installation of cable from the intersection of Trade and Tryon Streets to I-77.

Funds are available in the current budget.

- (b) Change Order No. 2 increasing the contract price of \$1,268,319.54 by \$11,429.19 to include the traffic signals now operating at the intersection of 10th and Graham Streets and at 12th and Graham Streets as a part of this system.

Funds are available in the current budget and 72 1/2 percent of the cost will be reimbursed by the North Carolina Department of Transportation.

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CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR EIGHT TRAFFIC SIGNAL CONTROLLERS.

Councilwoman Locke moved award of contract to the low bidder meeting specifications, Rosenblatt & Associates, in the amount of \$44,110.48, on a unit price basis, for eight traffic signal controllers, which motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Rosenblatt & Associates	\$44,110.48
Eagle Signal	59,333.00
Econolite	61,618.00

BIDS REJECTED FOR TRAFFIC SIGNAL CONTROLLERS AND SPECIFICATIONS TO BE REVISED.

Upon motion of Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, all bids received on 36 green extension units for traffic signal controllers were rejected and specifications revised to obtain a more competitive price.

APPLICATION FOR A FEDERAL GRANT FOR A WASTEWATER TREATMENT STUDY FOR GASTON, MECKLENBURG AND UNION COUNTIES, APPROVED.

Mr. Lee Dukes, Assistant Director of Utilities, stated in studying this application and as he understands the "201", we are just talking about facilities in our area, waste treatment plant, sewer collections systems and this type of thing. That the only way we can get federal funds in the future, or even a permit to build these facilities, is by doing a "201" study which we have done.

That the area wide study for the management of these systems is coming up in the "208" which this is a part of and involves a concept which we have not been in before. Someone would be managing these facilities and his only comment is that it seems we are so deeply involved in it, if we were the managers, it would not affect what we are already doing. But if someone else is involved in management, it could affect our facilities very much. That if this "208" is just a plan to study something, that is one thing, but he is not sure about it. Certainly the City can get benefits from an area wide study because Charlotte is growing so fast that we need to be concerned because we are already getting requests for services from outside the county itself.

Mr. Dukes stated because of this, we may be interested in an area wide study, but in area wide management, unless we are assured of who is going to manage it, we should proceed with caution.

Councilwoman Locke asked if this application is just for a study or would they go right into management? Councilman Short stated the 208 planning here is a 20-year plan for a 6 county area, if we can get it. That the Raleigh area is trying to get it. He pointed out the area and stated in contrast with what the City did earlier, this is a tremendously broader area.

Councilman Short stated it includes all or parts of six different counties. Eventually it is intended to clear up the pollution and the streams in this part of the country and all over America and it will run from the headwaters all the way to the sea.

That he does not understand Mr. Dukes' comments. The program involved here is referred to as the Management of Wastewater and Pollution; that the word "management", as appears in the title of the Act, is talking about trying to manage pollution. It is not intended to indicate there is an effort to achieve some kind of management structure in the sense of who is going to operate the sewer department. That is only very, very slightly involved.

(MAYOR BELK RETURNS AND PRESIDES FOR THE REMAINDER OF THE MEETING.)

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Councilman Short stated Mr. Dukes mentioned the possibility that the City would manage it. The City cannot avoid participating in river basin wide anti-pollution efforts over the possibility that we might not manage the entire stream of plants. We do not own the Catawba River. That he does not believe that Mr. Dukes really means to indicate that he is worried we are not going to manage this. This is a study of a series of sewer treatment plants which there is no conceivable possibility of our managing. But to say we are not going to get into and cooperate with the federal anti-pollution and water clean up program because we are not going to manage it all the way from Morganton down to Charleston is something else. That he is sure Mr. Dukes did not mean to indicate that sort of feeling.

Councilman Short stated in terms of control, or loss of control, or dictation by someone else over what we would do here, we do not have any liabilities or worries whatsoever beyond what we already have. The program that was approved earlier, under Item 10, is going to bring some sort of dictation, or some sort of regulation and overseeing from the feds, because it is a federal program.

That if he is worried about the feds moving in on what might be done here in this County, the worry might be greater in connection with the Mint Hill, Matthews, Charlotte and Pineville effort because there the feds, through their providing the money, would be moving directly in onto what we are doing in this County. The fact is the State and the Federal Government already regulate these two river basins - the Yadkin and the Catawba; several commissions regulate these rivers and they are going to provide money for anti-pollution efforts and they will have some overseeing of what is done.

Councilman Short stated he has studied this very thoroughly and there is not going to be any more worry on that score than we have already and it is provided in here, that it be recommended, as a part of this 20-year study, which general purpose operative governments will operate these various plants within this system. But in relating it again to airports, the feds when studying airports, ask that the government that manages the airport be a general purpose, responsible operative government. They are not threatening to take the airport away from us, even though they are providing most of the money.

Mr. Bobo stated there is no objection to the application but what Mr. Dukes is saying is that we do need this planning study for the total region; it will be helpful to us. That Item 10, which was approved earlier, was for the sub-region of the total region. That under this item, for the large region, this is great and useful. But what we are trying to do is sound a warning that this is a prerequisite to later things to come and that is the management grant. There is nothing wrong with the management grant either if it is handled properly. That we are governed by state and federal regulations right now but what we are concerned about is not getting another level of regulation to contend with.

Councilman Short stated he had thought the comments were directed to federal intervention as they intervene in the schools and things of that thought. That if staff is thinking about COGs doing this, it is absolutely a groundless worry. In the first place, to manage this through COG, you would have to put together a consortium of approximately 9 COGs throughout North and South Carolina just in the Catawba River basin. And, in the second place, it is not a general purpose government, or any kind of a government, it is purely a planning agency and it is unthinkable that there would ever be set up such a structure as to try to make a consortium of nine planning agencies to engage in sewer plant operations.

Councilwoman Locke stated they have already asked the governors of both North and South Carolina to bring together this specific area and to make recommendations. Councilman Short stated the Governor of South Carolina has appointed General Westmoreland to approach some people here in this vicinity for the purpose of coordinating interstate activities involving Lake Wylie, involving highways and involving some other areas. That if this is one of them, he did not recall it. But it is not any effort on the part of General Westmoreland to take away the control, or in anyway dictate, the operation of the Charlotte-Mecklenburg sewer system.

Councilman Alexander stated he would like to be as confident as Councilman Short about the fact that we would never have to worry about this type of control. Some people think the COG format is great, and to a certain extent, it is great, but it is not great when it gets down to the point where it does raise the possibility of local control being reduced. That he has not heard any explanation today that would say that out of this area wide study, that there are no controls that would say that Charlotte would be in constant control of its water activities along this basin. He stated Charlotte has the most outstanding water system in this area right now and what protection is it that some other little area would end up with control. That Councilman Short says that he cannot conceive of anybody doing this, but who studies the plan under which this plan and grant could give COG enough to assure the specifics for the granting of the fund?

Councilman Short stated he has gone over this very carefully and he would like to point out here that what Council did, under Item 10 today in getting some federal funds for planning here within Mecklenburg County, does nothing to physically benefit the City of Charlotte and Mecklenburg County. It is merely cleaning up sewerage here so when we deliver the water on down in South Carolina, it will be reasonably decent - it is for the benefit of South Carolina.

Councilman Short stated this plan that we are talking about for the study of the wider area is a federal program where federal funds are planned that will take this back up into the northern boundary of Lincoln County and then, hopefully, on beyond that. At one time this was about 26 counties but for funding reasons, it has not been curtailed to this size. In other words, this will actually get at the pollution above us on the stream and will bring some physical benefit to Mecklenburg County and the City of Charlotte. It is the only one of the two that has this potential.

Councilman Whittington asked what agency gets this money; does it go to the Public Utilities Department to make these studies or does it go to a private contractor, or to COG, or where? Councilman Short replied the money for the study here in this County by Charlotte Mecklenburg Utilities is an in-house job, but the money presented to our COG here and the one in Greensboro, the triad COG, is going to an engineering firm called Campe-Dresser and McKee who have been doing this sort of thing all around the country and they will make, and in fact, are already making this study of the wider river basin area. This is an on-going thing, it has been going on for a couple of years; we are just carrying it on.

Councilman Alexander stated he hopes that North Carolina and South Carolina can have a working understanding on this total water situation so we can have some clear understanding on how we are going to operate up and down this basin, and our water department will have an opportunity to be protected as best we can. Councilman Short stated no one wants to protect it more than he does.

Councilman Short stated having talked with all of the delegates, we would disappoint people all over 6 counties here, not just Matthews, and Mint Hill, if we did not seek to continue this program.

Councilman Short moved that Council approve, or endorse, this application for a federal grant for this study, which motion was seconded by Councilman Withrow.

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

YEAS: Councilmembers Short, Withrow, Alexander, Harris and Williams.
NAYS: Councilmembers Whittington and Locke.

STAFF INSTRUCTED TO STUDY SUGGESTIONS FOR HEIGHT REGULATIONS FOR HIGH RISE BUILDINGS IN MULTI-FAMILY RESIDENTIAL AREAS AND REPORT BACK TO COUNCIL PROMPTLY.

Councilman Harris stated he and Councilman Short have been working with the City Attorney and the Planning Staff, trying to confront a situation that needs some further discussion and that is as more high rise condominiums come onto the scene, we should review our 1962 height regulations in light of the present experience.

As our regulations now stand, a twelve story building can be built 46 feet from the adjoining property line, or 52 feet from an adjoining single family home.

One such building can usually be unsettling to a single family neighborhood and a row of several such buildings could disrupt a considerable residential area by compacting traffic, schools, water and sewer capacity, sunlight, air and view. The present limitations allow an apartment, with standard sideyards, to be built four stories high. Beyond four stories, the two sideyards must each be increased a foot in width for each two feet of building height.

Councilman Harris stated some members of Council feel these regulations are suitable until a building reaches about eight stories, or 80 feet. Beyond this height, a building tends to rise out of the trees and comes conspicuous and may be overbearing and the impact problems are increased. So actually, in stating the problem, this is something Council needs to have some discussion about.

Councilman Short stated he has talked about this and some felt they should not limit all apartment structures to eight stories but they did have a couple of suggestions to make which might be very valuable for Council to consider. One of these is to amend Section 23-45 of the Code, which is called "Modification of Maximum Building Heights" to provide an added requirement that buildings in residential zones may be built to height in excess of 80 feet only upon obtaining a use permit as provided by the Code. Basically, the effect of this would be to give the Council the right, on recommendation of the Planning Commission, to deny a building permit for an apartment more than eight stories in height, if the Council decided that this were desirable and wise in a given situation.

Another suggestion was that Council would, by ordinance, amend Section 23-32(a) of the Apartment Ordinance, which Council adopted two or three years ago. The effect of this would be to add building more than eight stories high into the apartment ordinance and then such a building would be subject to the so-called Site Plan Review. The upshot of it is that the Planning Commission itself could deny some developer a building permit if it decides this would be wise in a particular case.

Councilman Short stated just to get these suggestions on the floor, he would more that Staff be directed to study these suggestions and any other possibilities they may think of to come to grips with this problem and report back to Council promptly. The motion was seconded by Councilman Harris.

Councilman Whittington stated he would like Councilman Short and Councilman Harris to know and the record to state that before these suggestions are brought back to Council for a decision, that the Planning Staff should have a meeting with the developers and the buildes, as well as anyone else who want to agree with what is being proposed here today. That all of these people should be heard and have input into this and then Council should be informed what their thinking is before it is brought before Council for a vote.

He stated it is obvious that the home builders and the developers in this town have made an asset here and have a great deal to do with our growth as has the individual homeowner and also the man who develops subdivisions, like Clanton Park, Myers Park or Stonehaven. He stated he does not want something to be brought before Council to vote on until these people have been heard from and say that eight stories is high enough, or too high, and then Planning can give Council their recommendations.

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Councilman Whittington stated there ought to be a public hearing before this is brought to Council for a vote.

Councilwoman Locke asked how long would it take Planning to get this ready and Mr. Bryant replied the most difficult part of this is not in getting the opinions timewise, as it is going to be for the drafting of proper wordage that will allow us to legally accomplish what Council has in mind.

Mr. Bryant stated we have to be able to justify and site what type of factors would be taken into consideration in saying yes or no. That it cannot be arbitrary. He stated the same thing is true to a certain extent with the other procedures, you have to be very careful about how we indicate that decisions will or will not be made. That the most difficult part of this will be the actual drafting of the wording.

Councilman Williams asked how long we are talking about and Mr. Bryant replied here again, we get into the matter of staff time for it, but he would think within a month.

Councilman Short stated he appreciates Councilman Whittington's comments as it is obvious that tremendous, untold care has to be taken when you are getting into things of this land relative to land use regulations concerning high rise buildings. That it may be possible that the developers will feel that this just makes land costs rise such as to make the whole thing not feasible.

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

DISCUSSION OF MORATORIUM ON ZONING REQUESTS FOR LARGE TRACTS OF DEVELOPED LAND.

Councilman Alexander asked if a resolution was possible that would refer back to Council large tracts of developed land for zoning so Council could decide whether they would hold hearings on them at that time? Mr. Underhill, City Attorney, replied no, and the reason for this is that anyone is permitted to petition to have property rezoned. This is a right. That Council cannot pass anything that would prevent a person from filing a petition or deny them a public hearing. He stated the only thing Council can do is regulate when they want to make a decision on the matter. That Council cannot adopt a resolution that would prohibit someone from filing a zoning petition under the way our present law is written.

Councilman Harris asked if Council could make a request to the Planning Commission to have certain tracts of land brought to Council's attention before a public hearing is scheduled and Mr. Underhill replied no, it is a state law.

STAFF REQUESTED TO SET UP MEETING IN CONJUNCTION WITH MR. PHIL HAMMER'S REPORT TO THE CENTRAL CHARLOTTE ASSOCIATION.

Councilman Whittington stated, based on what Mr. Hammer said this morning at the Central Charlotte Association, he would like a meeting set up to plan a strategy as far as the future is concerned. That he is not talking about a study. He stated Council should try to pin down some goals or concepts.

INSPECTION TRIP TO NASHVILLE, TENNESSEE TO VIEW HEATING AND COOLING PLANT, REQUESTED.

Councilman Whittington stated this week he had the opportunity to sit with the Vice President of Engineering Development and also the Chairman of the City of Nashville Airport Authority and talked about a plan that Mr. Hopson brought back to Council with Nashville Thermal Corporation where they have built this plant for heating and cooling with revenue money at no cost to the City of Nashville.

That he would like to ask that we try to schedule some way for Council to have a meeting with the people in Nashville, whether it be the government or the government and Nashville Thermal Corporation to see what we can do to duplicate what they have done in Nashville. He stated we have been told that everything we do here is going to cost ten million dollars and they have built the whole thing there and it is in service now and it has not cost the City of Nashville anything. That he would like to go look at it.

DISCUSSION OF TRANSPORTATION NEEDS IN CHARLOTTE.

Councilman Alexander stated he feels Council needs to reconsider its transportation plans. He had hoped Council would do something definite about this. That he did not take lightly Mr. Hammer's suggestion that Charlotte's transportation plan is all out of date and we just do not have one.

He stated if this new Transportation Committee wants to discuss it and come back to Council with a plan, that is alright, but he would like the record to show that he made note of this statement and we should do something immediately without waiting three, six or twelve months to decide whether Council is going to give consideration to getting into a new transportation plan.

Councilman Short stated the group that Councilman Whittington referred to had their meeting this past week and talked with the City Manager about three things. One is that we have a transportation department now, headed by Mr. Herman Hoose; another, is that we ask him to proceed immediately with the hiring of the Planner. The third thing was we had conversation with him about employing consultants for various planning purposes, various engineering inquiries that needed to be made.

Councilman Short stated he believes this ties in with what Mr. Hammer said and also ties in with what Councilman Alexander is saying. That we have several things going for us now that we did not have a month ago.

Councilman Harris stated this all goes back to what Councilman Whittington said about our goals and concepts relating to transportation needs. This is something we have to be working toward. We need to sit down and say alright, these are our goals for 1974, or 1975, that we are going to be working toward, and once that is established, then you are going specifically towards something.

REPORT ON WASTE PAPER AND RECYCLING REQUESTED BROUGHT BACK TO COUNCIL.

Councilman Alexander stated he read an article recently that stated in Fort Worth, Texas, they made \$100,000 in two years by selling waste paper. That this is something we might need to look into. Do we have that much waste paper that we can sell and make any money? If so, we ought to give some special looking into recycling. He stated he received a call about this church that had been used as a station for the collection of bottles. That this has ended now but maybe we need to study doing something about recycling.

Mr. Bobo stated the staff has checked into this and found that various cities across the country are planning special types of programs using fire stations to collect paper and then have someone pick it up and sell it for revenue. That he will bring some information on this back to Council.

STAFF INSTRUCTED TO CHECK ON BUILDING ORDINANCE RELATIVE TO INSULATION USED IN HOUSES AND BRING A REPORT TO COUNCIL.

Councilman Short stated he would like for staff to check with Mr. Bill Jamison and give Council a report as to whether the City requires in our Building Ordinance that insulation used in houses be fireproof. And, if it is not required, is this a practical thing to require? That he read recently where a fire occurred when the insulation material caught fire and since fiberglass does not burn, he was surprised to see that you could burn any kind of insulation.

REPORT REQUESTED ON NOTIFICATION OF LOW BIDDER WHEN HE IS NOT AWARDED A CONTRACT.

Councilman Withrow stated last week he requested that the low bidder be notified by letter when he was not awarded a contract. Mr. Underhill, City Attorney, stated he and Mr. D. C. Brown are working on this procedure and once the procedure is established, he will give a report to Council.

EXPLANATION OF MANPOWER PROGRAM REQUESTED.

Councilman Withrow stated he has talked with Mr. Harris on the Manpower situation and feels Council needs an explanation. That he is not aware of the problem but if we do not have a good manpower operation, Council needs to know that and why.

Mr. Bobo stated Council will get a chance to find out Friday at a program to review the Manpower Program. Council will get an explanation of what has been done and who has participated. The meeting will be at 9:00 a.m.

REPORT REQUESTED ON MUSEUM FOR FIRE DEPARTMENT.

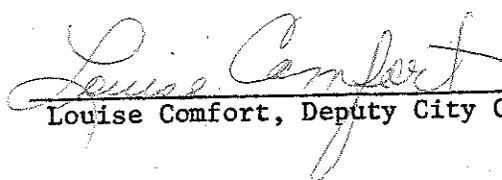
Mayor Belk requested Mr. Bobo to check on the museum for the Fire Department and see what can be done to get this project moving.

REPORT REQUESTED ON NEW SITE FOR DOUGHBOY STATUTE.

Mayor Belk requested a report back on the new site for the Doughboy. He stated the quicker we can get this statute placed somewhere, the better. Mr. Bobo stated part of the Doughboy statute is missing and staff has been trying to find where they could purchase the missing part. A company has been located and they have asked them to recast the arm and hand. That a recommendation will be made shortly as to a new location.

ADJOURNMENT.

There being no further business before Council, the meeting was adjourned.



Louise Comfort, Deputy City Clerk